

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 600 OF 2020

IN THE MATTER OF:

MAULANA ALA HADRAMI & ORS.

...PETITIONERS

VERSUS

UNION OF INDIA & ANR.

...RESPONDENTS

(PAPER-BOOK)

[FOR INDEX KINDLY SEE INSIDE]

ADVOCATE FOR THE PETITIONER: FUZAIL AHMAD AYYUBI

PROFORMA FOR FIRST LISTING

SECTION_____

The case pertains to (Please tick/check the correct box):

- Central Act: (Title) NA
- Section: NA
- Central Rule: (Title) NA
- Rule No(s) NA
- State Act: (Title) NA
- Section: NA
- State Rule: (Title) NA
- Rule No(s) NA
- Impugned Interim Order: (Date) NA
- Impugned Final Order/Decree: (Date) NA
- High Court: (Name) NA
- Names of Judges: NA
- Tribunal/Authority: (Name) NA

1. Nature of the matter: Civil

2.(a) Petitioner/appellant No. 1 : Maulana Ala Hadrami & Ors.

(b) e-mail ID: NA

(c) Mobile phone number: NA

3. (a) Respondent No.1 – Union of India

(b) E-mail ID- hshso@nic.in

(c) Mobile Phone Number – NA

4. (a) Main Category Classification – 18

5. Not to be Listed before- NA
6. (a) Similar Disposed of matter with citation, if any- no similar matter is disposed of
(b) Similar pending matter with case details- **Writ Petition (Civil)**
Diary No. 12711/2020

7. Criminal Matter:

- (a) Whether accused/convict has surrender : NA
- (b) FIR No. Case No. NA , Date: NA
- (c) P.S. NA
- (d) Sentence awarded NA
- (e) Period of sentence undergone including period of detention/custody undergone: NA

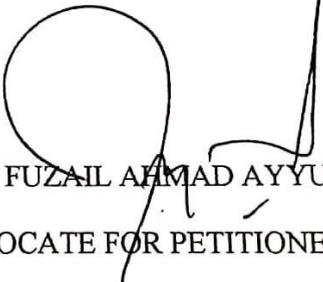
8. Land Acquisition matters: NA

9. Tax Matters: State the Tax effect NA

10 Special Category (first petitioner/applicant only): NA

11. Vehicle Number (in case of Motor Accident Claim matters): N/A

FILED BY:



FUZAIL AHMAD AYYUBI
ADVOCATE FOR PETITIONERS

CC: 2016

E-mail: fuzail.ayyubi@gmail.com

Mob: 9811430201

Date- 11.06.2020

INDEX

S.No.		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)
	Court Fee			
1.	Listing Proforma	A-A1	A-A1	
2.	Cover Page of Paper book		A-2	
3.	Index of Record of Proceedings		A-3	
4.	Defect List		A-4	
5.	Note Sheet		NS1 to	
6.	Synopsis & List of Dates	B-M		
7.	Writ Petition with Affidavit	1-34		
8.	<u>ANNEXURE P-1</u> A copy of the press release dated 31.03.2020 along with the appended document on Tabligh Activities in India.	35-39		
9.	<u>ANNEXURE P-2</u> A copy of the Standard Operating Procedure (SOP) for transit arrangements for foreign nationals stranded in India dated 02.04.2020.	40-43		

10.	<u>ANNEXURE P-3</u> A copy of the press release dated 02.04.2020 communicating the impugned decision taken by the Ministry of Home Affairs.	44		
11.	<u>ANNEXURE P-4</u> A copy of the news report titled “‘With full weight of law’: MHA orders FIRs against 960 foreign Jamaat workers, sponsors”, published in the Hindustan Times on 03.04.2020.	45-47		
12.	<u>ANNEXURE P-5</u> A copy of the General Policy Guidelines relating to Indian Visa dated nil as made available on its website by the Ministry of Home Affairs.	48-51		
13.	<u>ANNEXURE P-6</u> A copy of the news report dated 05.06.2020 titled “ <i>Centre Blacklists 2,550 Foreign Tablighi Jamaat Members, Bans Entry for 10 Years</i> ” published on thewire.in.	52-54		
14.	F/M		54A	
15.	V/A		55-58	

SYNOPSIS

The present petition is being filed challenging the decision of the Respondent No. 1, through Ministry of Home Affairs (hereinafter referred to as “the MHA”), in arbitrarily and unilaterally blacklisting as many as 960 foreigners of 35 countries present in India and simultaneously ordering the Director Generals of Police of all States/UTs and Police Commissioner, Delhi Police, to register FIRs against such foreigners, as reflected in the Press Release dated 02.04.2020 published by the Press Information Bureau [hereinafter referred to as “**impugned decision**”]. Subsequently, on 04.06.2020, the Respondent No.1 had further blacklisted over 2500 foreign nationals presently in India for a period of 10 years from travelling to India for their alleged involvement in Tablighi Jamat activities, however, there is no official press release made available reflecting such decision.

The impugned decision, by its very unilateral nature, infringes the principle of natural justice, particularly, *audi alteram partem* by blacklisting the aforementioned foreigners present in India without first granting an opportunity of being heard or notice of any form, and resultantly depriving the aggrieved foreign nationals of their right of locomotion and travelling back to the country of their citizenship.

Reference in this regard is made to the words of Sir William Blackstone, the great common law authority, who notes the right of locomotion to be included in ‘personal liberty’ in the following words:

“personal liberty consists in the power of locomotion, of changing situation or moving one's person to whatsoever place one's own inclination may direct, without imprisonment or restraint unless by due process of law”.

[W. Blackstone: Commentaries on the
Laws of England, 4th Edn., Vol. 1, p. 134.]

The petitioners contend that the *en masse* blacklisting of the aforesaid more than 2500 foreigners of about 40 different nationalities, currently in India, without affording any opportunity to *prima facie* defend themselves, is an egregious and blatant violation of Article 21 of the Indian Constitution, inasmuch as this sudden blacklisting has, apart from registration of FIRs against such foreigners, led to the forfeiture of their passports by State authorities, thereby resulting in a complete deprivation of their personal liberty *sans* procedure established by law. It is to be further noted that the Petitioner No. 1 is an Indonesian. Having been quarantined in March, 2020, like other petitioners, he was released from quarantine only in late May, 2020 and is still at a facility under restricted movements, without the avenue to go back to his home nation.

D

The impugned decision, therefore, has been passed arbitrarily against the aforementioned aggrieved foreign nationals, being devoid of any documentary proof or evidence to substantiate the allegations of alleged *Tablighi* activities, and in the absence of any opportunity being afforded to defend or to explain, is an affront to not only the right to life and personal liberty, guaranteed under Article 21 but also to the rudimental principles of Natural Justice.

The framers of the Indian Constitution, were cognizant of the need and therefore have not kept the heart and soul of the Constitution i.e., Article 21, limited only to citizens but rather have thought it appropriate to ensure that “*No person shall be deprived of his life or personal liberty except according to procedure established by law*”, thereby making Article 21 applicable to citizens and non-citizens alike.

In barely 50 words, the impugned decision as reflected in the aforesaid Press Release dated 02.04.2020 has arbitrarily first forfeited the personal liberty of more than 960 foreign nationals, belonging to 35 countries, presently in India, having entered on valid tourist visas, by merely alleging their involvement in “*Tablighi Jamaat Activities*”, despite

the guidelines of the Respondent No.1 placing no bar on attending religious congregations or visiting religious places. This figure has recently been revised and now more than 2500 foreigners stand blacklisted. The Respondent No.1 baselessly and arbitrarily passed a blanket ban on the aggrieved foreign nationals under the garb of alleged visa violations pursuant to alleged *Tabligh* activities, forcing such persons to remain in India under restricted movements.

The impugned decisions of the Respondent No.1, are based on an erroneous presumption and have equated the mere act of attending a religious congregation or a religious place of worship on the same footing as with *Tabligh* work such as preaching religious ideologies, making speeches in religious places, proselytization, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, negating any intelligible differentiation between the two separate and distinct activities. In fact, the guidelines of the Respondent No.1 itself make such a differentiation between simplicitor attending a religious congregation or religious place of worship and *Tabilghi* work.

It is pertinent to note, in the present context, that on 31st March 2020, a press release came to be issued by the Respondent No.1 which stated that the *“Tabligh Jamaat Headquarter (Markaz) is located in Nizamuddin, Delhi. Devout Muslims from across the country and also from foreign countries visit the Markaz for religious purpose. Some also move out in groups to different parts of the country for Tabligh activities. This is a continuous process throughout the year.”* The aforesaid Press Release dated 31.03.2020 further stated that *“Since March 23, lockdown has been strictly imposed by State authorities/police across Delhi including in and around Nizamuddin and Tabligh work came to a halt.”*

Despite the aforesaid admitted facts by the Respondent No. 1, on 02.04.2020, a two para press release was issued by the Respondent No.1 declaring that the MHA had “blacklisted” 960 foreigners for their alleged involvement in *Tablighi Jamaat* activities. This impugned decision further directed the DGPs of all concerned States/UTs and the Commissioner of Police, Delhi Police to take necessary legal action against such foreigners, on a mere blanket presumption without any substantiation that they violated the conditions of their validly granted visas, under relevant sections of the Foreigners Act, 1946 and Disaster Management Act, 2005.

Additionally, on 04.06.2020, the Respondent No.1 issued a press release blacklisting over 2500 foreign nationals connected to *Tablighi Jamaat*.

The impugned decisions, additionally, had been passed in the teeth of the “*General Policy Guidelines relating to Indian Visa,*” as made available by the Ministry of Home Affairs, which categorically provides, under its paragraph 15, that there will be ‘*no restriction in visiting religious places and attending normal religious activities like attending religious discourses.*’

A bare perusal of the aforesaid visa policy as well as the press release dated 31st March 2020, go on to unequivocally present the following position:

- a) The Headquarter (Markaz) of the *Tablighi Jamaat*, located at Nizamuddin, New Delhi, is visited throughout the year by devout Muslims, not only from India but also from various countries across the world. That in itself is admittedly not an activity amounting to violation of the conditions of visa.

- b) The lockdown was strictly imposed in and around Nizamuddin and all *Tabligh* work had come to a halt.
- c) Even as per the understanding of the MHA with regard to '*Tabligh Activities*', what has been prohibited for foreigners are only acts falling under the category of preaching religious ideologies, making speeches in religious places, proselytization, distribution of audio or visual display/ pamphlets pertaining to religious ideologies.
- d) There is neither any prohibition in visiting a religious place and attending normal religious activities nor can such an act be said to have constituted a violation of the visa conditions, thereby attracting the arbitrary and unilateral decision of *en masse* blacklisting of visas validly granted, depriving the fundamental right of personal liberty of all such foreigners present in India.

