

ITEM NO.301

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 274/2009

ASSAM PUBLIC WORKS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(I.A.NOS.86036 & 86040/2018 - FOR DIRECTIONS
IA NO 86047/2018 - FOR IMPLEADMENT)

WITH

W.P.(C) No. 68/2016 (PIL-W)
(IA 1 for intervention)W.P.(C) No. 311/2015 (X)
IA 1/2015 [PERMISSION TO FILE WRITTEN ARGUMENTS
IA No.2/2015W.P.(C) No. 449/2015 (X)
(FOR ON IA 1/2015)W.P.(C) No. 450/2015 (X)
(FOR ON IA 1/2015)

W.P.(C) No. 876/2014 (X)

W.P.(C) No. 916/2014 (PIL-W)
(IA 2/2015 -PERMISSION TO FILE ANNEXURES)
IA 3/2015 FOR EXEMPTION FROM FILING O.T. and IA No.119677/2017-
impleading party)W.P.(C) No. 562/2012 (X)
(I.A. 114708/2017 Application for early hearing

Date : 02-07-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMANFor Parties : Mr. K.K. Venugopal, Attorney General
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UPON hearing the counsel the Court made the following
O R D E R

1. We have heard the learned Attorney General, Shri Tushar Mehta, learned Additional Solicitor General, Shri Kapil Sibal, learned senior counsel for the proposed intervener(s) and Shri Prateek Hajela, learned State Coordinator.

2. We have perused the report dated 29.06.2018 filed by the learned State Coordinator. Paragraphs 2 and 3 of the report indicates the stage(s) at which the preparation of the final draft National Register of Citizens (for short 'NRC') is presently situated; the time that would be taken for the final mop up operations and the reasons as to why the time schedule fixed by the Court for publication of final draft NRC could not be adhered to. Paragraphs 2 and 3 of the Report of the learned State Coordinator reads as follows:

"2. It is humbly submitted that most of the works have been completed leaving the following works to be completed:

Work Item	Target	Achievement as on 28.06.18	Dates	
			Start	Completion
Data Entry of LRCR decision about inclusion/exclusion of each member	1 crore	78 lakhs	01/06/18	10/07/18
Quality Checks by Circle Registrars	10 lakhs	2.8 lakhs	04/06/18	20/07/18
Consolidation of central database and generation of PDFs of the NRC Draft	3.29 crores persons	Yet to start	21/07/18	26/07/18
Taking printouts of the PDFs of the NRC Draft	22 Lakhs pages x3 copies	Yet to start	23/07/18	29/07/18

As such, it is proposed to publish the Complete Draft on 30th July, 2018. These dates will be maintained under any circumstances. Details of various works completed are given in the subsequent paragraphs.

3. The reasons responsible for overshooting the earlier timeline of 30th June, 2018 are as follows :

a. Mop up operations have taken a lot of time. It is humbly submitted that earlier experience indicates that in any activity the initial/starting phase takes a lot of time. After stabilisation, whereas 90-95% achievement happens at high speed, the

remaining 5% completion takes a lot of time. This has been the case here also.

b. The activity of database preparation, i.e. data consolidation is a technical requirement can start only after completion of all data entries including quality checks.

c. Starting 13th June, 2018, floods hampered NRC works for around 8-10 days in the three districts of Cachar, Karimganj, and Hailakandi. Around 89 numbers of NSKs were affected directly out of 303 NSKs of these districts. However, the works of almost all the NSKs of these three districts got adversely affected as most of the NRC officials are drawn from various line departments and their services were required for flood relief."

3. The highlighted portion (underlined) indicates that the complete draft would be ready for publication by 30th July, 2018 and that the dates indicated in paragraph 2 of the report would be maintained.

4. Learned State Coordinator in the course of interaction has also assured the Court that if 30th July, 2018 is fixed by the Court as the date for publication of the final draft NRC the same will be adhered to without fail. Having considered the matter and the reasons which have led to the delay,

we now direct that the final draft NRC be published on or before 30th July, 2018.

