

11
ITEM NO.301
(Part-heard)

COURT NO.10

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 274 OF 2009

ASSAM PUBLIC WORKS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(With appln(s) for directions, permission to file rejoinder affidavit,
permission to file additional documents and office report)

WITH

W.P(C) NO. 562 of 2012

(With appln(s) for intervention, stay and permission to file lengthy list
of dates and office report)

Date:18/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Arvind Kumar Sharma,Adv.

(in WP 562/12) Mr. Manish Goswami,Adv.
For M/S. Map & Co.,Advs.

Mr. Somiran Sharma, Adv.

For Respondent(s) Mr. Jaideep Gupta,Sr.Adv.
For R-2 Ms. Krishna Sarma,Adv.
Mr. Avijit Roy,Adv.
Mr. Navnit Kumar,Adv.
For M/S. Corporate Law Group,Advs.

For Union of India Mr. Rakesh Khanna,ASG
(in WP(c) 274/09) Mr. Jitendra Mohapatra,Adv.
Mr. S. Nand Kumar,Adv.
Mr. Harsh Prabhakar. Adv.
Ms. Seema Rao, Adv.

For R-3 Ms. Meenakshi Arora, Sr,Adv.
Mr. Mohit D. Ram, Adv.
Mr. Vasav Anantharaman,Adv.

I.A. No.6 in Mr. Fakhruddin,Sr.Adv.
WP(C) 274/09 & Mr. Gulfeshan Javed,Adv.
I.A. No.5 in Mr. Abdul Qadir,Adv.
WP(C) 562/12 Mr. V.P. Tiwari, Adv.
Mr.Surya Kamal Mishra, Adv.
Mr. Mustafa Khaddam Hussain,Adv.
Mr. Raj Kishore Choudhary,Adv.
Ms. Sheba Fakhruddin, Advertisement
Mr. Azizur Rahman,Adv.
Mr. Fuzail Ahmad Ayyubi,Adv.

In WP(C) 274/09 Mr. Syed Ali Ahmad,Adv.
Mr. Syed Tanweer Ahmad,Adv.
Md. Shahnawaz Hassan, Adv.

Mr. Sumanta S. Bandyopadhyay, Adv..
Mr. Mohan Pandey, Adv.

For R-6 in
WP(C) 274/09

Mr. Prateek Jalan, Adv.
Ms. Malvika Trivedi, Adv.
Mr. Anurag Misra, Adv.
Mr. T. Mahipal, Adv.

Mr. Syed Ali Ahmad, Adv.
Mr. Syed Tanveer Ahamd, Adv.
Mr. S.S. Bandhyopadhyay, Adv.
Mr. Mohd Shah, Adv.
Mr. Mohan Pandey, Adv.

State of Orissa
(in WP(C) 274/09)

Mr. Shibashish Misra, Adv.
Mr. Shreekant N. Terdal, Adv.

In I.A. No.5 in
WP(C) 274/09

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

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

This writ petition has been pending for the last four years. The petition makes a prayer to delete the illegal voters from the voters list of Assam and in that process seeks an updation of the National Register of Citizens, 1951. Different orders have been passed from time to time towards that purpose and ultimately certain modalities were presented in that behalf by the State of Assam to the Central Government. The Central Government was also given sufficient time to reflect on those modalities. Now we are told that the necessary meetings have taken place and in those meetings the work flow for undertaking the updation of NRC 1951 was finalized within the parameters of mutually agreed modalities.

(2) All this work requires substantial expenditure and therefore in the order which was passed on the last date of hearing i.e. 23rd August, 2013 a financial clearance was expected from the Central Government, as also issuance of Gazette Notification by the Registrar General of India to initiate the process. On the request of the counsel for the Central Government the matter was adjourned for eight weeks. Yet these two initial steps have not been taken. We are informed that whereas the State of Assam is seeking an amount of Rs.489/- Crores, the Central Government is considering allotment of an amount of Rs.440/- Crores only.

(3) Mr. Rakesh Kr. Khanna learned Additional Solicitor has taken instructions from Mr. Ajay Kanojia, Deputy Secretary, (North East), Government of India, Ministry of Home Affairs. who is present in Court. Mr. Khanna states that the Gazette Notification will be issued after the decision on financial clearance is taken. He is, however, not in a position to specifically state as to within how much time these steps will be taken. We are informed that the Joint Secretary (North East), Ministry of Home Affairs is the person who is the authority to take the decision. We direct him to file an affidavit within one week placing it on record as to within how much time the Gazette Notification will be issued and the financial clearance will be granted. If he is not in a position to make any such commitment he shall remain present in Court on the next date of hearing i.e. 25th October, 2013. The Joint Secretary will also place the aboveresferred mutually agreed modalities on record in the affidavit to be filed.

(4) All the I.As. for intervention are allowed.

(5) All the parties are permitted to file additional documents.

(6) List on 25th October, 2013 at 2.00 p.m.

(Usha Bhardwaj)
AR-cum-PS

(Sneh Lata Sharma)
Court Master