

News

Following the Pahalgam incident, the Jammu and Kashmir High Court ordered the Center to repatriate a lady who was deported to Pakistan.



The woman is currently stranded in a motel in Lahore after spending the last 38 years in Jammu with her spouse and two kids.

The Union government was recently ordered by the Jammu & Kashmir and Ladakh High Court to repatriate a woman who had been deported to Pakistan [**Rakshanda Rashid th. Falak Zahoor vs Union of India & Others**].

Following the terror assault in Pahalgam in April, the Union government ordered Pakistani nationals to leave India and suspended visa services for them. The authorities deported a number of Pakistani people after the deadline expired on April 27.

India deported Rakshanda Rashid among others. She and her husband and two kids have reportedly lived in Jammu for the past 38 years, and she is currently stranded in a hotel in Lahore, according to media sources.

In April, she appealed her deportation to the High Court. On April 30, the day her case was scheduled for its initial hearing, she was deported.

Justice Rahul Bharti highlighted in the June 6 ruling her husband's argument that she has no family in Pakistan and has numerous illnesses that put her life in danger every day.

The Court noted that occasionally a constitutional court must step in for humanitarian reasons, even though it had not yet heard Rashid's case on its merits.

"Human rights are the most sacrosanct component of a human life and, therefore, there are occasions when a constitutional court is supposed to come up with SOS like indulgence notwithstanding the merits and demerits of a case which can be adjudicated only upon in due course of time and therefore, this Court is coming up with a direction to the Ministry of Home Affairs, Government of India to bring back the petitioner from her deportation," it stated.

She was residing in India on a Long Term Visa (LTV), which the Court also considered. It stated that her deportation might not have been justified by her LTV status in and of itself.

However, it also stated that she was ejected from India without a thorough investigation of her case or a valid deportation order. As a result, the Ministry of Home Affairs was ordered by the Court to return her from Pakistan.

"Given the exceptional nature of facts and circumstances of the case whereby the petitioner-Rakshanda Rashid wife of Sheikh Zahoor Ahmed has been purportedly deported to Pakistan in the recent drive undertaken by the Government of India post Pahalgam carnage, this Court is constrained to direct the Secretary, Ministry of Home Affairs, Government of India to retrieve the petitioner back to J&K, India so as to facilitate the reunion of the petitioner with her husband-Sheikh Zahoor Ahmed in Jammu," the court ruled.

Within ten days, the June 6th order should be put into effect. On July 1, the case is scheduled to submit a compliance report.

The petitioner was represented by advocate Himani Khajuria.

Vishal Sharma, India's Deputy Solicitor General, represented the Union of India.

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