

IN THE SUPREME COURT OF INDIA

CIVIL WRIT JURISDICTION

I.A. No. OF 2019

IN

WRIT PETITION (CIVIL) NO. 274 OF 2009

IN THE MATTER OF:

ASSAM PUBLIC WORKS

...Petitioner

VERSUS

UNION OF INDIA & ORS.

...Respondents

AND IN THE MATTER OF:

CITIZENS FOR JUSTICE & PEACE (CJP)

...Applicant/Intervener

APPLICATION FOR INTERVENTION

ADVOCATE-ON-RECORD: APARNA BHAT

INDEX

S. No.	Particular	Page No.
1.	Application for Intervention with Affidavit	
2.	ANNEXURE A1 True and correct copy of the order dated 23.07.2019 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 274 of 2009.	
3.	ANNEXURE A2 True and typed copy of the Public Notice dated 26.07.2019 issued by Mr. Prateek Hajela, State Coordinator, NRC, Assam.	
4.	ANNEXURE A3 True and correct copy of the sample list of more than 200 persons (approx.) from various districts of Assam who have been assisted by the Applicant/Intervener's Assam Team	
5.	ANNEXURE A4 Copies of Re-Verification Notices served by NRC dated 3.08.2019 and 4.08.2019	
6.	Vakalatnama	

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TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS LORDSHIP'S COMPANION JUSTICES OF THE

SUPREME COURT OF INDIA

THE HUMBLE APPLICATION

OF THE ABOVE NAMED

APPLICANTS

MOST RESPECTFULLY SHOWETH:

1. That the present Writ Petition is pending before this Hon'ble Court.
2. That the Applicant/Intervener Citizens for Justice and Peace (CJP) is a public trust established under the Bombay Public Trusts Act, 1950 and has been working to further the civil and political rights of Indian citizens since its establishment in 2002. The Applicant/Intervener works on issues of constitutional rights of all Indians, various Minorities, Adivasis, forest dwellers and for the citizenship rights of genuine Indian citizens of Assam. It has been working constructively in 19 districts of Assam since 2018 with Volunteer Motivators, Community Volunteers and a State Helpline Centre to reach legitimate legal aid to the unlettered and poor who are victims of exclusion due to unfairness or bureaucratic negligence.
3. That the order dated 23.07.2019 passed by this Hon'ble Court in the present Writ Petition records the following issues that were pointed out by the learned State Coordinator in the process of publication of the NRC final list:

"7. Another matter which the undersigned wishes to bring to the kind attention is about such cases of descendants of D Voter (DV)/Declared Foreigner (DF)/Cases Pending at Foreigners Tribunals/Other Courts (PFT), whose one parent is DV/DF/PFT but the parent from whom the legacy is drawn for inclusion in NRC is not DV/DF/PFT and is also found eligible for inclusion in NRC. The Hon'ble Supreme Court in their order of 2 July 2018 have ordered that those persons who are DVs or PFTs as well as their descendants are not to be included in updated NRC. As descentance can be drawn from either of the parents, clarification appears to be required in cases where one of the parents is clear from all angles (not DV/DF/PFT and eligible for NRC inclusion) while the other parent is a DV or DF or PFT. It also appears that while deciding eligibility of descendants, provisions of Section 3(1)(b) & (c) of the Citizenship Act, 1955 may be important to be taken into account, though citizenship purely by birth and not by descentance (Section 3(1)(a) is not eligible for inclusion in NRC. It is humbly felt that the substance of Section 3(1)(b) & (c) is that while determining citizenship of any descendant born up to 3 December, 2004, citizenship eligibility of any one of the parents suffices, while for those descendants born on or after 3 December 2004, citizenship eligibility of both the parents needs to be taken into account. From a conjoint reading of Hon'ble Supreme Court's order dated

2 July 2018 and the provisions contained in Section 3(1)(b) & (c) of the Citizenship Act, 1955, the following appears to be the best course of action:

- a. For any NRC Applications/Claimants, if parent/legacy person through whom eligibility is sought to be established is a DV or DF or PFT, then such persons will not be included in NRC irrespective of the status of the other parent.
- b. For those persons born before 3 December 2004, if the parent through whom legacy is drawn is not DV or DF or PFT and is found eligible for inclusion in NRC, but the other parent from whom legacy is not drawn is a DV or DF or PFT, then, such descendants may be included in NRC.
- c. For those persons who are born on or after 3 December 2004, they will not be included in NRC if any of the parent is DV or DF or PFT even if the parent from whom legacy is drawn is clear from all angles.