Hon'ble High Court of Delhi in the case of Mohammad Abdul Moyeed v. Union of India & Ors. W.P. (C) No. 10587/2016 has held that every violation of visa norm cannot ban a person from entering the country, while directing the Ministry of Home Affairs to reconsider the decision of blacklisting the Petitioner therein in the absence of the Petitioner not having been afforded an opportunity to defend himself.

Constitution of India, which guarantees ‘Right to Life and Dignity’ to both citizens and aliens (foreigners) alike; which cannot be suspended unless in accordance to procedure established by law. Hon’ble Supreme Court in the case of *Maneka Gandhi v. Union of India.*, [(1978) 1 SCC 248] interpreted the word ‘Law’ in the expression ‘procedure established by law’ in Article 21 has been interpreted to mean that law must be right, just and fair, and arbitrary, fanciful or oppressive. Justice Bhagwati opined that “*it is plain and indisputable that under our Constitution law cannot be arbitrary or irrational and if it is, it would be clearly invalid, whether under Article 14, or Article 19 or Article 21, whichever be applicable.*”

Moreover, the Respondent No.1 has also issued Standard Operating Procedure (hereinafter referred to as ‘SOP’) on 02.04.2020 with regard to transit of foreign nationals stranded in India due to COVID-19. However, the present petitioners have not even been allowed to avail of the same facility despite various

countries providing assistance for the return of their nationals through chartered flights since April, 2020.

The petitioner herein submits that not only the *en masse* blacklisting of foreigners for a period of 10 years, still present in India, was done without any opportunity of hearing or even a notice to that effect before the decision having been taken its consequential effect is a continuing violation of Article 21 that guarantees the right to personal liberty and which includes within its ambit, the right to travel abroad or to go back to one's home country. The impugned decision, therefore, being arbitrary and unreasonable, passed without following procedure established by law and thereby resulting in the deprivation of personal liberty of such a large number of persons belonging to various nationalities is liable to be set aside and declared to be in violation of Article 21 of the Indian Constitution.

Hence, the present petition.

LIST OF DATES

1926 A self reform movement initiated by
Maulana Illyas in 1926 from the same

Bangle Wali Masjid, Nizamuddin, Delhi.
The movement is by the Muslims and for the Muslims only. Markaz Nizamuddin has been around since 1926 and serves as the global headquarters of this movement, which is a purely apolitical socio-religious movement. Its an effort to create spiritual consciousness amongst Muslims and encourage them to spare time for their spiritual learning and self-reform. The movement has come to be popularly referred to as “*Tablighi Jamaa 'at*”

31.03.2020

A press release came to be issued by the Respondent No.1 which clearly stated that the “*Tabligh Jamaat Headquarter (Markaz) is located in Nizamuddin, Delhi. Devout Muslims from across the country and also from foreign countries visit the Markaz for religious purpose. Some also move out in groups to different parts of the*

L

country for Tabligh activities. This is a continuous process throughout the year.”

02.04.2020

Ministry of Home Affairs also released a detailed Standard Operating Procedure for transit of foreign nationals stranded in India.

02.04.2020

Another short press release was issued by the Respondent No.1 indicating that the MHA had “blacklisted” 960 foreigners for their alleged involvement in Tablighi Jamaat activities. This impugned decision further directed the DGPs of all concerned States/UTs and the Commissioner of Police, Delhi Police to take necessary legal action against such violators, on a blanket presumption without any substantiation that they violated the conditions of their validly granted visas, under relevant sections of the Foreigners

Act, 1946 and Disaster Management Act, 2005.

04.06.2020

News further emerged indicating that instead of the earlier figure, more than 2500 foreign nationals, presently in India, have been arbitrarily blacklisted for a period of 10 years. In a similar manner as the previous decision had been passed, while blacklisting such a large number of foreigners under the garb of engaging in purported Tabligh Activities, neither any opportunity of hearing has been provided nor any notice given to such foreigners.

12.06.2020

Hence this Petition

B. No. 71, Alquisma, Amman, Jordan
Presently residing at M.S. Creative
School, H. No. 115, Street Number 11,
Jogabai Extension, Zakir Nagar, Okhla,
New Delhi, Delhi 110025.

...Petitioner No. 4

5. Elhaj Mukhtar S/o Mukhtar
National of Sudan having Permanent
Residence at: Mohalliat Bahri, Al-Kabbasi
Al-Silat, Khartoum, Sudan
Presently residing at M.S. Creative
School, H. No. 115, Street Number 11,
Jogabai Extension, Zakir Nagar, Okhla,
New Delhi, Delhi 110025.

...Petitioner No. 5

6. Abdullah Ramadan S/o Ramadan
National of Tanzania having Permanent
Residence at: Village Arusha, Tanzania
Presently residing at M.S. Creative
School, H. No. 115, Street Number 11,
Jogabai Extension, Zakir Nagar, Okhla,
New Delhi, Delhi 110025.

...Petitioner No. 6

7. Thi Ha Kyaw Swar S/o Maung Maung Aye
National of Myanmar having Permanent
Residence at: No. 33, Sanchaung Township,
Yangon, Myanmar
Presently residing at H.R. School, R-786,
Lane No. 2, Jogabai Extension, Okhla,
New Delhi 110025.

...Petitioner No. 7

8. Sheikh Sagheer Alam S/o Sheikh Abdullah
National of Nepal having Permanent
Residence at: Ward No. 07, Rajpur Farhadwa,
District Rautahat, Nepal.
Presently residing at H.R. School, R-786,
Lane No. 2, Jogabai Extension, Okhla,

New Delhi 110025.

...Petitioner No. 8

9. Nazardeen S/o Mohomed Sabdeen
National of Sri Lanka having Permanent
Residence at: 319/1, N.M. Ishak Mawatta
Dematagoda, Colombo – 09, Sri Lanka
Presently residing at H.R. School, R-786,
Lane No. 2, Jogabai Extension, Okhla,
New Delhi 110025.

...Petitioner No. 9

VERSUS

1. Union of India
Through Home Secretary
Ministry of Home Affairs
North block,
New Delhi- 110001
E-mail: hshso@nic.in

...Respondent No. 1

2. Ministry of External Affairs
Through Joint Secretary, CPV Division
Room No. 20, Patiala House Annex,
Tilak Marg, New Delhi – 110001
E-mail: jscpv@mea.gov.in

...Respondent No. 2

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

TO

THE HON'BLE CHIEF JUSTICE OF
INDIA AND HIS COMPANION JUSTICES
OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE PETITIONERS
OF THE PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the present petition is being filed impugning the decisions of the Respondent No. 1, through Ministry of Home Affairs (Hereinafter “MHA”), in an arbitrarily and unilaterally blacklisting more than 960 foreigners, from 35 countries, presently in India and thereafter arbitrarily directing the Director Generals of Police and Police Commissioners of all States/UTs, as the case may be, to register FIRs against such foreigners, as reflected in the Press Release dated 02.04.2020 published by the Press Information Bureau [hereinafter referred to as “impugned decision”] and furthermore on 04.06.2020 the Respondent No.1 blacklisted a total of more than 2500 foreign nationals in alleged doing *Tablighi* activities in India. The impugned decisions have been passed without any opportunity of hearing being provided and not even a notice to that effect having been issued prior to the decision of blacklisting having been taken.

- 1A. That the petitioners are nationals of Indonesia, Jordan, Fiji, China, Sudan, Tanzania, Myanmar, Nepal and Sri Lanka and are among the aforesaid foreigners, who have been arbitrarily blacklisted by the Respondent No. 1, depriving them of their right to personal liberty and their right to travel back

to their home countries thereby violating their rights as guaranteed under Article 21 of the Constitution. However, in that regard the petitioners have neither been served any notice nor any intimation but have gathered the knowledge from the announcements made by the Respondent No. 1. The petitioners were first sent into quarantine in the last week of March and released from such quarantine only in late May, 2020. Since then, the petitioners have been confined to facilities under the supervision of Delhi Police and are not permitted to leave India for their home country.

1B. The present petitioners have not challenged the Impugned Decisions in any other proceedings instituted before this Hon'ble Court or before any other Court in India. Moreover, as the present issue relates to enforcement of fundamental constitutional rights by this Hon'ble Court, no representation has been preferred by the present petitioners.

1C. That the details of the petitioners are as follows:

PETITIONER NO. 1

Name:	Maulana Ala Hadrami
Country:	Indonesia
Permanent Address:	JLPH Husin 2, 6G, Sahabat, Kota Pontianak, Kalimantan, Barat, Indonesia.
Present Address:	Zayed College, 12, Kalindi Kunj Road, Block B, Jamia Nagar, Okhla, New Delhi, Delhi 110025.
Father's Name:	H. Syamsu Rizal

Passport No.: C6568798

PETITIONER NO. 2

Name: Ma Haiming
Country: China
Permanent Address: No. 317, Nayan Manou, Guinan County, Qinghai Province, China
Present Address: M.S. Creative School, H. No. 115, Street Number 11, Jogabai Extension, Zakir Nagar, Okhla, New Delhi, Delhi 110025.
Father's Name: Mohammada
Passport No.: E11313705

PETITIONER NO. 3

Name: Mohammed Janif
Country: Fiji
Permanent Address: Korolevu, Seaqaqa. P.O. Box- 92, Seaqaqa, Labasa, Fiji.
Present Address: M.S. Creative School, H. No. 115, Street Number 11, Jogabai Extension, Zakir Nagar, Okhla, New Delhi, Delhi 110025.
Father's Name: Abdul Ali
Passport No.: 861773

PETITIONER NO. 4

Name: Hasan

Country: Jordan
Permanent Address: B. No. 71, Alquisma, Amman, Jordan.
Present Address: M.S. Creative School, H. No. 115, Street Number 11, Jogabai Extension, Zakir Nagar, Okhla, New Delhi, Delhi 110025.
Father's Name: Hasan Saeed
Passport No.: O030642

PETITIONER NO. 5

Name: Elhaj Mukhtar
Country: Sudan
Permanent Address: Mohalliat Bahri, Al-Kabbasi Al-Silat, Khartoum, Sudan
Present Address: M.S. Creative School, H. No. 115, Street Number 11, Jogabai Extension, Zakir Nagar, Okhla, New Delhi, Delhi 110025.
Father's Name: Mukhtar
Passport No.: P06162778

PETITIONER NO. 6

Name: Abdullah Ramadan
Country: Tanzania
Permanent Address: Village Arusha, Tanzania.
Present Address: M.S. Creative School, H. No. 115, Street Number 11, Jogabai Extension, Zakir Nagar, Okhla, New Delhi, Delhi 110025.

