

ITEM NO.301+ 302

COURT NO.2

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

ASSAM PUBLIC WORKS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA NO. 10/2013-INTERVENTION APPLICATION
IA NO.86036/2018-CLARIFICATION/DIRECTION
IA NO.86040/2018-CLARIFICATION/DIRECTION
IA NO. 103961/2018-INTERVENTION APPLICATION
IA NO.105327/2018-APPROPRIATE ORDERS/DIRECTIONS
IA NO. 105666/2018-EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) NO. 562/2012 (X) (301.1)

IA NO.1/2012-STAY APPLICATION

IA NO.24/2017

IA NO.25/2017

IA NO.41036/2017-INTERVENTION/IMPLEADMENT APPLICATION

IA NO.92739/2018-INTERVENTION APPLICATION

W.P.(C) NO.916/2014 (PIL-W) (301.2)

IA 2/2015 FOR [PERMISSION TO FILE ANNEXURES]

IA 3/2015 FOR EXEMPTION FROM FILING O.T. AND

IA NO.119677/2017-IMPLEADING PARTY)

IA NO.1/2014-STAY APPLICATION

W.P.(C) NO.876/2014 (X) (301.3)

[IA NO.1/2014-STAY APPLICATION]

W.P.(C) NO.311/2015 (X)(301.4)

(IA 2/2015

IA NO.1/2015-SEEKING LEAVE TO FILE WRITTEN ARGUMENTS)

W.P.(C) NO.449/2015 (X) (301.5)

(FOR ON IA 1/2015)

W.P.(C) NO.450/2015 (X) (301.6)

(IA 1/2015)

W.P.(C) NO.68/2016 (PIL-W) (301.7)
IA NO.1/2017-INTERVENTION APPLICATION

W.P.(C) NO.470/2018 (X) (301.8)
(FOR ADMISSION AND I.R. AND IA NO.69948/2018-EXEMPTION FROM FILING O.T.)

DIARY NO.20944/2018 (XIV) (301.9)
(FOR ADMISSION AND I.R. AND IA NO.80351/2018-CONDONATION OF DELAY IN FILING AND IA NO.80352/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.80350/2018-PERMISSION TO FILE SLP/TP)

DIARY NO.21214/2018 (XIV) (301.10)
(IA NO.84178/2018-CONDONATION OF DELAY IN FILING)

DIARY NO.21368/2018 (XIV) (301.11)
(FOR ADMISSION AND I.R. AND IA NO.82085/2018-CONDONATION OF DELAY IN FILING AND IA NO.82087/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.82088/2018-INTERVENTION/IMPLEADMENT AND IA NO.82084/2018-PERMISSION TO FILE SLP/TP AND IA NO.82086/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

DIARY NO.21377/2018 (XIV) (301.12)
(FOR ADMISSION AND I.R. AND IA NO.92415/2018-CONDONATION OF DELAY IN FILING AND IA NO.92417/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.92411/2018-PERMISSION TO FILE SLP/TP AND IA NO.92419/2018-CONDONATION OF DELAY IN REFILEING)

DIARY NO.21959/2018 (XIV) (301.13)
(FOR ADMISSION AND I.R. AND IA NO.82961/2018-CONDONATION OF DELAY IN FILING AND IA NO.82962/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.82959/2018-PERMISSION TO FILE SLP/TP)

W.P.© NO.1047/2018 (X) (302)
(FOR ADMISSION and IA No.125802/2018-EXEMPTION FROM FILING O.T.)

Date : 19-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Parties :

Mr. K.K. Venugopal, Attorney General
 Mr. Tushar Mehta, ASG
 Mr. Raghavendra Mohan Bajaj, Adv.
 Mr. Binu Tamta, Adv.
 Ms. Shraddha Deshmukh, Adv.
 Ms. Rekha Pandey, Adv.
 Mr. Rohit Bhatt, Adv.
 Mr. Rajat Nair, Adv.
 Mr. B.V. Balaramdas, AOR
 Mr. B.K. Prasad, AOR

Mr. Kapil Sibal, Sr. Adv.
 Ms. Indira Jaising, Sr. Adv.
 Mr. Salman Khurshid, Sr. Adv.
 Mr. Fuzail Ahmad Ayyubi, AOR
 Mr. Abdul Qadir, Adv.
 Mr. Mustafa K. Hussain, Adv.
 Mr. Paras Nath Singh, Adv.
 Ms. Tehsina Z.Hussain, Adv.
 Ms. Lubna Naaz, Adv.
 Mr. Ibad Mushtaq, Adv.
 Ms. Aditi Gupta, Adv.
 Mr. Nizam Pasha, Adv.

