

ITEM NO.301

COURT NO.7

SECTION X

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(S). 562/2012

ASSAM SANMILITA MAHASANGHA & ORS.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

[WITH APPLN.(S) FOR DIRECTIONS AND IMPLEADMENT AS PARTY RESPONDENT  
AND STAY 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 OFFICE REPORT)

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

(WITH APPLN.(S) FOR SEEKING LEAVE TO FILE WRITTEN ARGUMENTS AND  
OFFICE REPORT)

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

(WITH APPLN.(S) FOR DIRECTIONS)

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

(WITH APPLN.(S) FOR DIRECTIONS AND OFFICE REPORT)

Date : 05/11/2015 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)

WP(C) 562/12

Mr. Manish Goswami, Adv.

Mr. Rameshwar Prasad Goyal, AOR

WP(C) 876/14, 311/15 &

rr in WP(C) 562/12

Mr. Somiran Sharma, AOR

WP(C) 274/09

Mr. Arvind Kumar Sharma, AOR

WP(C) 450/15, 449/15

Mr. Partha Sil, AOR

Mr. Tavish B. Prasad, Adv.

For Respondent(s)

Mr. Anjani Kumar Mishra, AOR

Mr. Avijit Bhattacharjee, AOR  
Ms. Upma Shrivastava, Adv.

Mr. B. Krishna Prasad, AOR

Mr. Fuzail Ahmad Ayyubi, AOR  
Ms. Kanishka Prasad, Adv.

State of Tripura

Mr. Gopal Singh, AOR  
Mr. Rituraj Biswas, Adv.  
Ms. Varsha Poddar, Adv.

Mr. Mohan Pandey, AOR

Election Comm.

Mr. Mohit D. Ram, AOR  
Mr. Neeraj Kumar, Adv.

State of UP

Mr. Ashutosh Kumar Sharma, Adv.  
Mr. Ravi Prakash Mehrotra, AOR

Mr. Shadan Farasat, AOR

Mr. Shakil Ahmed Syed, AOR

Mr. Shibashish Misra, AOR

Mr. Shreekant N. Terdal, AOR

Mr. Milan Laskar, Adv.  
Mr. Syed Mehdi Imam, AOR

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

State of Assam

Mr. Jaideep Gupta, Sr. Adv.  
Ms. Krishna Sarma, AAG  
Mr. Avijit Roy, Adv.  
Mr. Navnit Kumar, Adv.  
Ms. Kankana Arandhara, Adv.  
For M/s Corporate Law Group, AOR

|                       |                                                                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State of West Bengal  | Mr. Soumitra G. Chaudhuri, Adv.<br>Mr. Parijat Sinha, Adv.<br>Mr. Somnath Banerjee, Adv.                                                                                                                                                                                       |
| Gauhati HC            | Ms. Sneha Kalita, AOR<br><br>Mr. P.S. Patwalia, ASG<br>Mr. Tushar Bakshi, Adv.<br>Mr. Ritesh Kumar, Adv.<br>Mr. R. M. Bajaj, Adv.<br>Ms. Rashmi Malhotra, Adv.<br>Ms. Sushma Suri, AOR<br><br>Mr. Anip Sachthey, AOR<br><br>Mr. B. Balaji, AOR<br>Mr. C.M. Sundaram Iyer, Adv. |
| State of Chhattisgarh | Mr. C.D. Singh, AOR<br>Mr. Darpan Bhuyan, Adv.                                                                                                                                                                                                                                 |
| State of M.P.         | Mr. Arvind Verma, Sr. Adv.<br>Mr. C.D. Singh, AOR.<br>Mr. Darpan Bhuyan, Adv.<br>Mr. Udit Arora, Adv.<br><br>Mr. A.K. Sanghi, Sr. Adv.<br>Mr. M.P. Gupta, Adv.<br>Ms. Sunita Gautam, Adv.<br>Mr. D.S. Mahra, AOR                                                               |
| State of Punjab       | Mr. S.K. Pabbi, AAG<br>Mr. Ajay K. Singh, Adv.<br>Mr. Kuldeep Singh, AOR<br><br>Mr. Milind Kumar, AOR                                                                                                                                                                          |
| State of Goa          | Mr. Siddharth Bhatnagar, Adv.<br>Mr. Sidharth Mohan, Adv.<br>Ms. Garima Tiwari, Adv.<br>Mr. Nirnimesh Dubey, AOR<br><br>Mr. Samir Ali Khan, AOR                                                                                                                                |

