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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 12416/2021 & CM APPLs. 39039/2021, 54355/2022  
VASANT VIHAR WELFARE ASSOCIATION & ANR.

..... Petitioners

Through: Mr. Hrishikesh Baruah, Mr. Shahrukh Ejaz, Mr. Kumar Kshitij, Mr. Anurag Mishra, Ms. Radhika Gupta, Ms. Saumitra Shrivastava and Ms. Harnek Kaur, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ajay Digpaul, CGSC with Mr. Kamal Digpaul, Ms. Swati Kwatra and Ms. Ishita Pathak, Advs. for R-1 and 2.  
Ms. Anuka Bachawat, Adv. for Ms. Nandita Rao, ASC (Criminal) for State of Delhi GNCTD.  
Ms. Puja Kalra, Standing Counsel for MCD/R-5.  
Ms. Aarushi Behl, Adv. on behalf of Ms. Sangeeta Bharti, standing counsel for DJB.  
Insp. Sandeep Kumar, PS Vasant Vihar.

**CORAM:**  
**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**  
**18.09.2023**

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1. The Petitioner/Vasant Vihar Welfare Association has approached this Court for issuance of a writ of mandamus directing the Respondents to take

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note of the persons, who claim to be the refugees/asylum seekers, gathering outside the office of the United Nations High Commissioner of Refugees (UNHCR) at Block-B, Vasant Vihar, New Delhi, including lanes and parks adjoining the said building and to remove them from the locality by settling them in appropriate dwellings or camps. It is also stated that on several occasions, the persons, who claim to be the refugees/asylum seekers, turn violent and indulge in stone pelting which has damaged the nearby houses.

2. Notice was issued in the writ petition on 29.10.2021, and *vide* Order dated 04.01.2023, the Delhi Police was directed to file a status report in respect to the situation around the area in front of the office of the United Nations High Commissioner of Refugees (UNHCR). In terms of the said Order dated 04.01.2023, a status report was filed by the SHO of PS: Vasant Vihar. The relevant portion of the status report reads as under:

*“1. It is humbly submitted that since last 04 months total 06 foreign nationals had gathered and started living just in front of United Nations High Commissioner of Refugees (UNHCR) Office situated at B-2/16, Vasant Vihar, New Delhi and holding protest. The above Refugee were demanding resettlement to a third country by reopening their closed cases, issuing support letter and financial assistance to cover their essential services from UNHCR. The above Refugees were protesting just outside the office of UNHCR. The petitioner had claimed that the above continuous gathering and encroachment by the above refugee protester has been causing continuous nuisance to the residents and posing threats to the health, sanitation and peace of the local residents of locality.*

*2. The UNHCR officials met the above 06 refugees and provided necessary assistance and now 03 refugees had left the above place. Only 03 refugees are*



*protesting at above place.*

*3. To maintain the law and order, round the clock Rajasthan Armed Constabulary staff along with private Security Guards are deployed at the above place. It is ensured that, the above Refugees wear mask and maintain social distance and the other Covid 19 protocol of the government.*

*4. It is submitted that no prior permission of Delhi Police has been sought by the above refugees.*

*5. It is submitted that Respondent No 3 as in duty bound, shall abide by any orders or directions of this Hon'ble Court in this regard.”*

3. The aforesaid status report indicates that efforts are being taken by the Local Police Station to remove persons who claim to be the refugees/asylum seekers and are occupying the land and by-lanes in the colony.

4. This Court on 09.02.2023 had directed the Joint Secretary dealing with the UNHCR on a regular basis in the Ministry of External Affairs to hold a meeting with all the concerned officials and arrived at a solution. A status report was filed by the Ministry of External affairs. In the status report, it is stated that on 28.03.2023, a meeting was called by the Ministry of External Affairs with the officials of the Ministry of Home Affairs, Delhi Police, Govt. of NCT of Delhi, Municipal Corporation of Delhi (MCD) and Delhi Jal Board and the outcome of the said meeting reads as under:

*“(i). The UNHCR as an agency of the United Nations has the protection of the United Nations (Privileges & Immunities) Act 1947. (The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search,*



*requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, Judicial or legislative action).*

*(ii). The disturbance caused by the demonstrators and squatters appears to be a law and order problem and not a matter of privilege or immunity related to UNHCR. UNHCR appears to be functioning in accordance with UN Act and not violating any rules/laws. It would need to be examined if this problem was caused by UNHCR.*

