

ITEM NO.301

COURT NO.3

SECTION PIL-W/X/XIV

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

WRIT PETITION (CIVIL) NO(S). 274/2009

ASSAM PUBLIC WORKS

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.
(AND IA NO.22616/2018-IMPLEADING PARTY)

RESPONDENT(S)

WITH

W.P.(C) NO. 562/2012 (X)
(I.A. 114708/2017 APPLICATION FOR EARLY HEARING IN W.P. (C)
562/2012 MAY BE LISTED)

W.P.(C) NO. 916/2014 (PIL-W)
(FOR [PERMISSION TO FILE ANNEXURES] ON IA 2/2015 FOR EXEMPTION FROM
FILING O.T. ON IA 3/2015 AND IA NO.119677/2017-IMPLEADING PARTY)

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

W.P.(C) NO. 311/2015 (X)
(FOR ON IA 2/2015)

W.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. 68/2016 (PIL-W)

Date : 27-03-2018 These cases were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

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

We have heard Shri Prateek Hajela, learned State Coordinator, National Registration (NRC), Assam and have considered the report/reports submitted by him. We have heard Shri Avijit Roy, learned counsel for the Assam State Election Commission in support of the prayers made in I.A. No.43257 (for directions) filed on behalf of the Assam State Election Commission. We have also heard Shri Tushar Mehta, learned Additional Solicitor General appearing for the State of Assam.

The report dated 26th March, 2018 submitted by Shri Prateek Hajela, learned Coordinator is to the effect that the time-line/time-schedule for completion of verification process in respect of remaining 1 crore persons for inclusion in the NRC is going on as per schedule and that the learned Coordinator does not foresee any difficulty in completing the verification

process by 31st May, 2018. In the report, the learned Coordinator has further submitted that after completion of the verification process by 31st May, 2018 he requires some time for carrying out data quality checks which exercise, also, he has targeted for completion within 30th June, 2018 and which time-schedule he is confident will be complied with.

On due consideration of what has been stated by the learned Coordinator in his report dated 26th March, 2018 we direct the said Authority i.e. the learned State Coordinator, NRC, Assam to go ahead with the work and complete the same as per time-schedule indicated above.

In the report of the learned State Coordinator it is further stated that as on today about 10.76 lakhs documents are yet to be verified by different Issuing Authorities and results of verification are awaited from the Issuing Authorities. Out of 10.76 lakhs documents, results of 4.42 lakh are to be received from various districts in Assam and results of about 2.37 lakh are to be received from other Issuing Authorities such as Banks, UIDAI (Aadhaar), Central Board of

Secondary Education, Ministry of External Affairs, various Central and State Government Departments including Railways. It is further mentioned that about 3.97 lakh documents are to be verified and results communicated by various other States, details of which are mentioned in a separate enclosure which is extracted below:

STATEMENT OF RECEIPT OF RESULTS OF VERIFICATION OF DOCUMENTS SENT TO OTHER STATES(AS ON 23-03-2018)

Sl. No.	Name of State/UT	Documents Sent	Responses Received	Result Pending	%age
1	Andaman And Nicobar islands (U.T)	38	0	38	0.00%
2	Andhra Pradesh	1189	356	833	29.94%
3	Arunachal Pradesh	63117	21103	42014	33.43%
4	Bihar	68469	5242	63227	7.66%
5	Chandigarh (U.T)	121	3	118	2.48%
6	Chattisgarh	130	0	130	0.00%
7	Dadra And Nagar Haveli(U.T)	22	0	22	0.00%
8	Daman And Diu(U.T)	24	24	0	100.00 %
9	Delhi	8314	583	7731	7.01%
10	Goa	191	182	9	95.29%
11	Gujarat	779	107	672	13.74%
12	Haryana	1945	635	1310	32.65%
13	Himachal Pradesh	149	1	148	0.67%
14	Jammu And Kashmir	346	190	156	54.91%