In this regard, it is submitted that the aforementioned matter was submitted by the deponent before the Judges Committee for opinion but the Committee advised to seek the order of the Hon'ble Court on the matter. As such the above is submitted for kind approval.

8. That the deponent also would like to seek clarification on the matter of validity of orders passed under the Illegal Migrants (Determination by Tribunal) (IMDT) Act. Some of the applicants have submitted orders passed under IMDT declaring them as Indian. This matter was also referred by the deponent to the Judges Committee, however, the Committee advised the deponent to seek order from the Hon'ble Court on the matter. As such, directions are sought about acceptability of orders of IMDT, whether declaring the person to be Indian or Illegal Migrant."

4. That the order further directed the learned State Coordinator to issue a public notice to enable other stakeholders to assist this Hon'ble Court with respect to the abovementioned issues. The relevant portion of the order is reproduced hereunder:

"As grant of the aforesaid prayers/proposals made by the learned State Coordinator may affect legal rights, we permit all parties before the Court to have their say in the matter limited to the aforesaid two prayers. We also direct the learned Coordinator to issue a public notice in this regard to enable other stakeholders, in a representative capacity, to appear before the Court, if so desired. The aforesaid prayers will be heard on 7.8.2019 at 3.00 p.m., when this Bench will assemble again. We make it clear that in

view of the exercise being time bound, it may not be possible for the Court to accept any prayer for adjournment of the matter.”

(emphasis supplied)

A true and correct copy of the order dated 23.07.2019 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 274 of 2009 is marked and annexed hereto as **ANNEXURE A1**.

5. That pursuant to the abovementioned direction by this Hon'ble Court to the learned State Coordinator, a Public Notice dated 26.07.2019 was duly issued informing interested stakeholders that they may approach this Hon'ble Court with their submissions. A true and typed copy of the Public Notice dated 26.07.2019 issued by Mr. Prateek Hajela, State Coordinator, NRC, Assam is marked and annexed hereto as **ANNEXURE A2**.
6. That the present application is being filed by this Applicant following the orders of this Hon'ble Court and the public notice issued to draw the attention of this Hon'ble Court to some of the issues which are critical. The applicant is filing it in a representative capacity as would be explained hereunder.
7. The Applicant/Intervener submits that the issues before this Hon'ble Court are grave and affect the basic legal and constitutional rights of persons who are or may be genuine Indian citizens. The Applicant/Intervener works in Assam puts the Applicant/Intervener in a position to represent a voice within the State to ensure that the process of publishing the NRC final list does not unfairly exclude anyone.
8. That, the work of the applicant has included running a Toll Free Helpline for over five months that logged in close to 9,500 distress calls from the far-flung areas of Assam. In the process of this work, thousands of distressed and unlettered persons who did not possess the wherewithal to negotiate a complicated bureaucratic process were assisted by the Applicant. The Applicant/Intervener places before this

Hon'ble Court a sample list of more than 200 persons from far-flung districts of Assam who were assisted by the Applicant/Intervener's Assam Team after they called for assistance. This list, which for the sake of brevity only has names and the village at this stage, is not exhaustive but illustrative, and the number of persons assisted is actually much higher and runs into the thousands. A true and correct copy of the sample list of 200 persons (approx.) from various districts of Assam who have been assisted by the Applicant/Intervener's Assam Team is marked and annexed herewith as **ANNEXURE A3**.

