

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)

(I.A.NO.22616/2018 - IMPLEADING PARTY)

WITH

W.P.(C) No. 68/2016 (PIL-W)

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

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. 876/2014 (X)

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. 562/2012 (X)
 (I.A. 114708/2017 Application for early hearing in W.P. (c)
 562/2012)

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

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

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 REFILEING)

Date : 31-07-2018 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. R.M. Bajaj, Adv.
 Ms. Rashmi Malhotra, Adv.
 Mr. Rajat Nair, Adv.
 Ms. Binu Tamta, Adv.
 Mr. Rohit Bhatt, Adv.
 Ms. Rekha Pandey, Adv.
 Mr. B.V. Balaramdas, AOR

Mr. Tushar Mehta, ASG
 Mr. Ajit Kr. Sinha, Sr. Adv.
 Mr. Shuvodeep Roy, AOR
 Mr. Syooj Mohandas M., Adv.
 Ms. L.S. Changsan, Principal Secy.

Ms. Kiran Bhardwaj, Adv.
 Mr. Raj Bahadur, Adv.
 For Ms. Anil Katiyar, AOR

Mr. Kapil Sibal, Sr. Adv.
 Mr. Salman Khurshid, Sr. Adv.
 Mr. Fuzail Ahmad Ayyubi, AOR
 Ms. Lubna Naaz, Adv.
 Mr. Mustafa Khaddam Hussain, Adv.
 Ms. Tehseena Z. Hussain, Adv.
 Ms. Kamna Singh, Adv.
 Mr. Abdul Qadir, Adv.
 Mr. Ibad Mushtaq, Adv.

Ms. Indira Jaising, Sr. Adv.
 Mr. Paras Nath Singh, Adv.
 Mr. Jawad Tariq, Adv.
 Mr. Kauser Hussain, Adv.

Mr. Atamaram N.S. Nadkarni, ASG

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

Mr. B.H. Marlapalle, Sr.Adv.
Mr. A.S. Tapadar, Adv.
Mr. Ajit Wagh, Adv.
Mr. Aditya Gaggar, Adv.
Mr. Apoorv Shukla, Adv.

Mr. H.U. Choudhury, Adv.
Mr. Mansoor Ali, AOR
Mr. A.S. Tapadar, Adv.
Mr. Chandan Kumar Mandal, Adv.

Mr. Prateek Jalan, Adv.
Ms. Malvika Trivedi, Adv.,
Mr. Rahul Kriplani, Adv.
Mr. Ankit Yadav, Adv.
Mr. T. Mahipal, AOR

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

Mr. Praveen Swarup, Adv.
Mr. Shishir Kumar Saxena, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Mr. M. Shoeb Alam, AOR
Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Tapesk Kumar Singh, AOR.
Mr. Mohd. Waquas, Adv.
Mr. Aditya Pratap Singh, Adv.

Mr. C.K. Sasi, AOR

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

Mr. Ranjan Mukherjee, AOR
Mr. D. Lyngdoh, Adv.

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

Mr. Anil Grover, AAG

Ms. Noopur Singhal, Adv.
Mr. shivam Kumar, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Krishan Kumar Pandey, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Surender Mishra, Adv.
Mr. Mohan Pandey, AOR

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

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

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

Ms. Ranjeeta Rohatgi, AOR

Ms. Diksha Rai, AOR.

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

Mr. Ejaz Maqbool, Adv.
Ms. Akriti Chaubey, Adv.
Ms. Tanya Shree, Adv.
Ms. Quarratulian, Adv.
Mr. Kunwar Aditya Singh, Adv.

Mr. Shakil Ahmad Syed, AOR
Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Pulkit Chandna, Adv.
Mr. Milan laskar, Adv.
Ms. Sushmita Das, Adv.

Mr. Manish Goswami, Adv.
Mr. Rameshwar Pd. Goyal, AOR

Mr. Santi Ranjan Das, Adv.
Mr. Anindo Mukherjee, Adv.
Ms. Sarla Chandra, AOR

Mr. Somiran Sharma, AOR

Mr. Kailash Prashad Pandey, AOR

Mr. Partha Sil, AOR
Mr. Tavish B. Prasad, Adv.

Mr. B. Krishna Prasad, AOR

Mr. Gaurav Dhingra, AOR

Ms. Madhumita Bhattacharjee, AOR

Mr. Abhijit Sengupta, AOR

Mr. Mohit D. Ram, AOR

Mr. Guntur Prabhakar, AOR

Mr. Snehasish Mukherjee, AOR

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

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Anuj Sarma, Adv.
Mr. Salvador S. Rebello, Adv.
Ms. Niharika, Adv.

