

ITEM NO.301

COURT NO.5

SECTIONS X/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). 562/2012

ASSAM SANMILITA MAHASANGHA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With applns. for directions, early hearing, impleadment as party respondent, stay and office report)

WITH

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

(With Office Report)

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

(With appln.(s) for impleadment and appln.(s) for seeking leave to file written arguments and Office Report)

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

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

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

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

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

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

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

(With Office Report)

Date : 15/12/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For the parties :

Mr. Manish Goswami, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Somiran Sharma, Adv.

Mr. Amit Kumar, Adv.

Mr. Partha Sil, Adv.

Ms. Meenakshi Arora, Sr. Adv.

Mr. S.K. Mendiratta, Adv.

Mr. Mohit D. Ram, Adv.

Mr. Neeraj Kumar, Adv.

Mr. P.S. Patwalia, Sr. Adv.

Ms. Rashmi Malhotra, Adv.

Mr. Raghendra Bajaj, Adv.

Mr. Tushar Bakshi, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, Adv.

Mr. Azim H. Laskar, Adv.

Mr. Sachin Das, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Chandra Bhushan Prasad, Adv.

Mr. Manoj Kumar Goyal, Adv.

Mr. Tapes K. Singh, Adv.

Mr. Mohd. Waquas, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Mr. Baskula Athik, Adv.

Ms. Hemantika Wahi, Adv.

Ms. Puja Singh, Adv.

Ms. Aagam Kaur, Adv.

Ms. Aruna Mathur, Adv.

Mr. Yusuf Khan, Adv.

Mr. Avneesh Arputham, Adv.

Ms. Anuradha Arputham, Adv.

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Mr. S.K. Pabbi, AAG

Ms. Disha Singh, Adv.

Mr. Kuldeep Singh, Adv.

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Mr. Amit Sharma, Adv.

Mr. Prateek Yadav, Adv.

Mr. Ankit Raj, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Anil Grover, Adv.

Mr. H.S. Sachdeva, Adv.

Mr. C.D. Singh, Adv.
Ms. Bansuri Swaraj, Adv.
Mr. Udit Arora, Adv.
Mr. Sandeepan Pathak, Adv.

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

Mr. Edward Belho, AAG
Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Mr. Elix Gangmei, Adv.

Mr. Manoj Goel, Adv.
Mr. Shuvodeep Roy, Adv.

Mr. Somik Ghosal, Adv.
Mr. Somnath Banerjee, Adv.
Mr. Parijat Sinha, Adv.

Mr. Sapam Biswajit Meitei, Adv.
Ms. B. Khushbansi, Adv.

Ms. Rachna Srivastava, Adv.
Ms. Monika, Adv.
Mr. Sukrit R. Kapoor, Adv.

Mr. Rudreshwar Singh, Adv.
Mr. Gautam Singh, Adv.
Ms. Snehil Sonam, Adv.
Ms. Priya Mishra, Adv.
Mr. Samir Ali Khan, Adv.

Ms. Sneha Kalita, Adv.

Mr. Shadman Ali, Adv.
Mr. S.S. Rawat, Adv.
Mr. Raj Bahadur Yadav, Adv.

Mr. Ashish Kumar Sinha, Adv.
Mr. Shibashish Misra, Adv.

Mr. Ananga Bhattacharyya, Adv.
Mr. Anjani Kumar Mishra, Adv.

Mr. Avijit Bhattacharjee, Adv.

Mr. Fuzail Ahmad Ayyubi, Adv.

Mr. Gopal Singh, Adv.

Mr. Mohan Pandey, Adv.

Mr. Shadan Farasat, Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Shibashish Misra, Adv.

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Mr. Guntur Prabhakar, Adv.

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Mr. B. Balaji, Adv.

Mr. C.K. Sasi, Adv.

Mr. Milind Kumar, Adv.

Mr. Nirnimesh Dube, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. V.N. Raghupathy, Adv.

Ms. Liz Mathew, Adv.

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

The matter has been considered by us pursuant to the previous order dated 26.10.2016. We have before us, at this stage, a report of the State Coordinator for

National Registration (NRC), Assam dated 14th December, 2016. We have perused the said report.

In the said report it has been stated by the Project Coordinator that after the previous order of the Court dated 26.10.2016, the response of the States in respect of verification of documents etc. sent by the Project Coordinator has significantly improved though full details/response are still awaited.

In the said report, the Project Coordinator has, however, specifically mentioned that in respect of the States of Bihar, Jammu & Kashmir and Telangana, the response has not been very encouraging.

We direct the Chief Secretaries of all the concerned States i.e. Arunachal Pradesh, Delhi, Karnataka, Kerala, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Tripura, Uttarakhand and West Bengal as well as Bihar, Jammu & Kashmir and Telangana to ensure that the requisite responses be sent to the Project Coordinator, NRC, Assam as quickly as possible so that no impediment is caused in the work relating to the upgradation of the NRC.

