

ITEM NO.1

COURT NO.8

SECTION X

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(s) (Civil) No(s). 562/2012

ASSAM SANMILITA MAHASANGHA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln. For stay, impleadment as party respondent, directions, early hearing and office report)

WITH

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

(With appln.(s) for stay and Office Report)

W.P. (C) No. 274/2009

(With appln. For clarification/direction and further direction and impleadment and intervention and Office Report)

W.P. (C) No. 311/2015

(With appln.(s) for impleadment and appln.(s) for 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)

Date : 01/12/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

In W.P. 562/12

Mr. Manish Goswami, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

WP(C) 876/14 & RR in
562/12

Mr. Somiran Sharma, Adv.

In W.P. 274/2009

Mr. Gaurav Pachnanda, Sr. Adv.

Mr. Arvind Kumar Sharma, Adv.

Ms. Shruti Gupta, Adv.

Ms. Ankita Sharma, Adv.

WP(C) 450/15,449/15	Mr. Partha Sil,Adv. Mr. Tavish B. Prasad,Adv.
For Respondent(s) For UOI	Mr. P.S. Patwalia,ASG Mr. R.M. Bajaj,Adv. Mr. Ritesh Kumar,Adv. Mr. Tushar Bakshi,Adv. Ms. Rashmi Malhotra,Adv. Ms. Sushma Suri,Adv.
For Assam	Mr. Jaideep Gupta,Sr.Adv. Mr. Krishna Sarma,Adv. Mr. Avijit Roy,Adv. Mr. Navnit Kumar,Adv. Mr. Kankana A.Adv. Mr. A.K. Sanghi,Sr.Adv. Ms. Sunita Gautam,Adv. Mr. M.P. Gupta,Adv. Mr. D.S. Mahra,Adv.
For Goa	Mr. Sidhartha Bhatnagar,Adv.
For Jharkhand	Mr. Tapesh Kumar Singh,Adv. Mr. Mohd. Waquas,Adv.
For Sikkim	Mr. Aruna Mathur,Adv. Mr. Avneesh Arputham,Adv. Ms. Anuradha Aruputham,Adv. Mr. Yusuf Khan,Adv. Mr. Shobhit Nanda,Adv. For M/s. Arputham Aruna & Co.
For Rajasthan	Mr. S.S. Shamsbery,AAG Mr. Amit Sharma,Adv. Mr. Ishu Prayash,Adv. Ms. Ruchi Kohli,Adv. Mr. S.S.Pandana Reddy,Adv.
For UT of Andaman & & Nicobar Addmn.	Mr. K.V. Jagdishvaran,Adv. Mrs. G. Indira,Adv.
For Manipur	Mr. Sapam Biswajit Meitei,Adv. Ms. Linthoingambi Thongam,Adv. Mr. Z.H. Isaac Haiding,Adv. Ms. B. Kushbansi,Adv. Mr. Ashok Kumar Singh,Adv.
For Uttarakhand	Mr. Ashutosh Kr. Sharma,Adv. Ms. Rachana Srivastava,Adv.

For West Bengal
 Mr. Soumitra G. Chaudhuri, Adv.
 Mr. Parijat Sinha, Adv.
 Mr. Somnath Banerjee, Adv.

For ECI
 Mr. Neeraj Kumar, Adv.
 Mr. Mohit D. Ram, Adv.

For State of U.P.
 Mr. Vibhu Tiwari, Adv.
 Mr. Rajiv Dubey, Adv.
 Mr. Ravi Prakash Mehrotra, Adv.

For Guahati HC
 Ms. Sneha Kalita, Adv.

For Nagaland
 Mrs. K. Enatoli Sema, Adv.
 Mr. Edward Belho, Adv.
 Mr. Amit Kumar Singh, Adv.

Mr. Prateek Jalan, Adv.
 Ms. Malvika Trivedi, Adv.
 Mr. Rahul Kriplani, Adv.
 Mr. Ankit Yadav, Adv.
 Mr. T. Mahipal, Adv.

Mr. Avijit Bhattacharjee, Adv.
 Ms. Upma Shrivastava, Adv.
 Mr. Ajoy Ghosh, Adv.

Mr. Rakesh Khanna, Sr. Adv.
 Mr. Chandra Bhushan Prasad, Adv.

Mr. A.V. Manavalan, Adv.
 Mr. Shibashish Misra, Adv.

Mr. Salman Khurshid, Sr. Adv.
 Mr. Fuzail Ahmad Ayyubi, Adv.
 Mr. Mustafa Khaddam Hussain, Adv.
 Mr. Abdul Qadir, Adv.
 Ms. Kanishka Prasad, Adv.

Mr. Milan Laskar, Adv.
 Mr. Parvez Dabas, Adv.
 Mr. Syed Mehdi Imam, Adv.

Mr. G.S. Chatterjee, Adv.

Mr. Mohan Pandey, Adv.

M/s Corporate Law Group, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. T. Mahipal, Adv.

