

ITEM NO.301 COURT NO.10 SECTION PIL

(Part-heard)

S U P R E M E C O U R T O F I N D I A

R E C O R D O F P R O C E E D I N G S

W R I T P E T I T I O N (C I V I L) N O . 2 7 4 O F 2 0 0 9

ASSAM PUBLIC WORKS Petitioner(s)

V E R S U S

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions, intervention and impleadment and office report)

W I T H

W.P(C) NO. 562 of 2012

(With application for intervention, stay and impleadment as party respondent and office report)

Date:03/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE

HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Arvind Kumar Sharma,Adv.

(in WP 274/09) Mr. Harvinder Singh Besoya,Adv.

(in WP 562/12) Mr. Manish Goswami,Adv.

For M/S. Map & Co.,Advs.

For Respondent(s) Mr. Jaideep Gupta,Sr.Adv.

For R-2 Ms. Krishna Sarma,Adv.

Mr. Avijit Roy,Adv.

Mr. Navnit Kumar,Adv.

For M/S. Corporate Law Group,Advs.

For Union of India Mr. Rakesh Khanna,ASG

(in WP(C) 274/09) Mr. Jitendra Mohapatra,Adv.

Mr. S. Nand Kumar,Adv.

Mr. Shiv Mangal Sharma,Adv.

Mr. Shreekant N. Terdal,Adv.

For ECI Ms. Meenakshi Arora,Sr.Adv.

Mr. Mohit D. Ram,Adv.

Mr. Vasav Anantharaman,Adv.

I.A. No.6 in Mr. Fakhruddin,Sr.Adv.

WP(C) 274/09 & Mr. Gulfeshan Javed,Adv.

I.A. No.5 in Mr. Abdul Qadir,Adv.

WP(C) 562/12 Mr. Mustafa Khaddam Hussain,Adv.

Mr. Ali Md. Naaz,Adv.

Mr. Fuzail Ahmad Ayyubi,Adv.

In WP(C) 274/09 Mr. Syed Ali Ahmad,Adv.

Mr. Syed Tanweer Ahmad,Adv.

Mr. S.S. Bandyopadhyay,Adv.

Mr. Pravin Kumar,Adv.

Mr. Mohd. Shah Nawaz Hasan,Adv.

Mr. Mohan Pandey,Adv.

For R-6 in Mr. Prateek Jalan,Adv.

WP(C) 274/09 Ms. Malvika Trivedi,Adv.

Mr. Anurag Misra,Adv.

Mr. T. Mahipal,Adv.

State of Orissa Mr. Shibashish Misra,Adv.

(in WP(C) 274/09) Mr. Sovinay Dash,Adv.

In I.A. No.5 in Mr. Syed Mehdi Imam,Adv.

WP(C) 274/09 Mr. Mohd. Parvez Dabas,Adv.

Mr. Milan Laskar,Adv.

For State of Mr. Ranjan Mukherjee,Adv.

Meghalaya Mr. S.C. Ghosh,Adv.

Mr. S. Bhowmick,Adv.

Mr. R.P. Yadav,Adv.

Mr. Shakeel Ahmed Syed,Adv.

Mr. Milan Laskar,Adv.

Mr. P. Dabar,Adv.

In IA No.3/13 Mr. Shyam Divan,Sr.Adv.

Mr. Somiran Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

WP(C) No.274/2009:

Pursuant to our order dated 25.10.2013, necessary steps have been taken by the Government of India, and an affidavit verified on 3.2.2014, has been filed by one Ajay Kanoujia, who is working as Deputy Secretary, Ministry of Home Affairs, North East Division, Government of India. This affidavit records in paragraph 2 thereof that an amount of Rs.25 crores has been released to the Government of Assam on 31.10.2013 for initial work of NRC updation. This is in

compliance with paragraph 1 of the aforesaid order dated 25.10.2013 passed by this Court.

2. Paragraph 3 of the affidavit states that a notification dated 28th January, 2014 has been issued appointing Shri Prateek Hajela as Director of Census Operations, Assam, who is going to be a representative of the Registrar General of Citizens Registration in Assam. This is also in compliance with paragraph 1 of the above referred order dated 25.10.2013.

3. Paragraph 4 of this affidavit states that the notification for starting the work of updation of NRC 1951 has been issued on 5.12.2013 in consultation with the Ministry of Law and Justice, and a copy the notification dated 5.12.2013 published on 6.12.2013, has been enclosed with the affidavit. This notification states that in accordance with Rule 4A(3) of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, the period and duration of the enumeration is being notified in this notification. The notification further states that the enumeration in respect of the State of Assam shall take place from the date of publication of this notification i.e. 6.12.2013 and shall be completed within a period of three years. This step is in compliance with paragraph 2 of our order dated 25.10.2013.

4. In paragraph 5 of this affidavit it is stated that the Expenditure Finance Committee in its meeting held on 16th January, 2014 has recommended the scheme of Updation of NRC of 1951 in Assam and the proposal is forwarded for approval of the Competent Authority.

Mr. Rakesh Khanna, learned Additional Solicitor General states that the competent authority consists of the Home Minister and Finance Minister, and approximately an amount of Rs.288 crores, as mutually agreed between the Central Government and the State of Assam, is expected for this work and it shall be released from stage to stage as required.

5. In view of this affidavit and the statement made by the learned Additional Solicitor General on behalf of the Central Government, we asked Mr. Jaideep Gupta, learned senior counsel appearing for the State of Assam with respect to the further steps. He states that according to the State of Assam, whatever steps are taken by the Central Government are on the expected lines. He further stated that now following subsequent steps are being taken in compliance of the aforesaid order:

(i) Verification and Digitalization of the 1951 NRC and the Electoral Rolls up to 1971;

(ii) Selection of appropriate officers for this work;

(iii) Finding out appropriate office accommodation at different places in the various districts of Assam for executing this work;

(iv) Engagement of competent technical experts who are

expected to be four in number.

He further states that the follow up steps are being taken in right earnest.

6. We have heard Ms. Meenakshi Arora, learned senior counsel appearing for the Election Commission of India who states that the role of Election Commission will start only after the NRC is updated.

7. In view of the statements made by Mr. Khanna and Mr. Jaideep Gupta, we asked the counsel for other intervenors to respond to these steps. They have not expressed any objection as such at this stage, to whatever steps that are being taken. In view of what is stated above, it would be desirable that this writ petition be adjourned to report further progress. Accordingly, adjourned to 4th August, 2014 to be notified at 2.00 p.m. before a Bench of which Mr. Justice Ranjan Gogoi is a member.

8. In the event there are any difficulties in compliance, it will be open to the concerned parties to move appropriate application.

I.A. No.8/2013 in WP(C) No.274/2009:

Mr. Raja Chatterjee, learned counsel appearing for the Nagaon District Senior Citizen's Welfare Association seeks permission to withdraw this application. Application for intervention is dismissed as withdrawn.

WP(C) No.562/2012:

Heard Mr. Manish Goswami, learned counsel in support of this petition. Adjourned to 4th August, 2014 to be taken up along with WP(C) No.274/2009.

(A.S. BISHT)

(SNEH LATA SHARMA)

A.R.-CUM-P.S.

COURT MASTER