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**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

WP(C) No. 6652 of 2022

The Kerala High Court Advocates
Association & others : Petitioner

Vs.

Union of India and others : Respondents

**STATEMENT FILED BY ASSISTANT SOLICITOR
GENERAL OF INDIA ON BEHALF OF THE
RESPONDENTS No. 1 & 3**

1. It is humbly submitted that this statement is prepared on the basis of instructions received from the 1st respondent. This Statement is being filed without prejudice to the right of the respondent No.3 to file a detailed counter affidavit in the matter.

2. It is submitted that the above Writ Petition is filed inter alia seeking for a direction to the respondents to take all earnest efforts to facilitate the repatriation of students from Kerala stranded in Ukraine to return safely to India as expeditiously as possible.

3. The petitioners are the Kerala High Court Advocate's Association and the parents of a student who is studying in 2nd year MBBS at VN Karazin National University in Kharkiv, Ukraine.

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4. It is stated in the writ petition that the student had taken tickets for flight on 24 February 2022, but due to bomb explosion at the airport, the 2nd and 3rd Petitioner have not been able to make any contact with their daughter. In this regard it is submitted that the flight on 24 February had to return midway as hostilities between Russia and Ukraine broke out and consequently the Ukrainian skies were closed.

5. In reply to the contentions in the writ petition that more than 40 students from Kerala have been stranded in Kyiv and 150 other Indian students are stranded, it is submitted that advisories were initially issued by the Indian Embassy on 15th and 20th of February, 2022 asking Indians to temporarily leave Kyiv. On 28th February, in view of the increasing insecurity in the capital Kyiv, out of 1400-1500 Indian nationals remaining, around 1200-1300 nationals were facilitated by the Indian Embassy in Kyiv to leave the capital by available trains and other means for relatively safer destinations in western parts of Ukraine. On 1st March, another Advisory was issued by the Indian Embassy in Kyiv for the remaining Indian nationals to leave Kyiv immediately and as a result, almost all the Indian nationals left Kyiv.

6. It is stated by the petitioners that the reality of the situation is that the children must bear the cost and risk of travelling in a warzone. It is also stated in the writ petition that Indians are faced with mass discrimination

and torture by Ukrainian Army and border petrol and also they are made to wait in extreme cold weather and one of the main reason is lack of presence of representatives of Indian Embassy. In reply to the above contentions it is respectfully submitted that more than half a million Ukrainians and other foreign expatriates fled westward from conflict zones to land borders of neighbouring countries. This extraordinary exodus of lakhs clogged land borders exits. A number of Indians were also therefore stranded and initially inconvenienced on the land borders, particularly the land border with Poland, where lakhs had begun gathering from 25th of February. The reports of difficulties at the borders faced by some of our students, including insensitivity by border guards may be seen in context of the situation in a war zone, and is also attributed to the overwhelming numbers, breakdown of systems and extreme weather conditions. Anticipating the evacuation through neighbouring countries on the west of Ukraine, the Ministry of External Affairs teams, some led by the Ambassadors were positioned at the Polish, Romanian and Hungary side of the land borders with Poland, Romania, Hungary, Slovak Republic and Moldova since 25th February to receive and pro-actively arrange the onward evacuation from their respective neighbouring countries.

7. The contentions of the petitioners in para 8 of the writ petition are incorrect and denied. In reply to the

same, it is submitted that the Embassy in Kyiv and the Ministry of External Affairs has been pro-actively guiding and taking all necessary steps for evacuation of Indian nationals from Ukraine. This included issuance of advisories from time to time as per the evolving situation in Ukraine, deployment of MEA teams at the borders with neighbouring countries, setting up of 24x7 helplines at both the Ministry and in the Embassy in Kyiv and the neighbouring Missions. The Ministry of External Affairs has been issuing advisories since 15th February to the Indian nationals to leave Ukraine temporarily. Thereafter, the evacuation of the Indian nationals was started with "Operation Ganga". As on 1st March, 15 evacuation flights have already been operated and 26 flights have been planned over 1st to 3rd March that will evacuate about 5500 more Indian nationals.