Mr. Somiran Sharma, Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Shadan Farasat, Adv.

Mr. Vaibhav Tiwari, Adv.

Mr. Gopal Singh, Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. Ashim Chamuah, Adv.

Mr. Anjani Kumar Mishra, Adv.

Mr. Ananga Bhattacharyya, Adv.

Mr. Anip Sachthey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

At the outset, Shri P.S. Patwalia learned Additional Solicitor General has placed before us the minutes of the preliminary meeting of the Committee constituted pursuant to the order of the Court dated 05.11.2015 in Writ Petition (Civil) No. 562 of 2012. The said meeting was held on 24.11.2015. We have considered the issues that were taken up by the said Committee and the preliminary decisions arrived at and also the fact that the next meeting of the Committee is scheduled to be held on 04.12.2015. While taking the said minutes on record, we direct that the Committee shall continue its deliberations and complete the task assigned to it.

We have considered the report of the State Coordinator for National Registration, NRC. We have also heard Mr. Prateek Hajela, State Coordinator, in person. Having considered the said report and the statements made, we direct that all the State personnel deployed in connection with NRC shall henceforth do and perform only works relating to the upgradation/preparation of the NRC and they will not be assigned any other duty till the completion of the process. The Coordinator has also indicated that given the nature of voluminous work involved, it may not be possible to publish the draft and final NRC on 1st January, 2016 and 1st of March, 2016 as ordered by this Court earlier. As there is still some time left and as we have now directed that the NRC staff would be exclusively performing duties connected with the preparation of the NRC only, we do not consider it necessary to pass any orders modifying or altering the dates fixed earlier except to require the Coordinator to ensure that the said works are carried on in full swing and to make all endeavour to complete the same within the shortest possible time.

To ensure that the work of the upgradation/preparation of NRC is continued with the required pace in order to meet the time schedule ordered by this Court, we further direct that the Project Coordinator

will report directly to the Registrar General of Citizen Registration who is the authority under Section 14A of the Citizenship Act and Rule 5 of the Rules framed thereunder insofar as the preparation and upgradation of NRC is concerned. Having regard to the provisions of the Act and Rules it would be needless to say that all government officers, employees and agencies connected with the preparation/upgradation of NRC would be responsible to the said authority and the said authority is required to ensure that the work of preparation/upgradation of NRC is carried out in the right earnest to ensure that the draft and the final NRC to be published is correct and accurate in its content. It is considered necessary to emphasise the above provisions of the law at this stage in view of the fact that the final stages of the preparation of NRC has been reached involving the crucial process of verification; publication of the draft list and publication of the final list after hearing all objections that may be raised with regard to the draft publication.

Shri Hajela has also submitted that the financial outlay for the work is likely to exceed and he anticipates such increase to Rs.660 crores against the sanctioned amount of Rs.288 crores. In fact according to Shri Hajela a proposal to the said effect has been submitted to the Registrar General. Shri Patwalia, learned ASG, on instructions received, submits that the said proposal has

been received and is under process. As the proposal for the enhanced amount has been received by the Union of India, we do not consider it necessary to pass any order or direction in this regard except that the concerned authority will take an appropriate decision in the matter at an early date.

W.P. (C)No. 274 of 2009

Shri Gaurav Pachnanda, learned senior counsel appearing for the writ petitioner has offered some suggestions with regard to the process of verification etc. in the preparation/upgradation of NRC. As this Court has not dealt with the modalities and parameters of the exercise which has been left to the concerned authority to be performed, we permit the aforesaid writ petitioner to address his suggestions to the Coordinator which will be considered by the Coordinator and implemented in his best judgment.

WRIT PETITION (C) NO.876 OF 2014

Writ Petition (Civil) No.876 of 2014 has already been referred to the Constitution Bench. Nonetheless we have considered the vires of Rule 4A of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 in view of the insistence of the learned counsel for the petitioners who contends that the Authority engaged in the preparation of NRC should not take into

account the cases of such persons included in the Electoral Roll of 1971 who belong to the stream of immigrants who came to India between 1966 and 1971 (24.03.1971) and who have not been declared to be foreigner and who have not registered themselves thereafter. *Prima facie*, we find that the provisions of Section 6A(3) read with the proviso to Rule 3(2) of the Schedule to the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 adequately take care of the situation. Rule 4A of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 does not, *prima facie*, disclose any such infirmity which would require any orders to be passed at this stage i.e. when the work of NRC preparation has reached an advanced stage. It is on the aforesaid basis that we decline to pass any order leaving the entire matter to be decided by the Constitution Bench.

List all the matters on 13th January, 2016 at 3.00 P.M.

We request the Hon'ble the Chief Justice of India to make available this Bench on the said date i.e. 13th January, 2016 at 3.00 p.m.

(MADHU BALA)
COURT MASTER

(VINOD LAKHINA)
COURT MASTER

(ASHA SONI)
COURT MASTER