9. This work which still continues on a month to month basis under difficult circumstances amounts to providing para-legal aid to marginalised sections of the rural population, 62 per cent of the affected of which are women. It is in the context of this intense involvement that the present intervention application is being filed to urge clarification on some basic issues that have a bearing on large sections of the population. This work that has taken place in far-flung and often unreachable areas of the state have drawn upon the support of several right-thinking individuals, academics and writers who have been witness to this ground-breaking work. It is because of the inaccessibility of the topography of the state to vast sections of the poor and agrarian population that the idea of a Toll Free Helpline number was conceived and that this mechanism was successful that it ran for five months, allowing people to contact the Team for adequate assistance to file their Claims in the correction process before the National Register of Citizens (hereinafter referred to as "NRC"). There was a lot of panic, fear and distress among vast sections of the population when as many as 40 lakh (4 million) persons were left out of the NRC provisional final list (31.07.2018) and it is following this that the Applicant/Intervener's ground team got to work providing counselling and real time aid to the people affected. There have been a distressing number of deaths caused due to the fear and anxiety that this crisis has unleashed and therefore this work was very crucial as a humanitarian task.

10. The Applicant/Intervener is before this Hon'ble Court in order to present a grassroots view with respect to the issues raised by the learned State Coordinator. It is also important to note at this juncture that the vast majority of the persons represented by the Applicant/Intervener herein are unlettered and in desperate and real need of representation.

11. That the Applicant/Intervener submits a brief history of the issues surrounding the citizenship provisions as recognized within the Constitution of India:

- a. India gained independence on 15.08.1947 through an enactment of the British Parliament i.e. the Indian Independence Act, 1947. This enactment divided British India into two nations i.e. India and Pakistan. Subsequently, in the year 1971, East Pakistan emerged as a sovereign nation i.e. Bangladesh.
- b. On attainment of independence, the Drafting Committee submitted a Draft of the Constitution of India to the Constituent Assembly. Articles 5 and 6 were provisions dealing with citizenship. These two provisions as contained in the original draft are reproduced hereunder:

“5. At the commencement of this constitution—

- (a) every person who or either of whose parents or any of whose grand-parents were born in the territory of India as defined in this constitution and who has not made his permanent abode in any foreign State after the first day of April, 1947; and
- (b) every person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), or in Burma, Ceylon or Malaya, and who has his domicile in the territory of India as defined in this Constitution, shall be a citizen of India, provided that he has not acquired the citizenship of any foreign State before the date of commencement of this Constitution.

Explanation: For the purpose of clause (b) of this article, a person shall be deemed to have his domicile in the territory of India—

- (i) if he would have had his domicile in such territory under Part-II of the Indian Succession Act, 1925, had the provisions of that Part been applicable for him, or

(ii) if he has, before the date of commencement of this constitution deposited in the office of the District Magistrate a declaration in writing of his desire to acquire such domicile and has resided in the territory of India for at least one month before the date of the declaration.”

“6. Parliament may, by law make further provision regarding the acquisition and termination of citizenship and all other matters thereto.”

c. The aforesaid draft Articles dealing with citizenship were not adequate to address the situation that prevailed at that time. It only addressed the conferment of citizenship to those who had their domicile in the territory of India as defined in the Constitution. It did not take into consideration those who had migrated to India from Pakistan or those who migrated to Pakistan but came back to India thereafter. The Drafting Committee could not apprehend the consequences of communal riots that took place in India and Pakistan. Lakhs of people had migrated from Pakistan to India and thousands from India to Pakistan. The original Draft had not made any provision for those persons. As a result, when this Draft was placed before the Constituent Assembly, there was extensive debate for due modification.

d. To elaborate further on this point, proposed amendment for Articles 5 & 6 were placed before the Constituent Assembly in the following manner:

“That for articles 5 and 6, the following articles be substituted-

‘5. At the date of commencement of this Constitution, every person who has his domicile in the territory in citizenship at the date of commencement of this constitution.

India and –

(a) who was born in the territory of India: or

(b) either of whose parents was born in the territory of India: or

(c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding the date of

such commencement, shall be a citizen of India provided that he has not voluntarily acquired the citizenship of any foreign State.

Rights of citizenship of certain persons who have migrated to India from Pakistan-

5-A.- Notwithstanding anything contained in article 5 of the Constitution, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the date of commencement of this Constitution if-

(a) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and

(b) (i) in the case where such person has so migrated before the nineteenth day of July 1948, he has ordinarily resided within the territory of India since the date of his migration; and

(ii) in the case where such person has so migrated on or after the nineteenth day of 1948, he has registered as a citizen of India by an officer appointed in this behalf by the Government of the Dominion of India on an application made by him therefore to such officer before the date of commencement of this Constitution in the form prescribed for the purpose by that Government.

