

ITEM NO.301

IN CHAMBERS

SECTION X/PIL(W)

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

WRIT PETITION (CIVIL) NO(S). 562/2012

ASSAM SANMILITA MAHASANGHA & ORS.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

[WITH APPLN.(S) FOR DIRECTIONS AND EARLY HEARING AND IMPLEADMENT AS  
PARTY RESPONDENT AND PERMISSION AND STAY AND OFFICE REPORT]

WITH

W.P.(C) NO. 274/2009  
(WITH OFFICE REPORT)

W.P.(C) NO. 311/2015  
(WITH APPLN.(S) FOR IMPLEADMENT AND SEEKING LEAVE TO FILE WRITTEN  
ARGUMENTS AND OFFICE REPORT)

W.P.(C) NO. 450/2015  
(WITH APPLN.(S) FOR DIRECTIONS AND OFFICE REPORT)

W.P.(C) NO. 449/2015  
(WITH APPLN.(S) FOR DIRECTIONS AND OFFICE REPORT)

W.P.(C) NO. 876/2014  
(WITH APPLN.(S) FOR STAY AND OFFICE REPORT)

W.P.(C) NO. 68/2016  
(WITH APPLN.(S) FOR INTERVENTION AND OFFICE REPORT)

Date : 14/02/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
[IN CHAMBERS]

present:

Shri P.S. Patwalia, learned ASG

Shri V.K. Pipersenia, Chief Secretary,  
State of Assam,

Shri Sailesh, Registrar General & Census  
Commissioner, India,

Shri C.K. Khaitan, Joint Secretary and  
Additional Registrar General,  
Ministry of Home Affairs,  
Office of the Registrar General, India,

Shri Prateek Hajela, State Coordinator,  
NRC, Assam

Shri Shuvodeep Roy,  
Standing counsel for State of Assam.

The Court made the following  
O R D E R

We have heard Shri P.S. Patwalia, learned Additional  
Solicitor General, Shri V.K. Pipersenia, Chief Secretary,  
State of Assam, Shri Sailesh, Registrar General & Census  
Commissioner, India, Shri C.K. Khaitan, Joint Secretary and  
Additional Registrar General, Ministry of Home Affairs,  
Office of the Registrar General, India, Shri Prateek  
Hajela, State Coordinator, NRC, Assam and Shri Shuvodeep  
Roy, Standing counsel for State of Assam.

Shri Prateek Hajela, State Coordinator, NRC, Assam  
has placed before us a power point presentation of the  
project undertaken by the RGI and executed by him through  
the instrumentalities of the State of Assam for the  
preparation/upgradation of the NRC, particularly, the steps  
involved; the stage reached; and also the difficulties and  
obstacles faced by him as on date and also those as  
envisaged in the future. At this stage, it will not be

necessary for us to recapitulate what has been presented before us by Shri Hajela, State Coordinator except to commend the joint efforts of the Registrar General and Census Commission of India (RGI) and the State of Assam in the venture which is the first of its kind in the history of the country.

Having understood the difficulties and obstacles that are faced and above all the uncertainties that have unfolded in the present process, we are of the view that full liberty should be given to the State Coordinator, who has been engaged in the project for the last three years, to present before the Court such difficulties and seek appropriate orders from the Court so that the future/further course of action is unhindered. Shri Hajela has assured the Court that he will file the aforesaid application with copies to the RGI and the State of Assam within two weeks from today.

Insofar as the finances are concerned, we are told that the State of Assam has yesterday responded to the queries made by the RGI on the basis of the objections/questions raised by the NITI Ayog and Chief Advisor (Costs) and the response of the State of Assam will now be forwarded by the RGI to the Competent Authority in the Union of India for release of appropriate funds. As the

matter will be forwarded to the said authority by the RGI we request Shri P.S. Patwalia, learned Additional Solicitor General to take instructions from the Competent Authority, namely, the Secretary (Expenditure) of the Union of India with regard to the decision taken and to impress upon the said authority about the necessity of immediate release of funds in a situation where nearly Rs.285 crores are outstanding to Wipro and other entities for work done and another Rs.159 crores would be required to carry on the work till the end of 31<sup>st</sup> March, 2017. This aspect of the matter will be looked into by the Court once again on the next date of hearing on which date the Court would expect Shri P.S. Patwalia, learned Additional Solicitor General to inform the Court the result of the action taken till date.

Shri Patwalia has also placed before the Court in a sealed cover two copies of the status report with regard to border fencing. The said report(s) will be considered on the next date of hearing.

As the sanction for the project including financial sanction is valid only upto 31<sup>st</sup> March, 2017 and it is unlikely that the same will be completed by the said date and it can be reasonably assumed that the same would spill over beyond the said date, we direct the RGI, through the Project Coordinator, to take steps for extension of the

period for completion of the project and seek fresh financial sanction as may be required and envisaged. The Project Coordinator in his report shall also indicate to us a broad picture of the further financial involvement for completion of the project.

List the matters again on 8<sup>th</sup> March, 2017 at 2.00 p.m in Court.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER