

ITEM NO.1

COURT NO.8

SECTION X

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). 562/2012

ASSAM SANMILITA MAHASANGHA &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln. For stay, impleadment as party respondent,  
intervention, directions, impleadment and office report)

WITH

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

(With appln.(s) for stay and Office Report)

W.P.(C) No. 274/2009

(With appln.(s) for direction and further direction and impleadment  
and intervention and office report)

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

(With Office Report)

Date : 14/07/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Manish Goswami, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Azim H. Laskar, Adv.

Mr. Sachin Das, Adv.

Mr. Abhijit Sengupta, Adv.

Dr. Himanta Biswa Sarma, Adv.

Mr. Somiran Sharma, Adv.

Mr. Arvind Kumar Sharma, Adv.

For Respondent(s)

Mr. N.K. Kaul, ASG

For UOI

Mr. Raghavendra M. Bajaj, Adv.

Mr. Sanyat Lodha, Adv.

Ms. Rashmi Malhotra, Adv.

Mr. R.M. Bajaj, Adv.

Ms. Sushma Suri, Adv.

For State

Mr. Joydeep Gupta, Adv.  
Miss Krishna Sarma, Adv.  
Mr. Avijit Roy, Adv.  
Mr. Navneet Kumar, Adv.  
Ms. Kankana Arandhara, Adv.

For Gauhati HC

Ms. Sneha Kalita, Adv.

Mr. Salman Khurshid, Sr. Adv.  
Mr. Fuzail Ahmad Ayyubi, adv.  
Mr. Abdul Qadir, Adv.  
Mr. Anas Tanwir, Adv.  
Mr. A.Q. Abbasi, Adv.  
Mr. Kanishkha Prasad, Adv.  
Mr. Antony Julian, Adv.  
Md. Azizwr Rehman, Adv.  
Mr. Mustafa Khaddam, Adv.  
Mr. Anwasha Saha, Adv.

Mr. Gopal Singh, Adv.  
Mr. Rituraj Biswas, Adv.  
Mr. Ashim Chamuah, Adv.  
Ms. Sujaya Bardhan, Adv.

Mrs. K. Enatoli Sema, Adv.  
Mr. Edward Belho, adv.  
Mr. Amit Kumar Singh, Adv.

Mr. Milan Laskar, Adv.  
Mr. Syed Mehdi Imam, Adv.  
Mr. Mohd. Parvez Dabas, Adv.

Mr. Syed Ali Ahmadi, Adv.  
Mr. Syed Tanweer Ahmad, Adv.  
Mr. S.S. Bandyopadhyay, Adv.  
Mr. Pravin Kumar, Adv.  
Mr. Mohan Pandey, Adv.

Mr. Anil Shrivastav, Adv.  
Mr. Rituraj Biswas, Adv.

Mr. Arna Das, Adv.  
Mr. Uzmi Zamil, Adv.  
Mr. Shakil Ahmed Syed, Adv.

Mr. Guntu Prabhakar, Adv.  
Ms. Prerna Singh, Adv.

Mr. A.Mariarputham,AG  
Ms. Aruna Mathur,Adv.  
Mr. Yusuf Khan,Adv.  
Mr. K.Vijay Kumar,Adv.  
M/s. Arputham Aruna & Co.

Mr. Guru Krishna,Sr.Adv.  
Mr. Ananga Bhattachayya,Adv.  
Mr. Rohit Rao,Adv.  
Mr. Tarun Guwa,Adv.

Mr. Manan Kumar Mishra,Sr.Adv.  
Mr. Anjani Kr.Mishra,Adv.  
Ms. Anjul Dwivedi,Adv.  
Mr. Shiv Ram Pandey,Adv.

Mr. Rachna Srivastava,Adv.  
Mr. Utkarsh Sharma,Adv.

Mr. Siddharth Bhatnagar,Adv.  
Mrs.Aditi Mohan,Adv.  
Mr. Sidharth Mohan,Adv.

Mr. Balaji,Adv.  
Mr. Rakesh Sharma,Adv.  
Ms. R.Shase,Adv.

Mr. Avijit Bhattacharjee,Adv.  
Ms. Upma Shrivastava,Adv.  
Mr. Ajay Ghosh,Adv.

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

Mr. S.Udaya Kumar Sagar,Adv.  
Mr. Krishna Kumar Singh,Adv.

Mr. Warisha Farasat,Adv.  
Mr. Shadan Farasat,Adv.

Mr. Sapam Biswajit Meitei,Adv.  
Mr. Z.H. Isaac Haiding,Adv.  
Mr. Ashok Kumar Singh,Adv.

Mr. Anip Sachthey,Adv.  
Ms. Shagun Matta,Adv.

Mr. Rajeev Dubey,Adv.  
Mr. Ravi Prakash Mehrotra,Adv.

