

ITEM NO.1

COURT NO.4

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 13256/2017

(Arising out of impugned final judgment and order dated 28-02-2017 in WPC No. 2634/2016 passed by the Gauhati High Court)

RUPAJAN BEGUM

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No.75986/2017-INTERVENTION APPLICATION)

WITH

SLP (C) No. 13259/2017 (XIV)

SLP (C) No. 13260/2017 (XIV)

SLP (C) No. 13258/2017 (XIV)

SLP (C) No. 12647/2017 (XIV)

SLP (C) No. 13257/2017 (XIV)

SLP (C) No. 16441/2017 (XIV)

(FOR ADMISSION)

Date : 24-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. B.H. Marlapalle, Sr. Adv.  
Mr. N.H. Mazar Bhujyan, Adv.  
Mr. Ejaz Maqbool, AOR  
Mr. C. George Thomas, Adv.  
Ms. Akriti Chaubey, Adv.

Mr. Kapil Sibal, Sr. Adv.  
Mr. Salman Khurshid, SR. Adv.  
Mr. Vivek K. Tankha, Sr. Adv.  
Mr. Sanjay R. Hegde, Sr. Adv.  
Mr. Fuzail Ahmad Ayyubi, AOR  
Mr. Abdul Qadir, Adv.  
Mr. Azizur Rahman, Adv.  
Mr. Pushkar Sharma, Adv.  
Ms. Sakshi, Adv.  
Ms. Amna Darakhshan, Adv.  
Mr. Faraz Ashraf, Adv.

Mr. Raju Ramachandran, Sr. Adv.  
 Mr. M. Shoeb Alam, AOR  
 Ms. Fauzia Shakil, Adv.  
 Mr. Ujjwal Singh, Adv.  
 Mr. Syed Burhan Ur Rahman, Adv.  
 Mr. Aminul Islam, Adv.  
 Mr. Abdul Wadud Aman, Adv.  
 Mr. Mojahid Karim Khan, Adv.

For Respondent(s) Mr. Ranjit Kumar, Solicitor General  
 Mr. Sachin Sharma, Adv.  
 Ms. Binu Tamta, Adv.  
 Mr. Ritin Rai, Adv.  
 Mr. B.V. Balramdas, Adv.  
 Mr. B. Krishna Prasad, AOR

Mr. Kamal Nayan Chaudhary, Sr. Adv.  
 Mr. Rajiv Dhavan, Sr. Adv.  
 Mr. Manish Goswami, Adv.  
 Mr. Rameshwar Prasad Goyal, Adv.

Mr. Manoj Goel, Adv.  
 Mr. Shuvodeep Roy, AOR  
 Mr. Naman Kamboj, Adv.  
 Mr. Sayooj Mohandas M., Adv.  
 Mr. L.S. Changsan, Adv.

Mr. Anurag Pandey, AOR  
 Ms. Reena Pandey, Adv.

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

We have heard the learned counsels for the parties.

The issue in this case is whether the High Court of Guwahati was right in holding that the document mentioned at serial No.13 of the list of documents in support of claims for inclusion in the NRC i.e. Certificate of the Gram Panchayat Secretary is not a legal and valid document which can be

legitimately used to support such a claim. About 48 lakhs claims have been made by the use of the said document out of a total of 3.29 crores claims for inclusion in the NRC.

The draft NRC is required to be published on or before 31<sup>st</sup> December, 2017.

The publication of the draft NRC in the given circumstances will now be a partial publication until the issue of these 48 lakhs claims is decided. We, therefore, make it clear that publication of the draft NRC to the aforesaid extent be made on or before the scheduled date i.e. 31<sup>st</sup> December, 2017.

Insofar as the 48 lakhs claims which have been supported by the Gram Panchayat Secretary's Certificate, Shri Prateek Hajela, the learned Project Coordinator, on being queried has stated that out of the said number he expects about 20 lakhs claims to be in respect of original inhabitants, which fact, if proved, will not require any further proof or inquiry and all such persons will be included in the draft NRC. The Project Coordinator has also stated that about 3.6 lakhs (approximately) claimants are males who were not entitled to use the supportive document in question.

If we are to proceed on the basis of the statements made by the learned Project Coordinator, we find a possibility of a significant reduction of the number of claims which have been sought to be supported on the basis of the Gram Panchayat Secretary's Certificate(s). If we are to agree with the view of the High Court, there can be no manner of doubt that all such claimants will have to be afforded a fresh opportunity to bring on record additional/alternative supporting document(s). On the other hand, if we are to take the view that the High Court's Order needs to be interfered with, we have to take into account the statements made by the learned Project Coordinator before this Court and before the High Court that the verification of the contents of the certificates produced will have to be made by an elaborate enquiry.

On being further queried, the learned Project Coordinator has submitted that as on date he is in a position to complete the exercise of segregation of the original inhabitants category of claimants who have used the certificate as a supportive document from the rest of the claimants and this process should take about four weeks' time.

The learned Coordinator has further submitted that if he has to embark upon an exercise of the verification of the claims of the remaining claimants (after segregation) either on the basis of the Gram Panchayat Secretary's Certificate(s) or on the basis of fresh documents as may be filed by such claimants, as the case may be, the work of publication of draft NRC will be hampered.

Having considered the matter and taking into account what has been recorded above, we are of the view that, at this stage, the primary task of the entire work-force engaged in the process of upgradation of the NRC should be to publish the draft NRC on or before 31<sup>st</sup> December, 2017.

Any kind of interference or additional work which may hamper the aforesaid exercise is to be best avoided. However, as the learned Coordinator himself has stated before us that he can complete the process of segregation, mentioned above, within a time-frame of four weeks without any impediment in the work relating to publication of draft NRC, we direct that the learned Coordinator to complete the said exercise and report back to us at the end of six weeks from today indicating the result of the

said exercise and the number of the claimants whose claims would remain/need to be verified in the light of either set of documents, as mentioned above, depending on the final order that may be passed in the present proceedings.

We accordingly direct the Registry to list the matter as a part-heard case on 12<sup>th</sup> October, 2017.

(NEETU KHAJURIA)  
COURT MASTER

(ASHA SONI)  
BRANCH OFFICER