Provided that no such registration shall be made unless the person making the application has resided in the territory of India for at least six months before the date of his application."

"Rights of Citizenship of certain migrants to Pakistan-

5-AA. Notwithstanding anything contained in articles 5 & 5-A of this Constitution a person who has after the first day of March 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purpose of clause (b) of article 5-A of this Constitution be deemed to have migrated to the territory of India after the nineteenth day of July 1948."

"Right of citizenship of certain persons of Indian origin residing outside India-

5-B. Notwithstanding anything contained in article 5 and 5-A of this Constitution, any person who or either of whose parents or many of whose grandparents was born in India as defined in the Government of India Act, 1935 (as originally enacted) and who is ordinarily residing in any territory outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefore to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form, prescribed for the purpose by the Government of Dominion of India on the Government of India ."

"Continuance of the rights of citizenship-

5-C. Every person who is a citizen of India under any of the foregoing provisions of this Part shall subject to the provisions of any law that may be made by Parliament, continue to be such citizen.

- e. There is a difference of wording that must be noted in Article 6 which was part of the original draft and which was incorporated in the Constitution of India as Article 11. The original draft is quoted hereunder:

“6. Parliament may by law, make further provision regarding the acquisition and termination of citizenship and all other matter relating thereto.”

On the other hand, the amended provision incorporated as Article 11 in the Constitution is quoted hereunder:

“11. Parliament to regulate the right of citizenship by law:- Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.”

8. The Parliament while enacting the provisions of citizenship was empowered to make a new law embodying new principles. In exercise of the power under Article 11, Parliament enacted the Citizenship Act, 1955 (hereinafter referred to as “the 1955 Act”) bringing in elaborate provisions for acquisition and termination of citizenship. After the amendment of the 1955 Act in 2004, the provisions of citizenship by birth as embodied in Section 3 of the said Act read as follows:

“3. Citizenship by birth

(1) Except as provided in sub-section (2), every person born in India,—

(a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;

(b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;

(c) on or after the commencement of the Citizenship (Amendment) Act, 2003, where—

(i) both of his parents are citizens of India; or

(ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth.

(2) A person shall not be a citizen of India by virtue of this section if at the time of his birth—

(a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and he or she, as the case may be, is not a citizen of India; or

(b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.”

12. That the attention of this Hon'ble Court is also drawn towards the definition of an "illegal migrant" as included in the 1955 Act. Section 2(b) defines an illegal migrant in the following manner:

“(b) "illegal migrant" means a foreigner who has entered into India—
(i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
(ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time.”

13. That in view of the above provisions of the 1955 Act, the following positions emerge vis-à-vis the various courses of action listed out by the learned State Coordinator before this Hon'ble Court:

a. The course (a) of non-inclusion of names of those applicants whose legacy person/parent is found to be DV or DF or PFT without taking into account the status of the other legacy person/parent would be contrary to the provisions of the 1955 Act in so far as those born before 03.12.2004 are concerned, as such a person would be a citizen by virtue of Section 3(1) (b) even if one of the parents is a citizen. Therefore, any decision to exclude them because of deficiency of the legacy person/parent, without ascertaining the status of the other parent would be contrary to the 1955 Act. It may be mentioned at this juncture that even those born before 01.07.1987 need not have any legacy person/parent who is an Indian citizen, if the person herself/himself is born in India. It may also be relevant to mention here that the legacy was allowed to be drawn from one parent at the start of the exercise and therefore, if for any reason the said legacy person becomes doubtful, the denial of citizenship

without the status of the other being ascertained will not only be harsh but the same would also be contrary to the 1955 Act for those born before 03.12.2004.

- b. The course (b) for inclusion of names of those born before 03.12.2004 in the NRC on the basis of the legacy person being found to be qualified is in tune with the 1955 Act and must therefore be implemented.
- c. The course (c) for exclusion of those born after 03.12.2004 if any of the legacy person/parent is found to be DV/DF/PFT may be looked into by segregating the DF category from the DV and PFT category. While inclusion of names of those whose legacy person/parent are of DV and PFT category may be kept on hold till their cases are disposed of, the cases of those whose legacy person is found to be DF may not be included in terms of the 1955 Act but a humanitarian question may arise as all born on or after 03.12 2004 would be minors and as such disruption of the family lives of these persons is an issue that requires serious consideration. It may be important to have a clear number or statistic of these children so as to frame a proper policy and mechanism to deal with the situation.