*(iii). Delhi Police informed that the main reason that the demonstrators and squatters come to Vasant Vihar is because the top brass of the UNHCR sits in the Vasant Vihar office.*

*(iv). Delhi Police has been taking prompt action whenever a complaint is received. Demonstrators and squatters are immediately removed and charged under applicable laws.*

*(v). MCD stated that MCD bye-laws do not allow offices or commercial establishments to function in residential area. However, in practice this is difficult to implement because property owners in Vasant Vihar rent their premises to Embassies / Foreign Missions, several of which are operating in Vasant Vihar residential area.*

*(vi). Officials from MHA informed that these so called 'refugees' are illegal immigrants in India. They have no legal status and the Indian govt. does not provide them any status and/or protection under Indian laws.*

*(vii). MHA is actively verifying the antecedents of these illegal immigrants and processing their deportation. However the process takes time.*



(viii). MHA proposed that illegal immigrants can be directed to protest at an area earmarked for such a purpose like a designated area at Lantar Mantar has been designated by the Hon'ble Courts for carrying out protests and demonstrations.

(ix). UNES Division, MEA agreed to hold a meeting with UNHCR on the issue and report back.”

5. The aforesaid status report also states that a further meeting was convened on 05.04.2023 and in that meeting, it was decided to take the following steps to address the issue which read as under:

(i) The fall of Afghanistan to the Taliban resulted in a month-long protest by the Afghan community in front of UNHCR office in August 2021. Many Afghans already in India had sur place refugee claims, were concerned about their families back home and could no longer rely on remittances from Afghanistan. They demanded UNHCR for 3<sup>rd</sup> country relocation.

(ii) The Vasant Vihar Residence Welfare Association (RWA) filed the present petition against the Government of India due to frequent sit-in/protests by refugees outside the UNHCR office. This was following the large protest by the Afghans and other almost daily public disturbances in front of UNHCR.

(iii) Since these events, UNHCR has progressively made some concrete actions to preserve peace and quiet nature of the neighbourhood in coordination with the relevant stakeholders such as the Vasant Vihar Police Station and the RWA. These include the following:

(a) In September 2021, UNHCR established a Toll Free 24x7 Call Centre so that refugees and asylum



*seekers have direct contact with UNHCR and can get their queries addressed immediately. Refugees and asylum seekers with specific queries on their case are no longer required to travel to UNHCR office to get information.*

*(b) UNHCR has increased the number of guards from 6 to 9 including 3 female guards during the daytime to improve handling of people approaching its Office. This is in addition to the 2 Rajasthan Armed Police (RAC) stationed 24x7. With their support UNHCR was able to ensure timely dispersal of refugees and asylum seekers creating any security incidents or public disturbances.*

*(c) The UNHCR Field Unit was also established to increase UNHCR field presence across the States. The field team reached refugee communities outside New Delhi and limited the need for refugees to travel to New Delhi. The field team also monitors the activities of NGO partners across 11 States. It also engages with 269 community-based structures regularly on various thematic issues through protection monitoring visits and meets community representatives every month.*

*(d) UNHCR remains in regular touch with all community representatives through WhatsApp groups. UNHCR has strengthened the two-way communication with refugees and asylum seekers through multiple communication channels including emails, complaint/feedback boxes in NGO partner offices.*

*(e) The UNHCR Chief of Mission holds 2 community townhalls every year in which he meets with leadership or representatives of all countries of origin and addresses their concerns. The townhall meetings are always held at NGO premises to limit crowds at Vasant Vihar and allow UNHCR to pick up outstanding issues*



*with communities and deal with them immediately. In addition, UNHCR staff have monthly meetings with varied refugee communities.*

*(f) In reinforcing COVID-19 re-opening efforts, since May 2022 UNHCR transferred all public dealings with refugees and asylum seekers from Vasant Vihar to its Registration Centre in Vikaspuri. This decision has significantly reduced the number of people approaching Vasant Vihar for general queries and assistance. UNHCR also reinforced the infrastructure and security in Vikaspuri to handle the extra requirements.*

*(g) Since September 2022, UNHCR further increased the number of in-person processing in Vikaspuri for registration, refugee status determination (RSD) and resettlement (RST) which saw further improvements in the security situation.*

*(h) UNHCR had further informed that due to all the above measures the number of squatters in front of UNHCR India Vasant Vihar office has reduced from over a thousand in August 2021 to 2-4 individuals presently.*

*(iv) During the meeting, MEA encouraged UNHCR India to give wider publicity to the measures being adopted by it, especially regarding the designated place, time etc. for the meetings, in order to better address the grievances of the protesting persons.”*

6. The matter was then listed on 25.04.2023. On 25.04.2023, this Court perused the status report filed by the Ministry of External affairs and the following Order was passed by this Court:

*1. This hearing has been done through hybrid mode.*



2. Status report on behalf of the Respondent No.2 - Ministry of External Affairs has been handed over by Mr. Ajay Digpaul, Id. CGSC.