Father's Name: Ramadan
Passport No.: TAE219045

PETITIONER NO. 7

Name: Thi Ha Kyaw Swar
Country: Myanmar
Permanent Address: No. 33, Sanchaung Township, Yangon, Myanmar.
Present Address: H.R. School, R-786, Lane No. 2, Jogabai Extension, Okhla, New Delhi 110025.
Father's Name: Maung Maung Aye
Passport No.: MD525452

PETITIONER NO. 8

Name: Sheikh Sagheer Alam
Country: Nepal
Permanent Address: Ward No. 07, Rajpur Farhadwa, District Rautahat, Nepal.
Present Address: H.R. School, R-786, Lane No. 2, Jogabai Extension, Okhla, New Delhi 110025.
Father's Name: Sheikh Abdullah
ID No.: 17677908

PETITIONER NO. 9

Name: Nazardeen

Country: Sri Lanka

Permanent Address: 319/1, N.M. Ishak Mawatta, Dematagoda, Colombo – 09, Sri Lanka

Present Address: H.R. School, R-786, Lane No. 2, Jogabai Extension, Okhla, New Delhi 110025.

Father’s Name: Mohomed Sabdeen

Passport No.: N8660308

2. FACTS:

- 2.1 That on 02.04.2020, the Press Information Bureau, Government of India, published a press release, communicating the impugned decision taken by the Respondent No. 1 in blacklisting as many as 960 foreigners, from different countries, for alleged “*Tabligh Activities*”. In barely 50 words, the impugned decision has arbitrarily and unilaterally forfeited the personal liberty of 960 foreigners, from 35 countries, present in India, having come on validly granted tourist visa, alleging their involvement “*Tablighi Jamaat Activities*”, without defining how such activities had been prohibited nor substantiating as to how the same led to violation of the conditions of a validly granted visa.
- 2.2 That it is submitted that this impugned decision has been taken on an erroneous presumption of the petitioners having indulged in alleged *Tablighi Jamat Activities*, when the fact remains that the petitioners had

merely attended a mosque and apart from that no allegations of preaching, professing or proselytization can be alleged against the petitioners. While the cases of coronavirus or COVID-19 were on the rise, on 24th March 2020, the Central Government had imposed a complete lockdown including on inter and intra state travel, including all flights, domestic or international.

- 2.3 That all such foreigners as have been blacklisted, had arrived much before the aforesaid dates and were around on the strength of tourist visa. By 29th-30th March 2020, there had been several news reports alleging that there had been several persons stranded at the Bangle Wali Masjid at Nizamuddin in New Delhi. This was at the very same time, when due to the lockdown, thousands of migrant workers, similarly stranded had gathered at the Anand Vihar Railway Station in New Delhi and other places in the country.
- 2.4 That while there had been both criticism of the stranded persons as well as sympathies, from various sections of the society, it is clarified that the legality of any such congregation or the culpability of the organisers, is not the subject matter of the present petition.
- 2.5 That in the aftermath of the aforesaid news reports, a slew of belated

actions were indicated to have been taken by both, the Delhi Govt. as well as the Central Govt., wherein investigation is still underway. Be that as it may, the fact remains that the aforesaid foreigners had entered the territory of India before such restrictions were put in place and upon validly granted visa by the Indian Government.

- 2.6 That it is pertinent to note, in the context of the present scenario, that on 31st March 2020, a press release came to be issued by the Ministry of Home Affairs, Govt. of India which had clearly stated that the *“Tabligh Jamaat Headquarter (Markaz) is located in Nizamuddin, Delhi. Devout Muslims from across the country and also from foreign countries visit the Markaz for religious purpose. Some also move out in groups to different parts of the country for Tabligh activities. This is a continuous process throughout the year.”* The aforesaid Press Release dated 31.03.2020 further stated that *“Since March 23, lockdown has been strictly imposed by State authorities/Police across Delhi including in and around Nizamuddin and Tabligh work came to a halt.”* A copy of the press release dated 31.03.2020 along with the appended document on Tabligh Activities in India has been marked and annexed herewith as **Annexure No. P-1 (Pgs. 35 to 39)**.
- 2.7 That, therefore, what is evident from the aforesaid is that *firstly*, the Headquarter (Markaz) of the Tablighi Jamaat, located at Nizamuddin, New

Delhi, is visited throughout the year by devout Muslims, not only from India but also from various countries across the world. *Secondly*, that as soon as the lockdown was announced, the same was strictly imposed in and around Nizamuddin and all Tabligh work had come to a halt.

2.8 Moreover, the Respondent No.1 has also issued Standard Operating Procedure (hereinafter referred to as ‘SOP’) on 02.04.2020 with regard to transit of foreign nationals stranded in India due to COVID-19. However, the present petitioners have not even been allowed to avail of the same facility despite various countries providing assistance for the return of their nationals through chartered flights since April, 2020. A copy of the aforesaid Standard Operating Procedure (SOP) for transit arrangements for foreign nationals stranded in India dated 02.04.2020 has been marked and annexed herewith as **Annexure No. P-2 (Pgs. 40 to 43)**.

2.9 That surprisingly on 02.04.2020, another short press release was issued by the Ministry of Home Affairs indicating two things firstly that the MHA had “blacklisted” 960 foreigners for their alleged involvement in Tablighi activities and secondly DGPs of all concerned States/UTs and the Commissioner of Police, Delhi Police were directed to take necessary legal action against such “violators”, presuming without any substantiation that they violated the conditions of their validly granted visas, under relevant sections of the Foreigners Act, 1946 and Disaster Management Act, 2005.

A copy of the press release dated 02.04.2020 communicating the impugned decision taken by the Ministry of Home Affairs has been marked and annexed herewith as **Annexure No. P-3 (Pg. 44)**.

2.10 That in one breath not only the decision was taken to blacklist the foreigners by presuming and punishing them by blacklisting and revoke their visas, it was also directed to the Director Generals of Police of each State/UT as well as the Commissioner of Police, Delhi Police to further initiate legal action against “violators” in their respective states, as a result of which, further deprivation of personal liberty has occurred with respect to such foreigners, with their passports impounded by State authorities and refusal by immigration authorities to allow such persons to leave the country and FIRs being registered against them. As per the news reports, the aforesaid letter to the DGPs and CP, Delhi Police has conclusively decided that such foreigners had violated the conditions of their tourist visas by indulging in *Tabligh Activities*, without ascertaining whether such persons had merely attended a religious discourse or had been found to be indulging in the prohibited activities of preaching and proselytization. A copy of the news report titled “*‘With full weight of law’: MHA orders FIRs against 960 foreign Jamaat workers, sponsors*”, published in the Hindustan Times on 03.04.2020 has been marked and annexed herewith as **Annexure No. P-4 (Pgs. 45 to 47)**.

2.11 That in this regard it is further apposite to refer to the “*General Policy Guidelines relating to Indian Visa,*” as made available by the Ministry of Home Affairs, which provides, under its paragraph 15, that *Foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in tabligh work*, which has been made the supposed basis for the arbitrary blacklisting of 960 foreigners, present in India. Most importantly, this document in the very next line clarifies the situation and states that there will be ‘*no restriction in visiting religious places and attending normal religious activities like attending religious discourses.*’ Paragraph 15 of the aforesaid General Policy Guidelines, is reproduced below:

“15. Restriction on engaging in tabligh activities

Foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in tabligh work. There will be no restriction in visiting religious places and attending normal religious activities like attending religious discourses. However, preaching religious ideologies, making speeches in religious places, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, spreading conversion etc. will not be allowed.”

A copy of the *General Policy Guidelines relating to Indian Visa* made available on its website by the Ministry of Home Affairs and accessible

online at www.mha.gov.in/PDF_Other/AnnexI_01022018.pdf has been marked and annexed herewith as **Annexure No. P-5 (Pgs. 48 to 51)**.

2.12 That moreover on 04.06.2020, news further emerged indicating that instead of the earlier figure, now around 2500 foreign nationals, presently in India, have been arbitrarily blacklisted for a period of 10 years. In a similar manner as the previous decision had been passed, while blacklisting such a large number of foreigners under the garb of engaging in purported Tabligh Activities, neither any opportunity of hearing has been provided nor any notice given to such foreigners. A copy of the news report dated 05.06.2020 titled “Centre Blacklists 2,550 Foreign Tablighi Jamaat Members, Bans Entry for 10 Years” published on thewire.in has been marked and annexed herewith as **Annexure No. P-6 (Pgs. 52 to 54)**.

2.13 That a bare perusal of the aforesaid, therefore, indicates that even as per the understanding of the MHA with regard to ‘*Tabligh* Activities’, what has been prohibited are only acts falling under the category of preaching religious ideologies, making speeches in religious places, proselytization, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, however, there is neither any prohibition in visiting a religious place and attending normal religious activities nor can such an act be said to have constituted a violation of the visa conditions, thereby attracting the

arbitrary and unilateral decision of *en masse* blacklisting of visas validly granted, depriving the fundamental right of personal liberty of all such foreigners.

3. That the Petitioner herein has preferred the present petition on the following amongst other grounds:-

GROUND

A. **BECAUSE** the impugned decisions of the Respondent No.1 are violative of Articles 14 and 21 of the Constitution of India as well as principles of natural justice, particularly *audi alteram partem* as the aforementioned impugned decisions have been passed arbitrarily and thus wholly unconstitutional inasmuch in a single stroke the Respondent No.1 had presumed foreign nationals belonging to more than 35 countries, who entered India on valid visas as “violators” and in the same breath had punished them as well by blacklisting them and revoking their visas.

B. **BECAUSE** consequently, the impugned decisions have deprived all aforementioned aggrieved foreign nationals of their fundamental right to personal liberty as guaranteed under Article 21 of the Constitution, applicable to citizens and non-citizens, alike. While it is a trite law, substantiated by a number of decisions by this Hon’ble Court and the various other courts of the

country that a person can in no manner be deprived of his personal liberty without observing the procedure established by law, it must be stressed that any action that impinges or takes away the fundamental rights granted by the constitution must not only be accompanied with valid reasons and justification for such action but must also be preceded with an opportunity of hearing, in terms with the principles of natural justice, the absolute denial of which, in the present case, has led to a serious violation of Article 21 of the Constitution and hence the impugned decision is liable to be quashed forthwith.

C. **BECAUSE** the impugned decision has been passed without observing the bedrock of rule of law i.e., the principles of natural justice, in particular the principle of *audi alteram partem*, the right to hearing to be afforded in any action where a deprivation of rights take place. The denial of an opportunity of hearing, it is settled, can lead to irreversible consequences and amount to the forfeiture of fundamental rights. It is also well settled that the principle of *audi alteram partem* is also applicable to administrative actions as it applicable to judicial decisions. To impound the passports and suspend the visas of such a large number of foreigners who had come to the country on a validly granted visa, is a serious matter, since it prevents such persons from travelling back to their homes and results in a deprivation of personal liberty and such a drastic consequence cannot in fairness be visited without observing the principle of *audi alteram partem*. Any procedure which permits impairment of the

constitutional right of personal liberty without giving reasonable opportunity to show cause cannot but be condemned as unfair and unjust and hence, there is in the present case clear infringement of the requirement of Article 21.