14. An issue may arise in the following manner since Section 3(1)(c) prescribes that those born after 03.12.2004 must have both parents who are Indian citizens or one parent who is a citizen and the other is not an illegal migrant at the time of his birth:

- a. The factum of entering the territory of India by a foreigner.
- b. Whether at the time of birth of the child, one of the parents is an illegal migrant. In the case of (b), if one of the parents of the child is of the second category of foreigner under the definition of illegal migrant i.e. one who had entered India with documents but had over stayed the period of document, the date of birth of the child would be of relevance. If the child was born after the expiry of the period of the documents, only then the child can be said to have a parent who is an illegal migrant at the time of his birth but if the child was born

during the period when the documents were valid, the child cannot be said to have a parent who is an illegal migrant as the child was born in a period when the foreigner parent was not an illegal migrant but it was only with passage of time thereafter that he became an illegal migrant having overstayed the period. *(The use of the words "not an illegal migrant at the time of his birth" may have relevance as the word illegal migrant has been qualified by the words at the time of his birth i.e., the birth of the child in question).* Thus, with respect to those children whose one parent is an Indian and the other is not but has been declared illegal migrant, the question would be whether the other parent was an illegal migrant at the time of the birth of the child. Unless these aspects of entry of a foreigner parent into India without documents and/or whether the child was born during the period, when the foreigner parent who had entered with documents, was legally staying in India are looked into, blanket non-exclusion of such children would be contrary to Section 3(1)(c) of the 1955 Act.

15. That there is another category of persons who are declared as foreigners under the repealed Illegal Migrants (Determination by Tribunal) Act, 1983. It is submitted that to exclude such persons from the NRC final list would not be proper inasmuch as . . . in these cases the relevant issue is whether these persons have been able to fulfil the requirements in the present NRC process. If they fulfil the requirements in the present process, exclusion of the names of such persons or their descendants would not be just and proper.

16. That to explain, further, Section 6A of the 1955 Act, addresses Citizenship for persons covered by the Assam Accord, and was inserted in the year 1985. This section applies to any person who, immediately before the commencement of the Citizenship (Amendment) Act 1985 (i.e. w.e.f. 07.12.1985) was not a citizen of India under the provisions of existing law at that time. Section 6A (7)(a) specifically states so. In this context, Sub-Section (8) of Section 6A is relevant, as it states:

“Save as otherwise expressly provided in this section, the provisions of this section shall have effect notwithstanding anything contained in any other law for the time being in force.”

Thus, Section 6A of the 1955 Act is not the only section applicable to persons in Assam. It has to be read with other sections of the Act. Section 3(1)(a) or (b) in no way hinders the provisions of Section 6A, and therefore, the provisions are in fact not exclusive or contradictory. Therefore, in the true spirit of the 1955 Act, the legislation must be implemented in fulfilment of both Sections 3 & 6A of the Act. Therefore, the substantive rights conferred by law and by the Parliament, cannot be impeded by a mere infirmity in procedure.

To put it differently, Section 3 deals with children, descendants, sons, daughters, etc. whereas Section 6A deals with 'persons coming to Assam from specified territory' (present day Bangladesh) and is silent about the children, spouses and other categories of related persons, coming from the "specified territory". Thereby, children, descendants, sons, daughters, etc. of the persons covered by the Assam Accord shall, logically, fall within the ambit of Section 3(1). There is therefore, no inherent contradiction between Section 3 and Section 6A of the 1955 Act, and the two sections can be implemented in harmony. It is both essential and critical for this Hon'ble Court to consider this aspect of the 1955 Act in deciding on the question of citizenship. It is humbly submitted that this Hon'ble Court, therefore, issue appropriate order/s and direction/s not only for the purpose of inclusion of descendants of DV/DF/PFT but also for the purpose of deciding the eligibility of all applicants/claimants coming under the ambit of Section 3 of the 1955 Act. In fact Rule 4A of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 is in conflict with the Act and thus should not be enforced while implementing the Act vis a vis Assam.

