

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

SUO MOTO

For Petitioner(s) : Mr. Kamal Joshi

Mr. Sajjan Singh

For Respondent(s) : Mr. K.L.Thakur, AAG

Mr. Vipul Singhvi for UOI



HON'BLE MR. JUSTICE GOVIND MATHUR

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

17/08/2017

The traces of the tragedy of partition in Indian subcontinent much back in the year 1947 are yet visible with deep injuries in our society and one example of that is the desire of the persons belonging to minorities in Pakistan as well as Bangladesh to have shelter in India being discriminated for socio-economic and political reasons.

A huge number of migrants from Pakistan are settled in different parts of the country including the western border. As a matter of fact, from the eastern part of the Pakistan, Pakistan nationals are migrating to India in big number. It is a fact well known that thousands of such persons are having camps in the Districts of Barmer,

Jaisalmer, Bikaner, Ganganagar and Jodhpur in the State of Rajasthan. Such migrants made several requests to the Government of India to award them Indian citizenship and the Government of India too acted upon time to time and issued several notifications/circulars to grant citizenship to such persons. In spite of the efforts made by the



Government several people are yet residing in India without having Indian citizenship. Such people are in India being said to be persecuted in Pakistan. Being not Indian citizen the Government on several occasions considered it appropriate to deport them to their native country, but the predicament is that such persons, though facing enormous difficulties, for no fault on their part are not getting any peaceful space to have dignified life, a minimum requirement for human being.

Shri Kamal Joshi, Advocate, has brought into our notice a news item appeared in "Dainik Bhaskar", Jodhpur Edition dated 17th August, 2017. As per the news item the District Administration of Jodhpur is taking coercive steps to deport the Pakistan nationals without examining their entitlement to have citizenship of India as per different decisions taken by the Government of India time to time including the notification dated 7.9.2015, issued while invoking powers conferred by Section 3 of the Passport (Entry into India) Act, 1920. It is also brought to our notice that in city of Jodhpur about 22000 Pakistan nationals are

having eligibility to have Indian citizenship, but the issue in that regard has still not been addressed due to inaction on part of administration.

Looking to the facts stated at Bar, we deem it appropriate to take cognizance of the facts stated in news item referred above. The news item, as appeared in the news paper, is taken on record and the office is directed to register a petition for writ in public interest. Shri Kamal Joshi and Shri Sajjan Singh, Advocates, are appointed as Amicus Curiae to assist the Court in the matter. Under instructions of the Court Shri Kanti Lal Thakur, learned Additional Advocate General accepts notice on behalf of the State of Rajasthan and Shri Vipul Singhvi on behalf of Union of India. Learned Amicus Curiae voluntarily submit that they shall file a complete statement of facts just to enable the Court and the respondents about plight and predicaments of the subjects in issue.



Put up on 24th August, 2017.

(VINIT KUMAR MATHUR) J.

(GOVIND MATHUR) J.

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