D. **BECAUSE** this Hon'ble Court in the case of **Maneka Gandhi v. Union of India**[(1978) 1 SCC 248] interpreted the word 'Law' in the expression 'procedure established by law' in Article 21 to mean that law must be right, just and fair, and arbitrary, fanciful or oppressive.

E. **BECAUSE** the Impugned Decisions of the Respondent No.1, on an erroneous presumption have equated the mere act of attending a religious congregation or a religious place of worship on the same footing as with *Tablighi* work such as preaching religious ideologies, making speeches in religious places, proselytization, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, negating any intelligible differentiate between the two separate and distinct activities. In fact, the guidelines of the Respondent No.1 itself make a differentiation between simplicitor attending a religious congregation or religious place of worship and *tabhilgi* work. The same position is amply reflected in the General Policy Guidelines for Visa as made available by the Home Ministry, which reads as under:

“15. Restriction on engaging in tabligh activities

Foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in tabligh work. There will be no restriction in visiting religious places and attending normal religious activities like attending religious discourses. However, preaching religious ideologies, making speeches in religious places, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, spreading conversion etc. will not be allowed.”

F. **BECAUSE** Dr. B.R. Ambedkar, the father of the Indian Constitution, in his famous speech on 25th November, 1949, on conclusion of deliberations of the Constituent Assembly, stated:

“These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy Liberty cannot be divorced from equality, equality cannot be divorced from liberty Nor can liberty and equality be divorced from fraternity Without equality, liberty would produce the supremacy of the few over the many Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them.....”

G. **BECAUSE** the impugned decision is perverse and unconstitutional inasmuch as neither an opportunity to be heard has preceded the decision of arbitrarily depriving such foreigners of their personal liberty nor the same decision has been taken after due application of mind. The hasty and arbitrary decision of the Ministry of Home Affairs while based on the conjectures and surmises

believed such foreigners were indulging in Tabligh Activity without any inquiry and even before such initiation or application of mind to the cases, has meted out the egregious penalty of deprivation of personal liberty. This is also supported by the fact that the Ministry of Home Affairs had admitted in its press release dated 31st March 2020 that the Markaz at Nizamuddin, which is essentially a mosque, is in fact a place visited by devout Muslims all throughout the year and when the same is read in conjunction with the *General Policy Guidelines relating to Indian Visa*, also published by the Ministry of Home Affairs, makes it abundantly clear that it cannot be said that there is any restriction in visiting religious places and attending normal religious activities like attending religious discourses. What is meant by Tabligh Activity is limited to preaching religious ideologies, making speeches in religious places, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, spreading conversion etc. The impugned decision, therefore, could not have been passed without first ascertaining that if indeed such foreigners were preaching religious ideologies or merely attending a religious discourse. However, no such inquiry was made and to create an impression that certain strict actions are being taken after severe criticisms at handling the pandemic, the visas of a large number of foreigners belonging to as many as 35 countries have been revoked, arbitrarily and without cause or observing the very basic principles of natural justice.

H. **BECAUSE** not only the impugned decision has blacklisted such foreigners and suspended their validly issued visas, it has further arbitrarily directed the DGPs of all States/UTs and the Commissioner of Police, Delhi Police to initiate legal action against such foreigners for alleged violation under Foreigners Act, 1946. This arbitrary direction has further resulted in various states arresting and detaining such foreigners and in certain cases the refusal of releasing such persons from institutional quarantine despite having observed the mandatory 14 day period of quarantine, in most cases, foreigners sent into quarantine in March got released in mid-May. Not only has the personal liberty of such persons been deprived in the most arbitrary and unreasonable manner, by subjecting such persons to actions such as detention, forced quarantine, denial to leave the country etc. has further resulted in a violation of their right to dignity, also implicit within Article 21 of the Constitution. The foreigners having come to India on validly granted visa and with valid passport and travel documents are being subjected to an absolute deprivation of liberty, without being accorded any clear reason nor any opportunity of hearing before the impugned decision was taken.

I. **BECAUSE** impugned decisions of the respondents which violated the fundamental right to personal liberty, in effect, impinged upon the right of the aggrieved foreign nationals to travel abroad. The action of the respondents is

therefore arbitrary, discriminatory and violative of equal protection of law as provided under Article 14 of the Constitution.

J. **BECAUSE** this Hon'ble Court has extensively discussed the aspect of depriving a person of his/her personal liberty without granting an opportunity of hearing in the landmark judgment of *Maneka Gandhi v. Union of India*, [(1978) 1 SCC 248], and has held that while *audi alteram partem* is the based in the rules of natural justice, even when the same is not provided under a particular law or statute it would be justified to imply in the same under judicial review. This Hon'ble Court observed as under:

“8. Now, it is true that there is no express provision in the Passports Act, 1967 which requires that the audi alteram partem rule should be followed before impounding a passport, but that is not conclusive of the question. If the statute makes itself clear on this point, then no more question arises. But even when the statute is silent, the law may in a given case make an implication and apply the principle stated by Byles, J., in Cooper v. Wandsworth Board of Works [(1863) 14 CBNS 180 : (1861-73) All ER Rep Ext 1554] :

*“A long course of decisions, beginning with Dr Bentley case and ending with some very recent cases, establish that, **although there are no positive works in the statute requiring that the party shall be heard, yet the justice of the common law will supply the omission of the legislature.**””*

K. **BECAUSE** at the outset, it is pertinent to mention that ‘Tabligh’, as the movement has popularly been referred, although this particular denomination espouses self-reform as its core objective, it does not, unequivocally,

propagate, preach and proselytize. This is a self reform movement initiated by Maulana Ilyas in 1926 from the same Bangle Wali Masjid, Nizamuddin, Delhi. The movement is by the Muslims and for the Muslims only. Markaz Nizamuddin has been around since 1926 and serves as the global headquarters of this movement, which is a purely apolitical socio-religious movement. Its an effort to create spiritual consciousness amongst Muslims and encourage them to spare time for their spiritual learning and self-reform. They believe that moral and social upliftment cannot happen without individual reform, that's why *Tabligh* movement works at a grass-root level and focuses on each Muslim individual, irrespective of where he/she comes from. Volunteers and participants from across the world come to the Markaz to learn about Islamic teachings and to follow the example of the Noble Prophet (PBUH) in each aspect of life. Prophetic teachings from the Quran and Hadith form the very core of this movement, and the emphasis is on building a strong moral character so that we refrain from all that's evil and espouse the good. The effort is a reminder to prepare for hereafter, which solely depends on conduct in this world. The effort started as a response to the moral degeneration of Muslims, and over the last century has benefited millions of Muslims, enabling them to lead a life of honesty and respect. Many people outside the Muslim community aren't familiar with *Tabligh* or Markaz Nizamuddin since they do not seek any publicity, and have never used media or information channels.

L. BECAUSE the Hon'ble High Court of Delhi in the case of **Mohammad Abdul Moyeed v. Union of India & Ors.** [W.P. (C) No. 10587/2016] held that every violation of visa norm cannot ban a person from entering the country, while directed the Ministry of Home Affairs to reconsider the decision of blacklisting the Petitioner therein in the absence of the Petitioner not having been afforded an opportunity to defend himself. The Hon'ble High Court further observed that *Tabligh* work is not a banned activity as visa provisions for the same are mentioned in the visa manual.

M. BECAUSE the Hon'ble High Court of Delhi while rendering the decision in *Dr. Christo Thomas Philip vs Union Of India.*, [256(2019)DLT671] held that no law was on record that proscribes missionary activities and that the impugned orders, which proceed on the assumption that such activities are against the law of the land, are fundamentally flawed. Reliance was placed upon *Ratilal Panachand Gandhi vs. State of Bombay & Ors.*: AIR 1954 SC 388, where the Supreme Court examined a challenge to the validity of provisions of section 44 of the Bombay Public Trust Act, 1950 with respect to Article 25 and Article 26 of the Constitution of India. In this context, the Court observed as under:-

"10. Article 25 of the Constitution guarantees to every person and not merely to the citizens of India the freedom of conscience and the right freely to profess practise and propagate religion. This is subject, in every case, to public order, health and morality. Further

exceptions are engrafted upon this right by clause (2) of the article. Sub-clause (a) of clause (2) saves the power of the State to make laws regulating or restricting any economic financial, political or other secular activity which may be associated with religious practice; and sub-clause (b) reserves the State's power to make laws providing for social reform and social welfare even though they might interfere with-religious practices. Thus, subject to the restrictions which this article imposes, every person has a fundamental right under our Constitution not merely to entertain such religious belief as may be approved of by his judgment or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for the edification of others. It is immaterial also whether the propagation is made by a person in his individual capacity or on behalf of any church or institution. The free exercise of religion by which is meant the performance of outward acts in pursuance of religious belief, is, as stated above, subject to State regulation imposed to secure order, public health and morals of the people. What sub-clause (a) of clause (2) of article 25 contemplates is not State regulation of the religious practices as such which are protected unless they run counter to public health or morality but of activities which are really of an economic, commercial or political character though they are associated with religious practices."

N. BECAUSE it is well established that even where there is no specific provision in a statute or rules made thereunder for showing cause against action proposed to be taken against an individual, which affects the rights of that individual, the duty to give reasonable opportunity to be heard will be implied from the nature of the function to be performed by the authority which has the power to take punitive or damaging action. This principle has been laid down by this

Hon'ble Court in the *State of Orissa v. Dr (Miss) Binapani Dei*[AIR 1967 SC 1269] in the following words:

*“The rule that a party to whose prejudice an order is intended to be passed is entitled to a hearing applies alike to judicial tribunals and bodies of persons invested with authority to adjudicate upon matters involving civil consequences. It is one of the fundamental rules of our constitutional set-up that every citizen is protected against exercise of arbitrary authority by the State or its officers. Duty to act judicially would, therefore arise from the very nature of the function intended to be performed: it need not be shown to be superadded. If there is power to decide and determine to the prejudice of a person, duty to act judicially is implicit in the exercise of such power. **If the essentials of justice be ignored and an order to the prejudice of a person is made, the order is a nullity. That is a basic concept of the rule of law and importance thereof transcends the significance of a decision in any particular case.**”*

O. BECAUSE it has further been held by this Hon'ble Court in *Maneka Gandhi v. Union of India*, [(1978) 1 SCC 248]:

“219. It is true that in a proceeding under Article 32 of the Constitution, we are only concerned with the enforcement of fundamental constitutional rights and not with any statutory rights apart from fundamental rights. Article 21, however, makes it clear that violation of a law, whether statutory or of any other kind, is itself an infringement of the guaranteed fundamental right. The basic right is not to be denied the protection of “law” irrespective of variety of that law. It need only be a right “established by law”.”