15	Jharkhand	1537	368	1169	23.94%
16	Karnataka	2115	815	1300	38.53%
17	Kerala	364	319	45	87.64%
18	Lakshadweep (U.T)	1	1	0	100.00 %
19	Madhya Pradesh	751	259	492	34.49%
20	Maharashtra	3577	641	2936	17.92%
21	Manipur	17216	486	16730	2.82%
22	Meghalaya	77262	7338	69924	9.50%
23	Mizoram	6675	2026	4649	30.35%
24	Nagaland	108454	76437	32017	70.48%
25	Odisha	1104	263	841	23.82%
26	Puducherry (U.T)	7	0	7	0.00%
27	Punjab	1558	508	1050	32.61%
28	Rajasthan	15480	10195	5285	65.86%
29	Sikkim	520	281	239	54.04%
30	Tamil Nadu	632	244	388	38.61%
31	Telengana	106	89	17	83.96%
32	Tripura	53153	36917	16236	69.45%
33	Uttar Pradesh	22174	2381	19793	10.74%
34	Uttrakhand	318	55	263	17.30%
35	West Bengal	114971	7430	107541	6.46%
	Grand Total	572809	175479	397330	30.63%

We direct the Chief Secretary of all concerned States and the Union Territories as appearing in the Schedule, extracted above, to send result of verification of the documents issued by their State(s)/U.Ts. to the learned State Coordinator, NRC, Assam forthwith so that the process of upgradation of

NRC can be completed within the time-schedule as mentioned above. Similarly, we issue directions to the various Issuing Authorities of the concerned Banks, UIDAI (Aadhar), Central Board of Secondary Education, Ministry of External Affairs, various Central and State Government Departments including Railways, etc. to send the verification report(s).

By way of abundant caution, we permit the learned State Coordinator, NRC, Assam, in the event such verification reports are not received by the first week of May, 2018, to complete the process through DM's Investigation (i.e. through house to house re-verification) which may be completed by the end of May 2018 i.e. 31st May, 2018. The learned State Coordinator, NRC, Assam will take necessary steps in anticipation in this regard. We further direct that the Data Entry works out-sourced presently shall be continued to be performed in the same manner i.e. through out-sourced persons.

Insofar as I.A. No.43257 of 2018 (for directions) is concerned, the Assam State Election Commission has made the following prayer:

- A. To pass direction to the effect that without affecting the primacy and priority to the upgradation work of the NRC such officers and staffs would attend to Panchayat Election duties as required by the applicant Commission for conduct of the Panchayat Election;
- B. To pass necessary direction to the effect that the Divisional Commissioners, Range DIGs of police and other Senior Government officials of the State of Assam to coordinate and guide the Deputy Commissioners, Superintendent of Police and Sub-Divisional Officers in the matter of Staff Engagements in conduct of the Panchayat Election in Assam as and when the applicant Commission issues Panchayat Election notification;

This Court, in its previous order dated 20th February, 2018, had made it absolutely clear that while Local Body/Municipal/Panchayat elections will be held as per the plans and schedule to be drawn up by the State Election Commission, the exercise of holding such election will not cause any impediment in the work of upgradation of NRC and the man-power of the State Government currently engaged in the work of upgradation of NRC will not be replaced or substituted in any manner. While reiterating the aforesaid direction and

also taking note of the submissions advanced by Shri Tushar Mehta, learned Additional Solicitor General appearing for the State of Assam on the strength of Rule 3(b) of the Assam Panchayat (Constitution) Rules, 1995, we, however, permit the State Government to take the services of one Additional Deputy Commissioner in each district who may be currently engaged in the NRC work and deploy the said officer in each district for work connected with the Panchayat Elections.

Beyond the above, we do not deem it appropriate to permit any relaxation or carry out any modification of our previous order dated 20th February, 2018 directing maintenance of the existing infrastructure and man-power including employees of the State Government engaged in the work of upgradation of NRC. Beyond the above, no further order would be required at this stage.

The matter will come up on 8th May, 2018 at 2.00 p.m. for such further orders as may be required.

Office to act accordingly.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
BRANCH OFFICER