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Harsh Hiroo Gurhasani, Adv.
Mr. Amit Verma, Adv.
Ms. Kajal Dalal, Adv.
For M/S. PLR Chambers And Co., AOR

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

Ms. Sneha Kalita, AOR
Mr. Debojit Borkakati, AOR
Mr. M. Balashivudu, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Mr. Z.H. Isaac Haiding, Adv.

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

Mr. Shibashish Misra, AOR

Mr. Avijit Roy, AOR

Mr. Parijat Sinha, AOR

Ms. Hemantika Wahi, AOR

Mr. B. Balaji, AOR

Mr. Kuldip Singh, AOR

Ms. Liz Mathew, AOR

Ms. Abha R. Sharma, AOR

Mr. Abhishek, AOR

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

Ms. Ruchi Kohli, AOR

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

We have heard Shri Prateek Hajela, learned State Coordinator for National Registration (NRC), learned Attorney General for India and Shri Tushar Mehta, learned Additional Solicitor General appearing for the State of Assam.

From the report of the learned State

Coordinator submitted in Court today, it appears that Complete Draft NRC was published on 30th July, 2018 and the total number of persons included in the said Complete Draft NRC is 2,89,83,677 leaving a total of 40,70,707 as ineligible for inclusion. Out of the aforesaid 40,70,707 names, 37,59,630 names have been rejected and 2,48,077 names were kept on hold. The district-wise break up has also been furnished along with the report of the learned State Coordinator, details of which need not be mentioned at this stage.

The next stage towards publication of the final NRC would be to consider the claims and/or objections that would be filed in respect of inclusions and exclusions as the case may be.

The learned State Coordinator has stated before the Court that upto 7th August, 2018, the Complete Draft NRC as published would be available for inspection. Thereafter starting from 8th August, 2018 a process of acquainting the concerned persons with the process of filing of claims and/or objections would be started so that no inconvenience is caused. Receipt of claims and/or objections would start from 30th August 2018 and end

on 28th September, 2018.

In this regard the Court would like to observe that what has been published is only the Complete Draft NRC which naturally being a draft cannot be the basis of any action by any authority. Filing of claims and/or objections and consideration of the same are dealt with by Clause (6) contained in the Schedule to Rule 4-A(4), namely, Special provisions as to Manner of Preparation of National Register of Indian Citizen of State of Assam. Under clause (6)(3) of the said Schedule, the Local Registrar of Citizen Registration is required to give notice to every person, who has filed his claim or objection, to file any document in support of such claim or objection and to dispose of the claim or objection, as the case may be, after giving the concerned person a reasonable opportunity of hearing.

The learned Attorney General for India has submitted that the concerned Ministry of the Government of India is in the process of preparing modalities in the form of standard operating procedures so as to deal with the different dimensions of the exercise of consideration of

claims and/or objections so as to ensure that the process that will eventually be adopted is a fair process.

The learned Attorney General has also informed the Court that once the modalities are finalized the same will be placed before the Court and this may be possible some time in the middle of August, 2018.

We permit the concerned Ministry of the Government of India to go ahead with the exercise undertaken/to be undertaken and report back to the Court with the details of the modalities as may be formulated to appropriately deal with the claims and/or objections that may be filed so as to enable publication of the final NRC. In the preparation of the modalities/standard operating procedure the State Coordinator, Shri Hajela, will be associated at every step of the process.

Further orders with regard to the time schedule and different steps that will have to be undertaken will be passed on the next date fixed i.e. 16th August, 2018 at 2.00 p.m. when this Bench will assemble once again.

Diary No.20944/2018, 21368/2018, 21377/2018 and

21959/2018

List the matters on 16th August, 2018.

I.A. No.10/2013 in W.P.(C) No.274/2009, I.A. No.9/2015 in W.P.(C) No.562/2012

Upon being mention I.A. No.10/2013 in W.P. (C) No.274/2009 and I.A. No.9/2015 in W.P.(C) No.562/2012 are taken on record. List these applications on 16th August, 2018.

I.A. Nos. 103961/2018, 105327/2018, 86036/2018, 86040/2018

List the applications on 16th August, 2018.

**(NEETU KHAJURIA)
COURT MASTER**

**(ASHA SONI)
BRANCH OFFICER**