Mr. Balasubramanian, Adv.  
Mr. K.V. Jagdishvaran, Adv.  
Mrs. G. Indira, Adv.  
  
Mr. V.N. Raghupathy, Adv.  
Mr. Parikshit P. Angadi, Adv.  
  
M/s Corporate Law Group, Adv.  
  
Mr. Shibashish Misra, Adv.  
  
Mr. B. Krishna Prasad, Adv.  
  
Mr. Somiran Sharma, Adv.  
  
Mr. Mohit D. Ram, Adv.  
  
Ms. Sushma Suri, Adv.  
  
Mr. Shreekant N. Terdal, Adv.  
  
Ms. Anjani Kumar Mishra, Adv.  
  
Mr. Ananga Bhattacharyaa, Adv.  
  
Ms. Hemantika Wahi, Adv.  
  
Mr. Kuldip Singh, Adv.  
  
Mr. D.S. Mahra, Adv.  
  
Mr. Nirmesh Dubey, Adv.  
  
Mr. Milind Kumar, Adv.  
  
Mr. C.D. Singh, Adv.  
  
Mr. Sameer Ali Khan, Adv.  
  
Mr. B. Balaji, Adv.  
  
Ms. Ruchi Kohli, Adv.

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

Copies of the reports both interim and final of the

learned Commissioner appointed by the Court as well as videography filed in Court be served to Shri N.K. Kaul, learned ASG and Shri Joydeep Gupta, learned senior counsel appearing on behalf of the State of Assam. The Court directs the Union of India and the State of Assam to undertake all such corrective steps as would be warranted on a reading of the said report which includes Intensive patrolling on the riverine borders in Dhubri and Cachar Section; improvement of border roads, electrification of flood lights, strengthening of BSF battalions and also the other para military forces that guard the international border. We would expect the Union of India and also the State of Assam to take all requisite steps forthwith and we request the Commissioner to spare his valuable time to visit the international border once again after two months to see the progress made in the meanwhile. The Commissioner has very fairly submitted that he would not require any additional funds. He is requested to submit a report of his findings on inspection.

Insofar as the additional foreigners Tribunals (64 in number) are concerned, Ms. Sneha Kalita learned counsel appearing on behalf of the Guwahati High Court has made a statement that the Guwahati High Court has completed its assigned task in terms of this Court's order dated 13.05.2015 and has forwarded the select list to the State Government for appointment of members of the aforesaid 64 tribunals. Shri Gupta, learned senior counsel appearing on

behalf of the State and also Mr. Prateek Hajela, Commissioner of the State, Home Department who is also the State Coordinator, NRC, Assam has undertaken that the aforesaid 64 additional tribunals will become operational on or before 10<sup>th</sup> of August, 2015 in compliance with our previous order dated 13.05.2015 . On the basis of the aforesaid statement made by the learned senior counsel appearing on behalf of the State of Assam, we do not consider it necessary to pass any further order in the matter except to record the statement made. The additional 64 foreigners tribunals will now start functioning on or before 10<sup>th</sup> of August, 2015.

On being asked by the Court, Shri Prateek Hajela has made a statement that as on date the number of pending references that will have to be adjudicated by the tribunals is about five lakhs. This is an approximate figure and according to Shri Gupta the number will be around 2.5 lakhs. Be that as it may, while the actual number of pending references will be duly verified, Mr. Gupta appearing on behalf of the State would consider as to whether keeping in mind the number of pending references, there is any necessity to increase the number of the tribunals and also in the event the decision of the tribunals are challenged before the higher forum including the High Court, the requirement of increasing infrastructure, manpower and judges strength in the High Court. The responses of the Union and the State of Assam

will be laid before the Court as and when orders passed to the said effect.

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

Arguments have remained inconclusive.

List the matter for further arguments on Tuesday next i.e. 21st July, 2015.

We request the Hon'ble the Chief Justice of India to make this Bench available on Tuesday and Wednesday i.e. 21st July, 2015 and 22nd July, 2015 and if so required even on next Thursday i.e. 23rd July, 2015, if the same is possible.

The Union of India as also the State of Assam is directed to make its stand known on the question as to the whether the children of illegal migrants would get the benefit of Section 3 of the Citizenship Act, as amended.

Shri Prateek Hajela, State Coordinator, NRC, Assam is directed to remain present in Court on next Tuesday i.e. 21st July, 2015.

All the pleadings that parties may choose to bring on record be filed on or before Monday i.e. 20th July, 2015.

List all the pending I.As. along with the main matter(s) on Tuesday i.e. 21st July, 2015.

(VINOD LAKHINA)  
COURT MASTER

(MADHU BALA)  
COURT MASTER

(ASHA SONI)  
COURT MASTER