P. BECAUSE in *Isaac Isanga Musumba and Ors. vs. State of Maharashtra and Ors.*[(2014)15SCC357], this Hon'ble Court, stressing upon the applicability of Article 21 to citizens and non-citizens alike has held as under:

“5. Article 21 of the Constitution provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. The word 'person' in Article 21 is wide enough to cover not only citizens of this country but also foreigners who come to this country. The State has an obligation to protect the liberty of such foreigners who come to this country and ensure that their liberty is not deprived except in accordance with the procedure established by law. Notwithstanding the said guaranty Under Article 21 of the Constitution, in this case, the Mumbai police acted on the FIR of the complainants, which we have found to be baseless.”

Q. BECAUSE the actions of Respondent No. 1 inasmuch as the Petitioners have been deprived of their passports and their personal liberty restricted without furnishing any reasons are concerned, is in violation of Article 22 of the Constitution of India as well. The Petitioners have entered India lawfully with a valid passport from their home countries, and a valid visa issued by the Government of India. Article 22 of the Constitution applies to foreigners as well as citizens, and providing for specific safeguards vis-à-vis preventive detention, has been considered to be an extension of protection of personal liberty guaranteed under Article 21. Article 22(1), even in terms of arrest or detention, grants the right to a person to be informed of the grounds of his detention. In the present case, the Petitioners have been deprived of this right while their personal liberty including the freedom of locomotion has been deprived without providing any grounds or reasons for the same.

R. BECAUSE this Hon'ble Court in a recent decision in *Hetchin Haokip v. Union of India* reported in [(2018) 9 SCC 562], has held that even under strict preventive detention laws, the detenu has the right to be informed of the grounds of their arrest/detention without undue delay and within a reasonable time. The actions of the Respondent No. 1 are therefore in gross violation of the mandate of the Three-Judge Bench decision of this Hon'ble Court in *Hetchin Haokip's* case inasmuch as the petitioners have been deprived of their personal liberty and are not allowed to leave the country on the basis of orders that have not been made available to them.

S. BECAUSE the Universal Declaration of Human Rights which was adopted by the United Nations in December 1948 and to which India was its party provides for freedom of movement within each state as also across its frontiers in either direction. Article 3 of the Declaration is based on the general principle that, "*everyone has the right to life, liberty and security of person*" and among the particular applications of this principle is Article 13 which deals with freedom of movement and provides as under:

"Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country including his own and to return to his country."

(Emphasis Supplied)

Moreover, the International Covenant on Civil and Political Rights (ICCPR) has further not only recognized this right to travel abroad or to leave any country but has also provided that such right cannot be taken away arbitrarily.

Under Article 12 of ICCPR it has been provided as under:

“Article 12

1. *Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*
2. ***Everyone shall be free to leave any country, including his own.***
3. *The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.*
4. ***No one shall be arbitrarily deprived of the right to enter his own country.***

(Emphasis Supplied)

T. BECAUSE the right of free movement whether within the country or across its frontiers, ether in going out or in coming in, is a personal liberty within the meaning of Article 21 which says, "*No person shall be deprived of his life or personal liberty except according to procedure established by law*". This view having been taken by a full bench of the Hon’ble Kerala High Court in ***Francis Manjooran Vs. Government of India, Ministry of External Affairs, New***

Delhi [ILR (1965) 2 Ker 663], has also been approved by a Constitution bench of this Hon'ble Court in *Satwant Singh Sawhney v. D. Ramarathnam [(1967) 3 SCR 525]*, where this Hon'ble Court has extensively discussed the right to travel out of the country as being a part of 'personal liberty' guaranteed under Article 21 of the Indian Constitution in comparison with the English and American jurisprudence. In its comparison, this Hon'ble Court has observed *'that "liberty" in our Constitution bears the same comprehensive meaning as is given to the expression "liberty" by the 5th and 14th Amendments to the U.S. Constitution and the expression "personal liberty" in Article 21 only excludes the ingredients of "liberty" enshrined in Article 19 of the Constitution. In other words, the expression "personal liberty" in Article 21 takes in the right of locomotion and to travel abroad, but the right to move throughout the territories of India is not covered by it inasmuch as it is specially provided in Article 19.'* Comparing various conflicting views by the High Court, including that of Kerala High Court in Francis Manjooran (supra), this Hon'ble Court finally came to the following conclusion with respect to right to travel abroad in Satwant Singh (supra):

"31. For the reasons mentioned above we would accept the view of Kerala, Bombay and Mysore High Courts in preference to that expressed by the Delhi High Court. It follows that under Article 21 of the Constitution no person can be deprived of his right to travel except according to procedure established by law. It is not disputed that no law was made by the State regulating or depriving persons of such a right."

U. **BECAUSE** all human beings are born with some unalienable rights like life, liberty and pursuit of happiness. The importance of these natural rights can be found in the fact that these are fundamental for their proper existence and no other right can be enjoyed without the presence of right to life and liberty. Life bereft of liberty would be without honour and dignity and it would lose all significance and meaning and the life itself would not be worth living. Hence, that is why "liberty" encapsulates the quintessence of a civilized existence. The object of Article 21 is to prevent encroachment upon personal liberty in any manner. Article 21 is repository of all human rights essential for a person or a citizen. A fruitful and meaningful life presupposes life full of dignity, honour, health and welfare. In the modern "Welfare Philosophy", it is for the State to ensure these essentials of life to all its citizens, and if possible to non-citizens. While invoking the provisions of Article 21, and by referring to the oft quoted statement of Joseph Addison, "Better to die ten thousand deaths than wound my honour", the Apex Court in *Khedat Mazdoor Chetna Sangath v. State of M.P.: (1994) 6 SCC 260.*, posed to itself a question "*If dignity or honour vanishes what remains of life?*" This is the significance of the Right to Life and Personal Liberty guaranteed under the Constitution of India in its Third Part and seeks consideration of this Hon'ble Court in the preset cause as well.

PRAYER

In the facts and circumstances of the case, as mentioned above, it is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

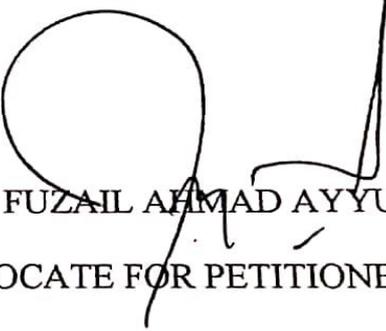
- a. Issue a Writ of certiorari or any other appropriate writ, order or direction calling for record and thereby declaring the impugned decision of arbitrary and unilateral blacklisting of 960 foreigners by the Respondent No. 1 vide press release dated 02.04.2020 and the subsequent blacklisting of around 2500 foreigners as reported on 04.06.2020 to be in violation of Article 21 and therefore void and unconstitutional as the petitioners have neither been provided any hearing nor notice or intimation in this regard;
- b. Issue a Writ of mandamus or any other appropriate writ, order or direction thereby directing Respondent No. 1 through Ministry of Home Affairs to remove the said foreigners from the blacklist and reinstate their visas;
- c. Issue a Writ of mandamus or any other appropriate writ, order or direction thereby directing Respondent No. 2 through Ministry of External Affairs to facilitate the said foreigners to return to their respective countries; and
- d. Pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the present case.

**AND FOR THIS ACT OF KINDNESS, THE PETITIONERS
SHALL, AS IN THE DUTY BOUND, EVER PRAY.**

Drawn By:

Ibad Mushtaq &
Ashima Mandla
Advocates

FILED BY:



FUZAIL AHMAD AYYUBI
ADVOCATE FOR PETITIONERS

New Delhi

Drawn On: 08.06.2020

Filed on: 12.06.2020

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. OF 2020**

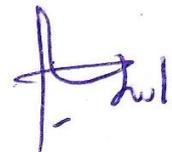
MAULANA ALA HADRAMI & ORS. ...PETITIONERS
VERSUS

UNION OF INDIA & ANR. RESPONDENTS

AFFIDAVIT

I, Maulana Ala Hadrami S/o H. Syamsu Rizal, National of Indonesia, R/o JLPH Husin 2, 6G, Sahabat, Kota Pontianak, Kalimantan, Barat, Indonesia, presently residing at Zayed College, 12, Kalindi Kunj Road, Block B, Jamia Nagar, Okhla, New Delhi, Delhi 110025, do hereby solemnly affirm and state on oath as under:-

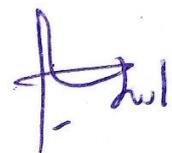
1. That I am the Petitioner No.1 in the aforesaid Writ Petition and having been authorized by Petitioner No. 2 to Petitioner No.9, to swear the instant affidavit on their behalf and further being well conversant with the facts and circumstances of the present petition, am competent to swear the instant affidavit.
2. That I have read and understood the contents of the Writ Petition from pages 1 to 33, Para 1 to 3, Synopsis and List of dates from pages B to M, which I have understood and I state that the same are drafted to my instructions.
3. I also state that the annexures annexed to the W.P. are true and correct copies of their respective originals.



DEPONENT

VERIFICATION:

Verified at New Delhi on this 12th Day of June 2020, the above named deponent, do hereby verify that the contents of para nos. 1 to 3 of the aforesaid affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.



DEPONENT

Government committed to identify, isolate and quarantine COVID-19 positive Tabligh Jamaat (TJ) workers in India post their congregation in Nizamuddin, Delhi

MHA shared details of TJ workers in India with all States on March 21, 2020 after COVID-19 positive cases surfaced in Telangana

So far, 1339 Tabligh Jamaat workers have been shifted to Narela, Sultanpuri and Bakkarwala quarantine facilities as well as to hospitals

State Police to examine visas of all these foreign TJ workers and take further action in case of violation of visa conditions

Posted On: 31 MAR 2020 6:00PM by PIB Delhi

Union Ministry of Home Affairs (MHA) shared details of foreign and Indian Tabhlig Jamaat (TJ) workers in India with all States on March 21, 2020, after COVID-19 positive cases among these workers surfaced in Telangana.

The swift action was taken with a view to identify, isolate and quarantine TJ workers who might be COVID-19 positive. Instructions were also issued by MHA to Chief Secretaries and DGsP of all States as well as CP, Delhi. The advisories were reiterated by the DIB to all State DGsP on March 28 and 29.

Meanwhile, TJ workers staying in the Markaz in Nizamuddin, Delhi, were also persuaded for medical screening by State authorities and Police. By March 29, nearly 162 TJ workers were medically screened and shifted to quarantine facilities. So far, 1339 Tabligh Jamaat workers have been shifted to Narela, Sultanpuri and Bakkarwala quarantine facilities as well as to LNJP, RGSS, GTB, DDU Hospitals and AllMS, Jhajjar. Rest of them are being currently medically screened for COVID-19 infections.