We similarly direct the authority in the Ministry of External Affairs to expedite the process of receiving/receipt of necessary response from the 11 countries, details of which have been set out in Annexure-B of the report of the Project Coordinator,

which is to the following effect :

Status of documents sent for verification outside the Country till Dec 12, 2016				
Sl.N o.	Country Name	Count of documents sent for verification	Results Received till Dec 12, 2016	% of documents verified
1	USA	109	–	0.00%
2	Nepal	62	–	0.00%
3	UAE	50	–	0.00%
4	UK	31	–	0.00%
5	Saudi Arabia	32	17	53.13%
6	Kuwait	15	15	100.00%
7	Singapore	15	1	6.67%
8	Canada	11	–	0.00%
9	Myanmar	10	–	0.00%
10	Bangladesh	6	–	0.00%
11	Malaysia	5	1	20.00%
12	Qatar	5	–	0.00%
13	Bahrain	5	2	40.00%
14	Thailand	4	–	0.00%
15	Japan	4	1	25.00%
16	Pakistan	3	–	0.00%
17	Oman	5	–	0.00%
18	South Africa	3	3	100.00%
19	Hong Kong	2	–	0.00%
20	Indonesia	2	–	0.00%
21	Vietnam	2	–	0.00%
22	Sri Lanka	2	–	0.00%

23	Tanzania	2	-	0.00%
24	Australia	2	-	0.00%
25	Netherlands	2	-	0.00%
26	South Korea	2	-	0.00%
27	China	1	1	100.00%
28	Ghana	1	-	0.00%
29	Taiwan	1	-	0.00%
30	Mozambique	1	1	100.00%
31	Trinidad & Tobago	1	-	0.00%
32	Germany	1	1	100.00%
33	Cyprus	1	-	0.00%
34	Norway	1	1	100.00%
35	Mauritius	1	-	0.00%
36	Sweden	1	-	0.00%
37	Bhutan	1	-	0.00%
Total		402	44	10.95%

Insofar as Election Commission of India is concerned, Ms. Meenakshi Arora, learned senior counsel appearing for the Commission, has placed before the Court the hard disk containing the complete electoral rolls of the State of Assam which according to her would contain the requisite information sought for by the Project Coordinator.

Learned senior counsel has submitted that in view of the limited man-power available with the

Election Commission of India, it is difficult for the Commission, at this stage, to segregate the information sought for by the Project Coordinator and the said exercise may be done from the hard-disk of the electoral roll by the office of the Project Coordinator.

Learned senior counsel has assured that the said hard disk will be made available to the Project Coordinator forthwith.

Insofar as finance is concerned, Shri P.S. Patwalia, learned Additional Solicitor General, has submitted that an amount of Rs.29 crores has been released by the Government of India in the current week and the same must have been received in the meantime.

Shri Patwalia has further stated that within the next seven days an additional amount of Rs.71 crores will be released.

There is yet another matter which has been highlighted by the Project Coordinator in his report dated 14.12.2016. This pertains to the certificates issued by the Panchayat Secretaries and local Revenue Officers/Officials in respect of women applicants who have migrated to the other villages after their marriage.

It is stated in the report that the question with regard to the validity of such certificates is an

issue pending before the Guahati High Court in a writ proceeding registered and numbered as W.P.(C) No.2634 of 2016. The Project Coordinator has further submitted that though the said certificate is not a prescribed document under the Assam Panchayat Act, 1994 it is one of the supporting documents, mentioned in the list of documents (against serial No.13) which have been agreed upon to be relied upon a supporting document by the stakeholders at the time of working out the parameters of preparation of the NRC.

It is also pointed out in the report of the Project Coordinator that over 41 lakhs of such certificates have been submitted and that the authenticity of the same and the circumstances in which such certificates have been issued can be gone into in an appropriate case as and when such an exercise is called for.

An apprehension has been expressed that at this stage if such certificates are to be discarded, it would seriously jeopardize the work of upgradation of NRC, which is already behind schedule with substantial part of the work still remaining to be done.

As the matter is pending before the Guahati High Court in a writ proceeding, we do not consider it appropriate to offer any views on the subject except to say whatever is indicated in this order and what may be

indicated by the Project Coordinator before the Guahati High Court would certainly be taken into account by the High Court in determining the question before it.

Beyond what has been recorded above, we do not consider it necessary to make any further observations or issue any further directions.

For further orders, list these matters on 7th February, 2017 at 2.00 p.m.

On 07.02.2017, when these matters would be considered by this Court again, the Union of India (Ministry of Home Affairs) will file a report indicating the progress with regard to border fencing which has been ordered by us in our previous orders.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master