Mr. Tushar Mehta, ASG
 Mr. A.K. Sinha, Sr. Adv.
 Ms. Kiran Bhandari, Adv.
 Mr. Raj Bahadur, Adv.
 Ms. Anil Katiyar, AOR

Mr. Tushar Mehta, Sr. Adv.
 Mr. Shuvodeep Roy, AOR
 Mr. Rajat Nair, Adv.
 Mr. Somnath Banerjee, Adv.
 Ms. L.S. Changsan, Principal Secy.

Mr. Tushar Mehta, ASG
 Mr. Ajit Kumar Sinha, Sr. Adv.
 Ms. Kiran Bhardwaj, Adv.
 Mr. Raj Bahadur, Adv.
 Mr. Arun Kumar Yadav, Adv.
 Ms. Anil Katiyar, AOR

Mr. Sidharth Luthra, Sr. Adv.
 Ms. Rashmi Singhanian, AOR

Mr. B.H. Marlapalle, Sr.Adv.
Mr. B.D. Jha, Adv.
Mr. Shakeel Ahmed, AOR
Ms. Preeti Jha, Adv.
Ms. Sadiya Shakeel, Adv.
Ms. Priyanka Jha, Adv.

Mr. B.H. Marlapalle, Sr.Adv.
Mr. Mansoor Ali, AOR
Mr. A.S. Tapadar, Adv.
Mr. Ajit Wagh, Adv.

Mr. V.Giri, Sr. Adv.
Mr. Shakil Ahmad Syed, AOR
Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. A.S. Tapadar, Adv.
Mr. S.S. Kazi, Adv.

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

Mr. Manan Kumar, Mishra, Sr. Adv.
Ms. Anjul Dwivedi, Adv.
Mr. Anjani Kumar Mishra, AOR

Mr. Shakil Ahmad Syed, AOR
Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Daanish Ahmad Syed, Adv.

Mr. Umesh Babu Chaurasia, Adv.
Mr. Arun Adlakha, Adv.
Ms. Manjula Chaurasia, Adv.
Mr. D.K. Sinha, AOR

Ms. Aruna Mathur, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Avneesh Arputham, Adv.
For M/s. Arputham Aruna & Co., AOR

Mr. Mansoor Ali, AOR
Mr. Helal Uddin Choudhury, Adv.

Ms. Anitha Shenoy, Adv.
Ms. Rashmi Nandakumar, Adv.
Ms. Srishti Agnihotri, Adv.

Ms. Remya Raj, Adv.

Ms. Nidhi Banga, Adv.
Mr. Kailash Prasad Pandey, AOR

Mr. Sarad Kumar Singhania, Adv.
Mr. Milind Kumar, AOR

Mr. Shuvodeep Roy, AOR
Mr. Rituraj Biswas, Adv.

Ms. G. Indira, AOR
Mr. K.V. Jagdishvaran, Adv.

Ms. Arna Das, Adv.
Mr. Gaurav Dhingra, AOR

Mr. Mehmood Pracha, Adv.
Mr. Shadan Farasat, AOR
Mr. A. Chaliha, Adv.

Mr. Ranjan Mukherjee, AOR
Mr. K.V. Kharlyngdoh, Adv.

Mr. Aviral Saxena, Adv.
Ms. Rachana Srivastava, AOR

Mr. Leishangthem Roshmani Kh, AOR
Ms. Maibam Babina, Adv.
Ms. Anupama Ngangom, Adv.

Mr. Syed Ali Ahmad, Adv.
Mr. Syed Tanweer Ahmad, Adv.
Mr. S.S. Bandyopadhyay, Adv.
Mr. Nasrul Haque Manzarbhuiyan, Adv.
Mr. Mohan Pandey, AOR

Mr. Debojit Borkakati, AOR
Mr. Vivek Sonkar, Adv.

