

ITEM NO.301

COURT NO.1

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

ASSAM PUBLIC WORKS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 59700/2019 and IA No. 59706/2019-FOR DIRECTIONS)

WITH

W.P.(C) No. 562/2012 (X)

(NRC MATTER) (IA No. 1/2012-FOR STAY, IA No. 24/2017- IA No. 25/2017, IA No. 41036/2017-FOR IMPLEADMENT and IA No. 92739/2018-INTERVENTION APPLICATION)

W.P.(C) No. 916/2014 (PIL-W)

(IA No. 2/2015-PERMISSION TO FILE ANNEXURES, IA No. 3/2015-EXEMPTION FROM FILING O.T. and IA No. 119677/2017-IMPLEADING PARTY)

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

(IA No. 1/2014-FOR STAY)

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

(IA No. 2/2015 and IA No. 1/2015-LEAVE TO FILE WRITTEN ARGUMENTS)

W.P.(C) No. 449/2015 (X)

(IA No. 1/2015)

W.P.(C) No. 450/2015 (X)

(IA No. 1/2015)

SLP (C) No. 25858/2015 (XIV)W.P.(C) No. 68/2016 (PIL-W)

(IA No. 1/2017-INTERVENTION APPLICATION)

W.P.(C) No. 470/2018 (X)

(IA No.69948/2018-EXEMPTION FROM FILING O.T.)

Diary No(s). 20944/2018 (XIV)

(FOR ADMISSION and I.R. IA No.80351/2018-CONDONATION OF DELAY IN FILING, 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(s). 21214/2018 (XIV)**(IA No. 84178/2018-CONDONATION OF DELAY IN FILING)****Diary No(s). 21368/2018 (XIV)****(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(s). 21377/2018 (XIV)****(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 REFILING)****Diary No(s). 21959/2018 (XIV)****(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.(C) No. 1047/2018 (X)****(FOR ADMISSION and IA No.125802/2018-EXEMPTION FROM FILING O.T.)****Diary No(s). 34152/2018 (XIV)****(IA No. 135241/2018- PERMISSION TO FILE PETITION (SLP/TP/WP/..), IA No. 135242/2018-CONDONATION OF DELAY IN FILING, IA No. 135243/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 135243/2018, IA No. 135345/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS and IA No. 160372/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS)****Date : 10-04-2019 These petitions were called on for hearing today.****CORAM :****HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN****For Petitioner(s)****Mr. Somiran Sharma, AOR****Mr. Kailash Prashad Pandey, AOR****Mr. Partha Sil, AOR****Mr. Anas Tanwir, Adv.
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UPON hearing the counsel the Court made the following
O R D E R

I.A. No. 59700/2019 and I.A. No. 59706/2019:

These applications have been filed seeking directions to ensure that the persons required to appear for hearing on the claims filed for inclusion in the Final NRC are asked to so appear

within a reasonable distance of their place of abode and in the same district.

In response, Mr. Prateek Hajela, learned State Coordinator, NRC, Assam, has submitted that two types of hearing of claims are presently going on. First is family tree based hearing and the second is family based hearing. Insofar as the family based is concerned, the hearing takes place in the circle headquarters, whereas in the case of family tree based hearing, as the members of the family may be spread out in different districts, the hearing takes place in the district where the maximum numbers of family members are residing.

Having regard to the circumstances in which the family tree based hearing are held, we do not see how the present practice, as stated above, can be varied or modified. Nonetheless, we request the learned State Coordinator to ensure that at the time of hearing of the claims, steps should be taken to ensure that no inconvenience is caused to the persons required to attend the hearing and to see that they are not required to travel long distances, if possible.

With the aforesaid observations, both the applications are disposed of.

We have perused the report of the learned State Coordinator dated 09.04.2019 and we have taken note of the contents thereof.

On consideration of the statements made in Paragraph 4 of the report, we direct that after the completion of the Parliamentary Elections, the NRC staff who may have been currently assigned

Election duties be redeployed exclusively for NRC works and be subjected to the administrative control of the Registrar General of India and the State Coordinator.

Insofar as the statements made in paragraph 6 of the report are concerned, we approve the proposed additional Draft Exclusion List(s) under Clause 5 of the Schedule of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, with the timelines contained therein. The learned State Coordinator may act accordingly.

List this matter on 08.05.2019 at 3:00 p.m. on which date the learned State Coordinator will file a report updating the status of the work and the difficulties, if any, that he may have faced/ is facing.

(SUSHIL KUMAR RAKHEJA)
AR CUM PS

(ANAND PRAKASH)
BRANCH OFFICER