8. It is submitted that our Embassies in the neighbouring countries i.e. Romania, Hungary, Slovakia and Poland are receiving the Indian evacuees, providing food, water and shelter to the extent possible, and also making arrangements for Indian rescue flights to take our nationals home. The respondents 1 and 3 are utilising Indian Community Welfare Fund (ICWF) for evacuation purpose and the evacuees are not paying flight charge for their repatriation to India.

9. It is respectfully submitted that around 20,000 Indian nationals were in Ukraine and most of them are

pursuing studies in medicine. The Embassy of India in Kyiv has issued 13 Advisories starting from 15th February to the Indian Nationals on the basis of updated information. Similarly, Embassy of India in Warsaw has also issued 6 advisories with a view to guide the Indian nationals for crossing the border from Ukraine to Poland. During 16th to 23rd of February, around 4,000 Indian nationals returned to India by utilizing commercial flights.

10. The government of India has started "Operation Ganga" under which the Indian nationals are being evacuated from Ukraine's neighbouring countries of Romania, Hungary and Poland. This operation is completely at government cost. Besides, government is also providing, at its cost, transportation as well as food, water and shelter to the Indian nationals who have crossed the Ukrainian border till they reach Indian soil. Under "Operation Ganga", more than 2,000 Indian nationals have been brought back to India from Ukraine's neighbouring countries (Romania and Hungary). Around 6,000 Indian nationals have already crossed the borders of Ukraine and are presently in the neighbouring countries of Romania, Poland, Hungary, Slovakia and Moldova. These Indian nationals are being taken care of by the Government of India, at its cost, till they reach India under "Operation Ganga". An estimated 7000 to 8000 Indian nationals remain in Ukraine, mainly in the east of the

country, for which efforts are being made by the government to bring them back as soon as possible.

11. The Embassy of India in Kyiv arranged place on the trains for Indian nationals after taking up the matter with the local authorities. This helped in moving out most of the Indian nationals out of Kyiv to the relatively safer western borders of Ukraine from where they will cross the borders with the neighbouring countries and then will be brought back to India by the "Operation Ganga" flights. Out of the estimated 20,000 Indian nationals in Ukraine, 60% (30% reached India and 30% in neighbouring countries) have already crossed the Ukrainian borders and are safe. Government is also taking necessary measures to evacuate the remaining 40% of the Indian nationals by utilizing all its means.

12. It is respectfully submitted that the Hon'ble Prime Minister has spoken to leaders of Russia, Ukraine, Romania, Slovak Republic and Poland regarding safety and facilitation of evacuation of Indian nationals from Ukraine. The Union Minister for External Affairs has also spoken to Foreign Ministers of Russia, Ukraine, Romania, Poland, Hungary, Slovak Republic and Moldova. In addition to the Passenger flights, Indian Air Force Flights are also being sent to these countries including 2 flights to Romania and 1 flight each to Poland and Hungary on 2nd March for evacuation. More IAF flights would also be sent in coming days. Officers from the Ministry have already been

positioned at the border check posts of Romania, Poland, Hungary, Slovakia and Moldova, bordering Ukraine. These officers are working in close cooperation with the border authorities of Ukraine and the neighbouring countries in facilitation of crossing of the Indian citizens.

13. The situation in Kharkiv is volatile and under heavy shelling. It is advisable for our students to stay put wherever they are for their physical safety. As and when the situation improves, the students in Kharkiv will be evacuated on priority in a suitable manner. Our Mission in Kyiv is in touch with most of the students and has been trying to make available provisions where possible. The Mission has also requested the Ukrainian authorities for ensuring their safety and security. The Ministry of External Affairs has also taken up with the Ukrainian Embassy in New Delhi regarding the need to ensure safety and security of Indian nationals in Ukraine.

14. Government of India is in touch with the students and their families through 24x7 Control Rooms set up in the Ministry as well as helplines established by our Embassies in Kyiv and in neighbouring countries of Poland, Romania, Slovak Republic and Romania. The crossing over of students to these neighbouring countries is being facilitated through the neighbouring countries for eventual repatriation through "Operation Ganga" .

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15. Government of India is taking all necessary measures for repatriation of the Indians in general and students in particular.

In the light of the above it is most humbly prayed that this Hon'ble Court may be pleased to dismiss the writ petition as unnecessary and devoid of merit.

Dated this the day of 2nd March, 2022