Usually, all the foreign nationals visiting India as a part of Tabligh team come on the strength of tourist visa. MHA had already issued guidelines that they should not indulge in missionary work on tourist visa. State Police would be examining categories of visas of all these foreign TJ workers and take further action in case of violation of visa conditions.

Tabligh Jamaat Headquarter (Markaz) is located in Nizamuddin, Delhi. Devout Muslims from across the country and also from foreign countries visit the Markaz for religious purpose. Some also move out in groups to different parts of the country for Tabligh activities. This is a continuous process throughout the year.

On March 21 , approximately 824 foreign Tabligh Jamaat workers were in different parts of the country for missionary work. Besides, around 216 foreign national were staying in the Markaz. In addition, over 1500 Indian TJ workers were also staying in the Markaz while around 2100 Indian TJ workers were touring different parts of the country for missionary work. Since March 23, lockdown has been strictly imposed by State authorities/Police across Delhi including in and around Nizamuddin and Tabligh work came to a halt.

[Click here to see document on Tabligh Activities in India](#)

VG/SNC/VM

(Release ID: 1609608)

Tabligh activities in India

- Tabligh Jamaat workers, both foreigners as well Indians, indulge in Tabligh activities (Chilla) across the country throughout the year.
- Various nationals, particularly from Indonesia, Malaysia, Thailand, Nepal, Myanmar, Bangladesh, Sri Lanka and Kyrgyzstan come for Tabligh activities.
- All such foreign nationals normally report their arrival at Tabligh Markaz at Banglewali Mosque in Hazrat Nizamuddin in New Delhi. From here, they are detailed for Chilla activities to different parts of the country.
- Chilla activities in all States are coordinated by District Coordinators in different Districts, who, in turn, in some States are supervised by State Amirs.
- As on March 21, there were about 1746 persons staying in Hazrat Nizamuddin Markaz. Of these, 216 were foreigners and 1530 were Indians.
- Additionally, about 824 foreigners had been, as on March 21, doing Chilla activities in various parts of the country (State-wise breakup enclosed).
- Also, a large number of Indian Tabligh Jamaat workers were also engaged in different parts of the country.
- Details of these 824 foreigners had been shared on March 21 with the State Police for identifying them, getting them medically screened and quarantining them.

- Besides, on March 28, State Police were advised to collect the names of Indian Tabligh Jamaat workers from the local coordinators, locate them on the ground, get them medically screened and quarantine them. So far, about 2137 such persons have been identified in different States. They are being medically examined and quarantined. This process is still on and more such people would be identified and located. On March 28, MHA also issued a detailed advisory to Chief Secretaries and DGPs of all States, as well as CP Delhi, on this issue (copy enclosed).
- Again, State DGPs had been advised by DIB on March 29, to trace the movement of all such Tabligh workers in their area, ascertain the people coming in their contacts and take steps for their medical screening. Many States have already started doing this.
- All the Tabligh Jamaat workers staying at Hazrat Nizamuddin Markaz are being medically screened since March 26. So far 1203 Tabligh Jamaat workers have been medically screened. 303 of them had symptoms of COVID-19 and were referred to different hospitals in Delhi. Rest of them have been moved to different quarantine centres at Narela, Bakkarwala and Sultanpuri. This process will continue throughout today to move every Tabligh Jamaat worker out of Nizamuddin Markaz.
- It is estimated that from January 1 onwards this year, approximately 2100 foreigners had visited India for Tabligh activities. While approximately 824 of them, as on March 21, were dispersed in different parts of the country, approximately 216 of them were staying at Nizamuddin Markaz. Others might have left the country before the lockdown.
- Bureau of Immigration has been sharing (since February 1) with State authorities, details of all international arrivals from affected countries based on Self Declaration Form filled-in by them.

- In addition, since March 6, Bureau of Immigration had also been sharing details of all the international arrivals (both Indians and foreigners) at all the international airports in the country to the concerned State, based on the permanent address mentioned in their passport, in case of Indians, and hotel address, in case of foreigners.

(True Copy)

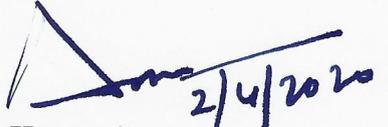
No.40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001

Dated 2nd April, 2020

ORDER

In continuation of Ministry of Home Affairs's Orders No.40-3/2020-DM-I(A) dated 24th March, 25th March and 27th March, 2020 and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues the 3rd Addendum to guidelines, as Annexed to the said Orders issued to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation.


2/4/2020
Home Secretary

To

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i) All members of the National Executive Committee.
- ii) Member Secretary, National Disaster Management Authority.

No.40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

Subject : 3rd Addendum to Guidelines annexed to the Ministry of Home Affairs Order No.40-3/2020-DM-I(A) dated 24.03.2020

A. Addition of sub-clause (g) in exception to clause 6

- (g) Transit arrangements for foreign national(s) in India.
(as per attached SOP)

B. Addition of sub-clause (a) in exception to clause 12

- (a) Release of quarantined persons, who have arrived in India after 15.2.2020, after expiry of their quarantine period and being tested Covid-19 negative **(as per attached SOP)**.


Home Secretary

No.40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

STANDARD OPERATING PROCEDURE (SOP) FOR TRANSIT ARRANGEMENTS FOR FOREIGN NATIONALS STRANDED IN INDIA

Sub-Clause (g) in exception to clause 6

It has been brought to the notice of this Ministry that a number of foreign nationals are stranded in different parts of the country, due to the lockdown measures. Some foreign countries have approached Government of India for evacuation of their nationals to their countries.

2. In view of the above, it has now been decided that requests received from foreign governments, for evacuation of their nationals from India, would be examined by the Ministry of External Affairs (MEA), Government of India on case to case basis. In cases where such requests are endorsed by MEA, the following protocol would be observed:

- i) The chartered flight would be arranged by the concerned foreign government in consultation with the Ministry of Civil Aviation, Government of India.
- ii) Prior to departure, the foreign national(s) would be screened for COVID-19 symptoms as per the standard health protocol. Only those foreign national(s) would be allowed to leave, who are asymptomatic for COVID-19. In case of symptomatic person(s), the future course of treatment would be followed, as per the standard health protocol.
- iii) The local transportation arrangements from the place of stay of the foreign national(s) to the point of embarkation would be arranged by the local Embassy/Consulate of the respective foreign government.
- iv) The transit pass for movement of the vehicle deployed for movement of the foreign national(s) would be issued by the Government of the State/Union Territory where the foreign national(s) is/are staying.
- v) The transit pass, as issued above, would be honoured/ allowed by the authorities of the State/Union Territories along the transit route.

STANDARD OPERATING PROCEDURE FOR RELEASE OF QUARANTINED PERSONS, AFTER EXPIRY OF QUARANTINE PERIOD AND TESTED COVID-19 NEGATIVE

Sub-Clause (A) in exception to clause 12

With a view to preventing spread of COVID-19 and as a measure of abundant precaution, persons returning from foreign locations after 15.2.2020 had been quarantined in government/government-arranged facilities. In respect of these persons, the following protocol would be observed after completion of the specified mandatory quarantine period:

- i) Person(s) testing negative for COVID-19, and as per standard health protocol, would be released from the said quarantine facility(ies). However, this will not apply to a group, where even one person tests positive for COVID-19.
- ii) These persons are expected to return to their homes, or to the homes of their families/relatives/friends or to other places of shelter like hotels, etc., by making their own transport arrangements.
- iii) The transit pass for movement of vehicle(s), being used by such person(s), would be issued by the Government of the State/Union Territory where they have been quarantined.
- iv) The transit pass will be issued for fixed route and with specified validity and such person(s) shall follow the same.
- v) The transit pass, as issued above, would be honoured/ allowed by the authorities of the State/Union Territories along the transit route.
- vi) As a measure of abundant caution, upon returning to their destination such persons would home quarantine themselves for a further period of 14 days as per standard protocol on the matter.
- vii) Details of person(s) released from quarantine, along with their destination, will be shared with the concerned State/UT Government for necessary follow up.

True Copy

**Press Information Bureau
Government of India**

**MHA blacklists 960 foreigners, present in India on tourist visas, for their involvement in
Tablighi Jamaat activities; necessary legal action to be taken**

New Delhi, April 2, 2020

Union Ministry of Home Affairs (MHA) has blacklisted 960 foreigners, present in India on tourist visas, for their involvement in Tablighi Jamaat activities. □

MHA has also directed DGPs of all concerned States/UTs and CP, Delhi Police to take necessary legal action against all such violators, on priority, under relevant sections of the Foreigners Act, 1946 and Disaster Management Act, 2005.

VG/SNC/VM

(True Copy)

With full weight of law’: MHA orders FIRs against 960 foreign Jamaat workers, sponsors

Covid-19: The Home Ministry communication was sent to states on Thursday evening after revoking visas of the 960 foreigners and blacklisting them from getting an Indian visa again.

INDIA Updated: Apr 03, 2020 18:54 IST

The Union Home Ministry has told Delhi Police Commissioner and state DGPs to start filing FIRs against the 960 [Tablighi Jamaat’s foreign workers](#) who endangered lives in the ongoing [Covid-19 public health emergency](#).

The Home Ministry communication was sent to states on Thursday evening after revoking visas of the 960 foreigners and blacklisting them from getting an Indian visa again.

According to the [home ministry](#), these foreigners had entered the country on the strength of tourist visas but engaged in Tablighi activities at its [Nizamuddin headquarters](#) that are feared to drive the outbreak despite an unprecedented lockdown.

The Tablighi Jamaat’s gathering in March has been found to be responsible for hundreds of Covid-19 infections across India. In Delhi, it has been linked to 60 per cent of Delhi’s 293 Covid-19 cases confirmed till Thursday evening.

Their activities, the letter noted, “have endangered many lives in the ongoing Covid-19 public health emergency” and violated India’s visa rules and the Foreigners Act.

“In view of the above, it is advised that legal action against all these foreigners and Indian nationals involved in the matter must be taken under the provisions of the Foreigners Act, 1946 as well as for violation of statutory orders issued under the Disaster Management Act, 2005, and for offences committed under relevant sections of IPC (Indian Penal Code) as applicable in this matter,” the letter by the home ministry’s Pratap Singh Rawat said.

A senior Home Ministry official told HT that the decision to file FIRs reflected the determination of the government to come down on the Jamaat “with the full weight of law” to penalise them for their callous approach.

“The government took unprecedented decisions, shut down industries, offices, grounded planes and trains. But this group’s actions have threatened to jeopardise the entire lockdown,” the official said.

He clarified that the government did not intend to file cases against ordinary Tablighi workers if they stayed on the right side of the law.

The idea, he explained, was to proceed against Tablighi functionaries who facilitated the visas and stay of the foreign nationals. He declined to elaborate.