17. That it is submitted that there are some serious deliberations needed with respect to the effect of Section 6A on Section 3 of the 1955 Act. Section 3 was last amended in 2004 whereas Section 6A was inserted in 1985. As such, had the Legislature

intended that Section 6A would have an overriding effect on Section 3, the same would have been reflected at the time of amendment of Section 3 in 2004. It is submitted that Section 6A is a relaxation and not a fetter on grant of citizenship to migrants coming from the specified territory i.e. Bangladesh. Under the said provision, those people of Indian Origin who came from the specified territory to India prior to 01.01.1966 are deemed to be citizens of India and those coming after 01.01.1966 but before 25.03.1971 on detection are to be disenfranchised for 10 years only. It is important to note that Section 6A is conspicuously silent on what happens to those who have come after 25.03.1971. Section 3 concerns those who are citizens by birth whereas Section 6A deals with persons of Indian origin coming from the specified territory and it also does not deal with their offspring.

18. That, to sum up, Parliament enacted citizenship Act, 1955. It provides for acquisition of citizenship, after the commencement of the Constitution by birth descent, registration, naturalisation and incorporation of territory. It also makes necessary provisions for the termination and deprivation of citizenship under certain circumstances. Section 3 of this Act provides for citizenship by birth and it is submitted that it narrows the scope under Article 5 of the Constitution of India.

19. That, as stated above, Sec 6A of the Citizenship Act, 1955 is a special provision covered by the Assam Accord. Even though Section 6A (8) contains a non obstinate clause expressly stating that the provisions of this section shall have effect notwithstanding anything contained in any other law for the time being force, the provisions of Sec 3 will be applicable to those persons covered under section 6A.

20. That the submission of the Applicant is further substantiated with the fact that section 3(1) was further amended by the Citizenship (Amendment) Act, 1986. However, nothing has been stated that the provisions of Citizenship (Amendment) Act, 1987 will not be applicable in cases covered under Sec 6A or this sub-section. After this amendment Sub-section 1 of Sec 3 was again amended by the Act 6 of 2004 which came into force on 3.12.2004. Now according to Section 3 of the Citizenship Act, 1955 persons who were born upto 1st day of July 1987 in India are all Indian citizens irrespective of the status of their parents whether they are Indian

citizens or not. Any person who was born in India after 1st July 1987 to 3.12.2004 shall be citizen of India if one of his parents is a foreigner and other is an Indian Citizen. Any person who is born after 3.12.2004 shall be a citizen of India if both of his parents are citizens of India or one of them is a citizen of India and the other is not an illegal migrant. This amendment will also be applicable to the persons covered by section 6A of the citizenship Act as this amendment is not except to the provision of Section 6A.

21. That, another alarming fact that has come to the notice of the applicant is the fresh notices that are being served on many beleaguered and poor persons on the late evening of 3.08.2019 and 4.08.2019 directing them to appear for "re-verification at NRC Seva Kendras" often at a distance of 400-500 kilometres away causing much distress and panic. The Applicants/Interveners would like to humbly state that these re-verification notices, in their thousands appear to contravene the specific order of this Hon'ble Court on 23.07.2019 declining the state's prayer for such re- verification. That earlier too, this Hon'ble Court had directed that convenience of the persons to whom notices are served by NRC must be kept in mind to minimise panic and dislocation. A sample tabulated form giving the details of the persons who have received such notices is annexed hereto and marked **Annexure-4.**

23. That this Hon'ble Court may allow the Applicant/Intervener herein to make submissions for proper adjudication of the above mentioned Writ Petition (Civil) No. 274 of 2009 since the matter is complex, grave and has a bearing on a vast section of the population, unlettered and with no real access to proper representation.

24. That the present application for intervention is bona fide and made in the interests of justice.

PRAYER

In the facts and circumstances stated hereinabove, it is most respectfully submitted that this Hon'ble Court may be pleased to:

- a. Allow the present application and permit the Applicants herein to intervene in the aforesaid Writ Petition (Civil) No. 274 of 2009; and
- b. Pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of this case.

Dated:

Aparna Bhat

Advocate for the Applicants