Mr. Santi Ranjan Das, Adv.
Mr. D.K. Mishra, Adv.
Mrs. Sarla Chandra, AOR

Mr. Prashant Bhushan, Adv.
Mr. Somesh Chandra Jha, AOR.
Mr. Syed Burhanur Rahman, Adv.
Mr. Cherul D' Souza, Adv.

Mrs. D. Bharathi Reddy, AOR
Ms. Rachna Gandhi, Adv.

Mr. A.S. Tapadar, Adv.
Mr. Mansoor Ali, AOR
Ms. Rubina Jawed, Adv.
Mr. Chandan Kumar Mandal, Adv.

Mr. Mansoor Ali, AOR
Ms. Rubina Jawed, Adv.

Guahati HC

Ms. Sneha Kalita, AOR

Mr. Prateek Jalan, adv.
Ms. Malvika Trivedi, Adv.
Mr. Ankit Yadav, Adv.
Mr. Rahul Kripalani, Adv.
Mr. T. Mahipal, Aor

Mr. Sunil Murarka, Adv.
Mr. S.P. roy, Adv.
Mr. Partha Sil, AOR
Mr. Tavish B. Prasad, Adv.

Mr. Anil Kumar Pandey, Adv.
Mr. Sunny Chaudhary, AOR

Mr. Merusagar Samantray, AOR
Mr. Salvedor Santosh Rebello, Adv.

Mr. Pradeep Misra, AOR
Mr. Aditya Kr. Dubey, Adv.

Mr. Pradeep Misra, AOR
Mr. Aditya K. Dubey, Adv.
Mr. Suraj Singh Adv.

Mr. A.P. Mayee, AOR
Mr. Chirag Jain, Adv.

Mr. Sanand Ramakrishnan, AOR.
Mr. Rajeev Mishra, Adv.
Mr. Sanjay Kumar Chhetry, Adv.
Mr. Madan M. Bora, Adv.

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Dimple Nagpal, Adv.

Mr. Arun Adlakha, Adv.
Ms. Sarla Chandra, AOR

Ms. Ranjeeta Rohatgi, AOR

Ms. Diksha Rai, AOR.
(Standing counsel for the State of Assam)
Ms. Palak Mahajan, Adv.

Mr. M. Shoeb Alam, AOR

M/s. K.J. John & Co.

Mr. Somiran Sharma, AOR

Mr. Kailash Prashad Pandey, AOR

Mr. S.Udaya Kumar Sagar, AOR

Mr. M.Yogesh Kanna, AOR

Mr. Barhm Dev jha, AOR

Mr. Shakil Ahmed Syed, AOR

M/S. PLR Chambers And Co., AOR

Ms. Madhumita Bhattacharjee, AOR

Mr. Abhijit Sengupta, AOR

Mr. Avijit Roy, AOR

Mr. Mohit D. Ram, AOR

Mr. Guntur Prabhakar, AOR

Mr. Snehasish Mukherjee, AOR

Mr. Shibashish Misra, AOR

Mr. Praveen Swarup, AOR
Ms. Ruchi Kohli, AOR
Mr. Milind Kumar, AOR
Mr. Parijat Sinha, AOR
Ms. Rachana Srivastava, AOR
Ms. Hemantika Wahi, AOR
Ms. K. Enatoli Sema, AOR
Mr. B. Balaji, AOR
Mr. Kuldip Singh, AOR
Ms. Liz Mathew, AOR
Mr. Tapesh Kumar Singh, AOR
Mr. C. K. Sasi, AOR
Ms. Abha R. Sharma, AOR
Mr. Abhishek, AOR
Mr. Jugal Kishore Gilda, AG
Mr. P. V. Yogeswaran, AOR
Mr. Anuvrat Sharma, AOR
Mr. Ashok Kumar Singh, AOR
Mr. Abhinav Mukerji, AOR
M/S. K J John And Co, AOR
Mr. Chanchal Kumar Ganguli, AOR
Mr. V. N. Raghupathy, AOR
Mr. Gopal Singh, AOR
Ms. Sushma Suri, AOR