But a senior police officer interpreted this to imply the leadership of the Tablighi Jamaat. The Delhi Police has already registered one case against the Tablighi leadership after a large number of coronavirus cases were detected at the Markaz and evacuated.

This advice to register criminal cases would not apply to another 360 Tablighi Jamaat's workers have already left the country. But they will be blacklisted from entering the country again.

A home ministry official explained the police could invoke Section 269 and 270 of the penal code that prescribes upto six months imprisonment for negligence likely to spread infection of a dangerous disease and two years jail for a malignant act that spreads a dangerous disease.

Besides, the home ministry letter said the foreign nationals were also liable to face action under the Foreigners Act and Disaster Management Act.

(True Copy)

GENERAL POLICY GUIDELINES RELATING TO INDIAN VISA**1 Possession of travel documents**

In terms of the provisions in the Passport (Entry into India) Act, 1920, and the Rules made thereunder, every foreigner entering India must be in possession of a valid national passport or any other internationally recognised travel document establishing his/her nationality and identity and bearing - (a) his/ her photograph, and (b) a valid visa for India granted by an authorised Indian representative abroad (except to the extent mentioned in paras 2, 4 and 5 below).

2 Identity documents required for citizens of Nepal and Bhutan for travelling to India

(A) A citizen of Nepal or Bhutan entering India by land or air over the Nepal or the Bhutan border does not require a passport or visa for entry into India. However, he/she should be in possession of any of the following identity documents -

- (i) Nepalese/ Bhutanese Passport; or
- (ii) Nepalese/ Bhutanese Citizenship Certificate; or
- (iii) Voter Identification Card issued by the Election Commission of Nepal/ Bhutan; or
- (iv) Limited validity photo-identity certificate issued by Nepalese Mission/ Royal Bhutanese Mission in India when deemed necessary.
- (v) For children between age group of 10-18 years, photo ID issued by the Principal of the School, if accompanied by parents having valid travel documents. No such document is required for children below the age group of 10 years.

(B) A citizen of Nepal or Bhutan must be in possession of a Passport when entering India from a place other than Nepal/ Bhutan.

(C) A citizen of Nepal or Bhutan must have a visa for India if he/she is entering India from China, Macau, Hong Kong, Pakistan and Maldives.

(D) If a citizen of Nepal or Bhutan visits India on valid Nepalese/ Bhutanese passport, he/ she may not be allowed to proceed to any third country from India, unless he/ she obtains a 'No objection Certificate' from the Embassy of Nepal/ Royal Bhutanese Mission in India.

3 A photograph is necessary irrespective of age i.e. even for minor children below 15 years of age, if their name is included in the passport of either of their parents.

4 Minor children whose names are entered in their parent's passport must obtain a valid Indian visa for travel to India.

Note: Children above the age of 16 years must possess a separate valid national passport, to travel to India. Children who have arrived on their parent's passport must obtain a separate passport when they attain the age of 16 years while in India.

5 Application for grant of visa

An applicant for a visa shall have to submit an application on the on-line system in the standard visa application form. For this purpose, the applicants may log on

to <https://indianvisaonline.gov.in> . The foreigner should be present within the jurisdiction of the Indian Mission/ Post concerned at the time of making an application and grant of visa.

6 Period of validity of passport and visa

Passport should have at least six months validity at the time of making application for grant of visa. It should have at least two blank pages for stamping by the Immigration Officer. The validity of all visas will commence from the date of issue of visa.

7 Application from non-residents

A foreigner can apply for any type of visa (including Employment/ Business Visa) from a country other than the country of his origin/ domicile. However, in such cases, visa will be granted only after consulting the Indian Mission concerned in the country of origin/ domicile of the foreigner.

8 Fee for visa

Fee for the grant of a visa will be charged in local currency in accordance with the instructions issued by the Ministry of External Affairs from time to time. Except in cases where a visa is cancelled, visa fee shall not be refunded. In cases where a visa has not been utilised within its validity period, the fee realised is not refundable.

9 Categories of visa

Main categories of visa being granted to a foreign national and sub-categories of visa are given in **Appendix-I**.

10 Activities permitted on a visa

Foreign nationals shall be required to strictly adhere to the purpose of visit declared while submitting the visa application. However, a foreign national (other than a Pakistani national) coming to India on any type of visa will be allowed to avail activities permitted under Tourist Visa.

11 For all visa related services within India like registration, extension of visa, exit permission etc., application is to be submitted online to the Foreigners Regional Registration Officer (FRRO)/ Foreigners Registration Officer (FRO) concerned. For this purpose, please visit <https://indianfrro.gov.in>

12 Conversion of e-visa/ Visa-on-Arrival/ Tourist Visa/ Employment Visa/ Business Visa/ Student Visa/ Research Visa to Entry visa

If a foreign national on e-visa/ Visa-on-Arrival/ Tourist Visa/ Employment Visa/ Business Visa/ Student Visa/ Research Visa marries an Indian national/ Person of Indian Origin/ OCI cardholder during the validity of his/her Visa, his/ her visa may be converted to Entry ['X-2'] Visa by FRRO/ FRO concerned.

13 Procedure to be adopted in case a foreigner on Tourist/ Employment/Business/ Student/ Research Visa falls ill after coming to India

If such a visa holder is suffering from a minor medical condition which does not require hospitalization and prolonged treatment, then he/ she will be allowed to take treatment. Further, in case of sudden illness which requires continuous treatment of less than 180 days or the stay stipulation period prescribed on the visa, the foreigner can take permission for treatment from

FRRO/ FRO concerned by submitting a medical certificate from a government / ICMR (Indian Council of Medical Research)/ NABH (National Accreditation Board for Hospitals & Healthcare Providers)/ MCI (Medical Council of India)/ CGHS (Central Government Health Scheme) recognized hospital. FRRO/ FRO concerned will issue a 'Medical Permit' without converting the Visa to a Medical Visa. Conversion to Medical Visa will be required only if the treatment exceeds 180 days or the stay stipulation period prescribed on the visa.

14 Conversion of visa of Person of Indian Origin to Entry Visa

e-visa/ Visa-on-Arrival/ Tourist Visa/ Employment Visa/ Business Visa/ Student Visa/ Research Visa of Persons of Indian Origin, who are otherwise entitled for Entry Visa, may be converted to Entry ['X-1'] Visa by FRRO/ FRO concerned.

15 Restriction on engaging in tabligh activities

Foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in tabligh work. There will be no restriction in visiting religious places and attending normal religious activities like attending religious discourses. However, preaching religious ideologies, making speeches in religious places, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, spreading conversion etc. will not be allowed.

16 Issue of short duration visa to foreign nationals already holding longer duration visa

In the event of a foreign national availing short duration visas such as Conference Visa, Transit visa, e-Visa and Visa-on-Arrival while already having a long duration visa for India like multiple entry Tourist/ Business/ Employment/ Student/ Research Visas, the long duration visas will not get cancelled. In such cases, the long duration visa will be kept on hold for the period of the short duration visa.

17 Dock Entry Permit to foreigners visiting the dock area in the seaports

Foreigners must take NOC (No Objection Certificate) from the FRRO/ FRO concerned at the respective seaport to enter the dock area as the port premise is a notified Prohibited Place. In such circumstances, the local shipping agents should make a request to the FRRO/ FRO concerned to issue "No Objection Certificate".. Such Dock Entry Permit will be issued by the Port authorities only on the basis of NOC from the FRRO/ FRO concerned.

18 Persons arriving from Yellow Fever (YF) endemic countries

Persons arriving from Yellow Fever (YF) endemic countries_(or if he/she has visited any Yellow Fever (YF) endemic country during past 6 days) will be required to possess a valid certificate of Yellow Fever vaccination from an authorized vaccination centre. The validity period of an international certificate of vaccination for yellow fever is lifelong beginning 10 days after vaccination.

At present, the following countries are regarded as yellow fever infected: -

AFRICA: Angola, Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo, Cote d' Ivoire, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Mali, Mauritiana, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Sudan, South Sudan, Togo, Uganda (30 countries).

AMERICA: Argentina, Bolivia, Brazil, Colombia, Ecuador, French Guyana, Guyana, Suriname, Trinidad (Trinidad only), Venezuela, Panama, Paraguay, Peru (13 countries).

19 Persons arriving from a country which is having public health risk

If a person is arriving from a country which is having public health risk with regard to any condition which has been declared as public health emergency of international concern (PHEIC) by WHO DG, then he/ she may be required to undergo medical screening or additional measures as decided by the Ministry of Health and Family Welfare.

20 Identity documents required for Indian Citizens travelling to Nepal

A citizen of India entering Nepal by land or air does not require a passport or visa for entry. However, while travelling by air between India and Nepal, he/she is required to be in possession of any of the following identity documents –

- (i) Valid National Passport; or
- (ii) Photo Identity card issued by the Government of India/State Govt./UT Administration in India to their employees or Election ID card issued by the Election Commission of India; or
- (iii) Emergency certificate issued by the Embassy of India, Kathmandu; or
- (iv) Identity Certificate issued by Embassy of India, Kathmandu.
- (v) Persons in the age group of above 65 yrs and below 15 years would be exempted from the requirement of approved identity documents mentioned at Sl.No.(i), (ii), (iii) or (iv). However, they must have some document with a photograph to confirm their age and identity such as PAN card, Driving licence, CGHS card, Ration card etc.
- (vi) Children between the age group of 15 to 18 years may be allowed to travel between India and Nepal on the strength of the Identity Certificate issued by the Principal of the School.
- (vii) In case of a family (family means husband, wife, minor children and parents) traveling together, the approved identification documents at sl.no.(i), (ii), (iii) or (iv) would not be insisted upon from all the family members if one of the adult members of the family has in his/ her possession any one of the prescribed identification documents at sl.no.(i), (ii), (iii) or (iv) above. The other family members must, however, have some proof of their identity with a photograph and their relationship as a family viz., CGHS Card, Ration Card, Driving license, ID card issued by School/College etc.

(True Copy)

Centre Blacklists 2,550 Foreign Tablighi Jamaat Members, Bans Entry for 10 Years

Many of these members came to India on a tourist visa but were engaged in missionary works, official said.

05/JUN/2020

New Delhi: Acting tough, the home ministry has blacklisted 2,550 Tablighi Jamaat members from nearly 40 countries who were staying in India during the nationwide coronavirus lockdown and indulging in missionary activities in violation of visa rules, officials said on Thursday.

These people would not be allowed to enter India for 10 years, they said.

This is perhaps for the first time that the government has blacklisted a large number of people in one stroke and banned their entry into India for such a long duration under the Foreigners Act.

The action has been taken by the home ministry after various state governments provided details of the foreigners who were found to be illegally living in mosques and religious seminaries across the country.

“The home ministry has blacklisted 2,550 foreign Tablighi Jamaat members and banned their entry into India for 10 years,” a home ministry official said.