3. It is submitted on behalf of the Petitioners, that the proposal of the Ministry of Home Affairs, Union of India ('MHA') that illegal immigrants shall be directed to the earmarked areas for protest and demonstration, if accepted, would satisfy the Petitioners.

4. Let Id. Counsel for the Delhi Police take instructions on the same. Let the status report be brought on record.

5. List on 18th September, 2023.

7. It is stated that apropos the aforesaid Order dated 25.04.2023, the Delhi Police has filed the status report dated 15.09.2023 which is not on record. However, a physical copy of the same has been handed over in Court today which reads as under:

**“STATUS REPORT**

*Hon'ble Sir,*

*Most respectfully, showeth that:*

1. In the residential area of Vasant Vihar, one office of United Nations High Commissioner for Refugees (UNHCR) is operational on rent at B-2/16, Vasant Vihar. A Registration Office of the UNHCR is also operational at C-543A, Vikas Puri, Delhi.

2. Refugees and asylum seekers from different part of the world used to visit the office of the UNHCR for their resettlement, issuing support letter and financial assistance to cover their essential services from





*UNHCR and also to get issued their Refugee status card.*

*3. Sometimes, when action on their demands/applications are not taken at Vikas Puri office of the UNHCR, they used to come at Vasant Vihar office as top brass of the UNHCR officiates from the Vasant Vihar office where the refugees, sometimes, start raising slogans outside the office building. Sometimes, when they have no accommodation, they used to sit and sleep beside the street outside the UNHCR office building.*

*4. As UNHCR deals with the Refugees and Asylum seekers presently residing in India, it is a routine process that refugees from the different parts of the world visit it's office on a regular basis for their needs and demands.*

*5. That vide order dated 09.02.2023, the Hon'ble court pleased to direct the concerned Joint Secretary dealing with the UNHCR on a regular basis in the Ministry of External Affairs to hold a meeting with all the concerned officials and further directed that the said official may even interact with the UNHCR representatives and suggest a solution to the issue which has been raised in this petition.*

*6. That in compliance of the directions issued by the Hon'ble Court, Sh. Ansuman Gaur, Joint Secretary (Chief of Protocol), Ministry of External Affairs (MEA), convened a meeting of all the departments concerned viz. UNES and L&T division of MEA, Ministry of Home Affairs (MHA), Delhi Police, Municipal Corporation of Delhi, (MCD) and Delhi Jal Board on 28.03.2023.*

*7. In the meeting, it was proposed by MHA that the*



*'refugees' can be directed to protest at an area earmarked for such purpose like a designated area at Jantar Mantar has been designated by the Hon'ble Courts for carrying out protest and demonstrations.*

*8. It is further submitted that as proposed by MHA in the meeting dated 28.03.2023, as and when protest/demonstration like situation arises, the protestors/demonstrators will be directed from Vasant Vihar to Jantar Mantar which is a designated place for demonstrations. Suitable legal action will also be taken to maintain law and order.*

*9. At present, no permanent refugee is present in front of the office of UNHCR and the road outside the UNHCR building is clear. There is no squatting and dwelling of refugees and asylum seekers outside the UNHCR building. No any temporary structure like tent is there. Photographs attached at Annexure- 'A'*

*10. However, the undersigned is abided by the directions, if any, passed by the Hon'ble Court."*

8. The aforesaid status report answers the issues raised by the Petitioners insofar as the protest staged by the persons who claims to be the refugees/asylum seekers are concerned.

9. The Delhi Police is directed to take steps in accordance with law as and when the persons who claim to be the refugees/asylum seekers occupy the places in and around the building of United Nations High Commissioner of Refugees (UNHCR) to ensure that the people residing in the locality do not suffer inconvenience.

10. In view of the above, the writ petition is disposed of, along with pending application(s), if any.



11. Liberty is granted to the Petitioner to approach this Court again in case need so arises in future.

**SUBRAMONIUM PRASAD, J**

**SEPTEMBER 18, 2023**

*S. Zakir*