5. There are two other aspects of the matter mentioned in the report of the learned State Coordinator which we would like to deal with presently. The said two aspects are set out in paragraphs 10 and 11 of the learned State Coordinator's report which paragraphs are extracted below:

"10. The Part Draft NRC comprising 1.9 crore applicants out of the total 3.29 crore applicants were published on 31st December, 2017. At that stage the family tree mis-match investigation and Gaon Panchayat Secretary certificate verification in respect of married women were pending and scheduled for subsequent draft list. During the course of the Family Tree investigation, 65,694 cases which were earlier found to be matched at office level were discovered to be false. Due opportunity has been given to such persons during the Family Tree hearing and as such their names are proposed for exclusion from Complete Draft NRC as per the provisions of Clause 4(3), 4(5) & 4(6) of the Citizenship Rules, 2003. Similarly, 48,456 cases of married women who have submitted Panchayat certificates as a linkage document but were included in the Part Draft based on their

office verification have not been found admissible in the reverification process of hearing conducted for Gaon Panchayat Secretary Certificate verification as mandated by the Hon'ble Court. These married women were also issued notices and have appeared subsequent to their inclusion in the Part Draft for special verification conducted in respect of Gaon Panchayat Secretary Certificates. As such, 1.15 lakh persons already included in Part Draft have not been found admissible for inclusion during the verification process in the Complete Draft though were part of the Part Draft. In addition to these persons, the quality control exercise has also revealed errors in respect of 19,783 persons who were included in the Part Draft but are not eligible. Minimal increase in this number may happen till completion of data entry. Such errors have been observed due to wrong data entry or error at the field level in contravention to the prescribed guidelines. The exercise of NRC is being done by approximately 40,000 State Government functionaries and outsourced data entry operators for the first time and given its complexities and magnitude, the scale/size of error is relatively small and have been detected in the quality control exercise for necessary corrections. As such about 1.5 lakh persons will be excluded from Complete Draft NRC although they were

included in the Part Draft and they will be individually informed about the decision and can file claim for inclusion at the claim/objection stage. Those applicants will be informed additionally through a Letter of Information (LOI). The LOI will have to be served to the rejected applicants within 7 days from publication of Complete Draft. The LOI will explicitly state that the applicant has opportunity to file Claim for inclusion. The LOI will also inform about the time schedule and place of submission of the Claim. The Hon'ble Court may like to grant approval to exclude such 1.5 lakh persons from Complete Draft NRC though their names appeared in Part Draft.

11. That it is humbly submitted that there will be Publication only of a list of inclusions. The list of those Rejected or put on Hold will not be published."

6. The proposal of the learned State Coordinator contained in the aforesaid two paragraphs are approved by the Court.

7. We may now turn to the contents of paragraph 18 of the report of the learned State Coordinator.

8. Having considered the matter and taking into account all relevant facts and circumstances, the proposals contained in a, b, c and d of paragraph

18 stand approved by the Court. The learned State Coordinator is directed to act accordingly.

9. The Court *suo motu* had asked Shri Hajela as to whether in view of the nature of the work performed by him of-late and what would be required to be done in the immediate future, he would be more comfortable in doing his assigned duties if some kind of protection/security is provided to him and if so the agency which would provide such protection/security.

10. Shri Hajela has indicated that in addition to what has been provided to him as on date some further adequate provisions, if made, would enable him to effectively and fearlessly discharge the duties assigned to him by this Court. Shri Hajela has also indicated that he would prefer to have such measures provided to him by the State Government.

11. We accordingly direct the Chief Secretary of the State and the Director General of Police, Government of Assam to forthwith review the situation including the security cover presently provided to Shri Hajela and his immediate family members including his children. The aforesaid two

authorities will interact with Shri Hajela on the aforesaid count and thereafter do all that would be needful and required to ensure that the duty entrusted to Shri Hajela by this Court can be performed by him with utmost devotion and sincerity and free from all mental worries and shackles. The Chief Secretary and the Director General of Police, Government of Assam will take immediate action in the matter and submit a report in a sealed cover to this Court within seven days from today.

12. Matter will be considered again on 31st July, 2018 at 2.00 p.m.

I.A. NOS. 86036 & 86040/2018 AND I.A. NO.86047/2018

13. Applications for impleadment and directions will be considered after completion of final draft NRC, if required, on 31st July, 2018. List accordingly.

(NEETU KHAJURIA)
COURT MASTER

(ASHA SONI)
BRANCH OFFICER