Almost all of these foreign Tablighi Jamaat activists had come to India on a tourist visa but were engaged in missionary works, thus violating the visa conditions, the official said.

Action against the foreign Tablighi Jamaat members was first taken after over 2,300 people, including 250 foreigners, belonging to the Islamic organisation were found to be living at its headquarters located at Delhi's Nizamuddin soon after the nation-wide lockdown was announced in March. Several of these members had tested positive for coronavirus.

The lockdown from March 25 was announced by Prime Minister Narendra Modi to combat the coronavirus pandemic.

The Tablighi Jamaat members were blamed for the spread of coronavirus in more than 20 states and Union Territories with more than a thousand COVID-19 positive cases and over two dozen deaths traced to them.

Among blacklisted members were nationals from nearly 40 nations, including the US, the UK, France, Australia, Russia, China, Indonesia, Bangladesh, Myanmar, Sri Lanka, Kyrgyzstan, Malaysia, Thailand, Vietnam, Saudi Arabia, Algeria, the Democratic Republic of the Congo, Cote d'Ivoire, Djibouti, Egypt, Ethiopia, Fiji, Gambia, Iran, Jordan, Kazakhstan, Kenya, Madagascar, Mali, the Philippines, Qatar, Senegal, Sierra Leone, South Africa, Sudan, Sweden, Tanzania, Togo, Trinidad and Tobago, Tunisia and Ukraine.

The government has already decided not to issue a tourist visa to any foreigner who wishes to visit India and take part in Tablighi activities.

After finding of their illegal stay in India, cabinet secretary Rajiv Gauba had also told the states and UTs to take action against foreigners who have participated in the missionary activities of the Tablighi Jamaat, for violation of visa conditions.

In April, the home ministry had directed DGPs of all the states and UTs, and the Delhi Police Commissioner to take necessary legal action against all such violators, on priority, under relevant sections of the Foreigners Act, 1946 and Disaster Management Act, 2005.

Last week, the CBI has registered a preliminary enquiry (PE) against the organisers of Tablighi Jamaat for alleged dubious cash transactions and hiding of foreign donations from authorities.

The enquiry was registered on a complaint that the organisers of the Jamaat are indulging in dubious cash transactions through illegal and unfair means, the officials said.

The Delhi Police has also registered a case against the Tablighi Jamaat and its office bearers. The head of the organisation, Maulana Saad, is still to be apprehended by police.

(True Copy)

VAKALATNAMA
IN THE SUPREME COURT OF INDIA
CIVIL / CRIMINAL / APPELLATE / ORIGINAL JURISDICTION

T.P. / W.P. / Civil Appeal / Criminal Appeal No. _____ OF 2020

SPECIAL LEAVE PETITION (C / CRL. NO. _____ OF 201)

MAULANA ALA HADRAMI & OYS. Petitioner (s)
Appellant (s)

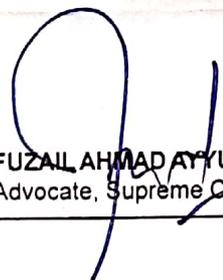
VERSUS
UNION OF INDIA & ANR. Respondent(s)

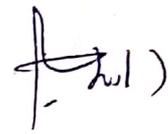
I/We Maulana Ala Hadrami

Petitioner(s) / Appellant(s) / Respondent(s) in the above Suit/Petition/Appeal do hereby appoint and retain **FUZAIL AHMAD AYYUBI**, Advocate of the Supreme Court of India to act and appear for me/us in the above Suit/Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) or with draw 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 above Suit/Petition/Appeal and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 7th day of June 2020

Accepted, Identified and Certified ~~POLTO JAMAL~~ ()
Identified by
Shad Munnir,
Adv.

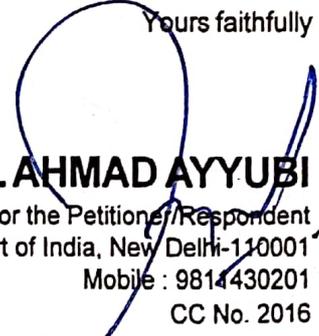

FUZAIL AHMAD AYYUBI
Advocate, Supreme Court

Identified by
Shad Munnir,
Adv.
M. MAULANA ALA HADRAMI - (
(Indonesia)
Petitioner(s)/Appellant(s)/Respondent(s) 

MEMO OF APPEARANCE

To,
The Registrar,
Supreme Court of India,
New Delhi

Sir,
Please enter my appearance for the above named Petitioner(s)/Appellant(s)/ Respondent(s) in the above matter.

Yours faithfully

FUZAIL AHMAD AYYUBI
Advocate for the Petitioner/Respondent
Supreme Court of India, New Delhi-110001
Mobile : 9814430201
CC No. 2016

Dated 12.06.2020

VAKALATNAMA
IN THE SUPREME COURT OF INDIA
CIVIL / CRIMINAL / APPELLATE / ORIGINAL JURISDICTION

T.P. / W.P. / Civil Appeal / Criminal Appeal No. _____ OF 2020

SPECIAL LEAVE PETITION (C / CRL. NO. _____ OF 2020)

MAULANA ALA HADRAMI & OR. Petitioner (s)
Appellant (s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)

1. Ma Haiming 2. Mohammed Janif &
3. Hasan

I/We

Petitioner(s) / Appellant(s) / Respondent(s) in the above Suit/Petition/Appeal do hereby appoint and retain **FUZAIL AHMAD AYYUBI**, Advocate of the Supreme Court of India to act and appear for me/us in the above Suit/Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) or with draw 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 above Suit/Petition/Appeal and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 7th day of JUNE 20

Accepted, Identified and Certified

2. MA HAIMING
(china) - (Signature)

FUZAIL AHMAD AYYUBI
Advocate, Supreme Court

Identified by
Abul Qadir
Adv.

3. MOHAMMED JANIF - (M. Janif)
(Fiji)

4. HASAN
(Jordan)

Petitioner(s)/Appellant(s)/Respondent(s)

MEMO OF APPEARANCE

To,

The Registrar,
Supreme Court of India,
New Delhi

Sir,

Please enter my appearance for the above named Petitioner(s)/Appellant(s)/ Respondent(s) in the above matter.

Yours faithfully

FUZAIL AHMAD AYYUBI

Advocate for the Petitioner/Respondent
Supreme Court of India, New Delhi-110001
Mobile : 9811430201

CC No. 2016

Dated 12.06.2020

VAKALATNAMA
IN THE SUPREME COURT OF INDIA
CIVIL / CRIMINAL / APPELLATE / ORIGINAL JURISDICTION

T.P. / W.P. / Civil Appeal / Criminal Appeal No. _____ OF 2020

SPECIAL LEAVE PETITION (C / CRL. NO. _____ OF 2020)

MAULANA ALA HADRAMI & OR. Petitioner (s)
Appellant (s)

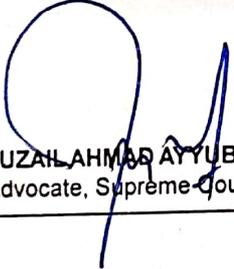
VERSUS

UNION OF INDIA & ANV. Respondent(s)
I. ELHAJ MUKHTAR - 2, ABDULLAH RAMADAN.

I/We _____
Petitioner(s) / Appellant(s) / Respondent(s) in the above Suit/Petition/Appeal do hereby appoint and retain **FUZAIL AHMAD AYYUBI**, Advocate of the Supreme Court of India to act and appear for me/us in the above Suit/Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) or with draw 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 above Suit/Petition/Appeal and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 7th day of JUNE 20

Accepted, Identified and Certified


FUZAIL AHMAD AYYUBI
Advocate, Supreme Court

*Identified by
I. Elhaj Mukhtar
for v.*

S. ELHAJ MUKHTAR - ()
(Sudan)

G. ABDULLAH RAMADAN - ()
(Tanzania)
Petitioner(s)/Appellant(s)/Respondent(s)

MEMO OF APPEARANCE

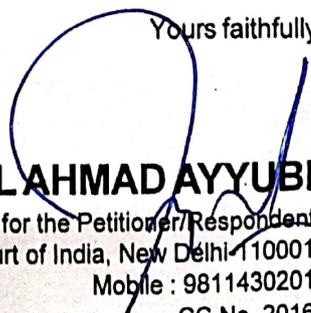
To,

The Registrar,
Supreme Court of India,
New Delhi

Sir,

Please enter my appearance for the above named Petitioner(s)/Appellant(s)/Respondent(s) in the above matter.

Yours faithfully


FUZAIL AHMAD AYYUBI
Advocate for the Petitioner/Respondent
Supreme Court of India, New Delhi-110001
Mobile : 9811430201
CC No. 2016

Dated 12.06.2020

VAKALATNAMA
IN THE SUPREME COURT OF INDIA
CIVIL / CRIMINAL / APPELLATE / ORIGINAL JURISDICTION

T.P. / W.P. / Civil Appeal / Criminal Appeal No. _____ OF 2020

SPECIAL LEAVE PETITION (C / CRL. NO. _____ OF 2020)

MAULANA ALA HADRAMI & OR. Petitioner (s)
Appellant (s)

VERSUS

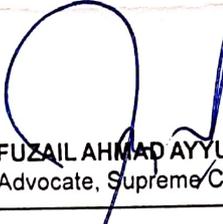
UNION OF INDIA & ANV. Respondent(s)
1. THI HA KYAW SWAR 2. SHEIKH SAGHEER ALAM
3. NAZARDEEN

I/We Petitioner(s) / Appellant(s) / Respondent(s) in the above Suit/Petition/Appeal do hereby appoint and retain FUZAIL AHMAD AYYUBI, Advocate of the Supreme Court of India to act and appear for me/us in the above Suit/Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) or with draw 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 above Suit/Petition/Appeal and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 7th day of June 20

Accepted, Identified and Certified

7. THI HA KYAW SWAR - ()
(Myanmar)


FUZAIL AHMAD AYYUBI
Advocate, Supreme Court

Accepted by
Globel Mustafa

8. SHEIKH SAGHEER ALAM - ()
(Nepal)
9. NAZARDEEN - (M.S NAZARDEEN)
(Sri Lanka)
Petitioner(s)/Appellant(s)/Respondent(s)

MEMO OF APPEARANCE

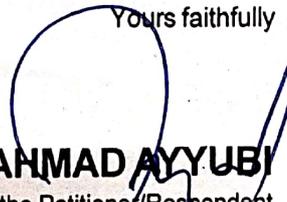
To,

The Registrar,
Supreme Court of India,
New Delhi

Sir,

Please enter my appearance for the above named Petitioner(s)/Appellant(s)/Respondent(s) in the above matter.

Yours faithfully


FUZAIL AHMAD AYYUBI
Advocate for the Petitioner/Respondent
Supreme Court of India, New Delhi-110001
Mobile : 9811430201
CC No. 2016

Dated 12.06.2020