Mr. V. K. Sidharthan, AOR

M/S. Corporate Law Group, AOR

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

Having heard Shri K.K. Venugopal, learned Attorney General for India appearing for the Union of India, Shri Tushar Mehta, learned Additional Solicitor General appearing for the State of Assam, Shri Prateek Hajela, learned State Coordinator, Shri Kapil Sibal and Ms. Indira Jaising and Mr. K.N. Chaudhary, learned Senior Counsels appearing for some of the contesting parties we are of the view that the order that would be required to be passed at this stage is to open the process for receipt of claims and objections in respect of entries in the final draft NRC published on 30th July, 2018. The said process of receipt of claims and objections will now begin on and from 25th September, 2018 and will be remain open, tentatively, for a period of 60 (sixty) days effective from 25th September, 2018. We make it clear that insofar as filing of claims and objections are concerned it will be open for the claimants to rely on any one or more of the following ten (10) documents.

- i. Land documents like Registered Sale Deed, Records of land rights upto 24th March, 1971 (midnight).
- ii. Permanent Residential Certificate issued from outside the State upto 24th March, 1971 (midnight)

- iii. Passport issued by the Government of India upto 24th March, 1971 (midnight)
- iv. Life Insurance Corporation of India Insurance Policy (LICI) of relevant period upto 24th March, 1971 (midnight)
- v. Any license/certificate issued by any Government authority of relevant period i.e. upto 24th March, 1971 (midnight)
- vi. Document showing service/employment under Government/Public Sector undertaking upto 24th March, 1971 (midnight)
- vii. Bank/Post Office Accounts of relevant period i.e. upto 24th March, 1971 (midnight)
- viii. Birth Certificates issued by the competent authority upto 24th March, 1971 (midnight)
- ix. Educational certificate issued by Board/Universities upto 24th March, 1971 (midnight)
- x. Records/processes pertaining to court upto 24th March, 1971 (midnight) provided they are part of a processing in a Judicial or Revenue Court.

Insofar as the documents set out below are concerned the issue is kept open till such time that the learned Project Coordinator Shri Prateek Hajela offers his views/comments with regard to the statements made in the affidavit of the Union of India dated 17th September, 2018 as contained in paragraph 7 and paragraph 11 (Para 4(ii)) are concerned.

Documents kept open

- (i) Names in NRC, 1951;
- (ii) Names in Electoral Roll upto 24th March, 1971;
- (iii) Citizenship Certificate; and Refugee Registration Certificate;
- (iv) Certified copies of pre-1971 Electoral Roll, particularly, those issued from the State of Tripura; and
- (v) Ration Card

Shri Hajela will offer his views on the permissibility of introduction of any one or more of the above documents, at this stage of the updation process, in the light of the changed stand of the Union of India as contained/available in the aforesaid paragraph of the affidavit dated 17th September, 2018.

We have also considered the Confidential Report/Reports filed by Shri Prateek Hajela which has/have been placed before us in a sealed cover(s). Though Shri K.K. Venugopal, learned Attorney General for India has stated that a copy of the said report/reports be made available to the Union of India, we are of the view that having regard to the sensitive nature of some of the information contained therein which may affect the entire exercise undertaken and also the exercise that may be required to be undertaken by the Court the said

report/reports should remain in the custody of the Court for the present. The request of the learned Attorney General for India will be considered on the next date fixed. In the meantime, we direct Shri Hajela not to share any information pertaining to the ongoing exercise of updation of the NRC with any Executive, Legislative or Judicial Authority of the State without leave of the Court.

The matter will be listed once again on 23rd October, 2018 at 2.00 p.m.

The views of Shri Hajela in terms of the present order be filed within fifteen (15) days from today in a sealed cover to the Registry of this Court. Further orders will follow on the next date fixed.

Shri Salman Khurshid, learned Senior Counsel appearing for All Assam Minorities Students' Union is permitted to submit in writing the pleas that he would like to urge at the time of hearing of his application(s) on the next date fixed.

W.P.(C) NO.1047/2018 [ITEM NO.302]

Heard the learned counsel for the petitioner and perused the relevant material.

Issue notice.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
ASSISTANT REGISTRAR