|                      |                                                                                                                                                                                                                                                                                                                            |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State of Sikkim      | <p>Ms. Aruna Mathur, Adv.<br/> Mr. Avneesh Arputham, Adv.<br/> Mr. Yusuf Khan, Adv.<br/> Ms. Anuradha Arputham, Adv.<br/> For M/s Arputham Aruna &amp; Co., AOR</p>                                                                                                                                                        |
| UT of A & N Admn.    | <p>Mr. K.V. Jagdishvaran, Adv.<br/> Ms. G. Indira, AOR</p> <p>Ms. Hemantika Wahi, AOR<br/> Ms. Jesal Wahi, Adv.<br/> Ms. Puja Singh, Adv.</p>                                                                                                                                                                              |
| State of Uttarakhand | <p>Mr. Ashutosh Kr. Sharma, Adv.<br/> Ms. Rachana Srivastava, AOR</p>                                                                                                                                                                                                                                                      |
| State of Rajasthan   | <p>Mr. S.S. Shamsbery, Adv.<br/> Mr. Amit Sharma, Adv.<br/> Ms. S.Spandana Reddy, Adv.<br/> Ms. Ruchi Kohli, AOR</p> <p>Mr. Abhijit Sengupta, AOR</p> <p>Mr. G.S. Chatterjee, AOR</p> <p>Mr. Syed Ali Ahmad, Adv.<br/> Mr. Syed Tanweer Ahmad, Adv.<br/> Mr. Sumanta S. Bandyopadhyay, Adv.<br/> Mr. Mohan Pandey, AOR</p> |
| State of Nagaland    | <p>Mrs. K. Enatoli Sema, Adv.<br/> Mr. Edward Belho, Adv.<br/> Mr. Amit Kumar Singh, Adv.</p> <p>Mr. Ranjan Mukherjee, AOR</p>                                                                                                                                                                                             |
| State of Jharkhand   | <p>Mr. Tapesesh Kumar Singh, AOR<br/> Mr. Mohd. Waquas, Adv.</p>                                                                                                                                                                                                                                                           |
| State of Karnataka   | <p>Mr. V.N. Raghupathy, AOR<br/> Mr. Lagnesh Mishra, Adv.<br/> Mr. Parikshit Angadi, Adv.</p> <p>Ms. Liz Mathew, AOR<br/> Mr. M.F. Philip, Adv.</p>                                                                                                                                                                        |

Mr. Snehasish Mukherjee, AOR

Mr. Ashim Chamuah, Adv.

State of Manipur

Mr. Sapam Biswajit Meitei, Adv.

Mr. Z.H. Isaac Haiding, Adv.

Mr. S. Vijayanand Sharma, Adv.

Mr. Ashok Kumar Singh, Adv.

Mr. Ananga Bhattacharyya, AOR

Mr. Mukund P., Adv.

State of Bihar

Mr. Rudreshwar Singh, Adv.

Mr. Gautam Singh, Adv.

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

We have perused the Supplementary Report dated 4<sup>th</sup> November, 2015 submitted by Shri Upamanyu Hazarika, learned Senior Advocate, pursuant to the order of this Court dated 14<sup>th</sup> July, 2015, whom we had appointed as the Court's Commissioner vide order dated 13<sup>th</sup> May, 2015. We have also perused the affidavit filed on behalf of the Union of India dated 3<sup>rd</sup> November, 2015 and the additional affidavit filed on behalf of the State of Assam dated 30<sup>th</sup> October, 2015. After perusing the said Supplementary Report dated 4<sup>th</sup> November, 2015 and the said two affidavits dated 3<sup>rd</sup> November, 2015 and 30<sup>th</sup> October, 2015, we put it to Shri P.S. Patwalia, learned Additional Solicitor General of India appearing for the Union of India and to Shri Jaideep Gupta, learned Senior Advocate appearing for the State of

Assam that in view of the lack of coordination between the Union of India and the State Government it may perhaps be better to have a Committee consisting of personnel from both the Union of India and the State Government which could iron out all differences and move ahead insofar as border infiltration is concerned. After having given our anxious consideration to this, we feel it would be best if the said Committee were to be constituted consisting of the Chief Secretary of the State of Assam and the Secretary (Border Management), Ministry of Home, Government of India. We expect that these two high ranking officers would do the needful by chalking out an action plan with estimated time limit of performance dealing with each of the subject matters mentioned in the Supplementary Report and the affidavit of the Union of India and the State of Assam. We expect that a preliminary meeting should take place as soon as is possible in order to chalk out how exactly the Committee intends to proceed in the matter. We would like to be informed on the next date of hearing which is fixed on 1<sup>st</sup> December, 2015 by which date we expect that the Committee will have sat at least once and deliberated over how exactly they are going to proceed in the matter.

Insofar as the preparation of NRC is concerned, we

have heard Mr. Prateek Hajela, State Coordinator, NRC, Assam and feel that appropriate directions will be passed on the next date of hearing. In the meanwhile, we expect that the State Government will do everything in its power including the furnishing of necessary man-power in order that the said mammoth task be completed at the earliest.

We are extremely grateful to Shri Upamanyu Hazarika, learned Senior Advocate, who has taken great pains and has apprised us of the situation as it obtains on the ground. We thank him for his efforts and finding that he has completed the task set out for him by this Court, there would not be any further requirement of his services. It is ordered accordingly.

We request the Hon'ble the Chief Justice of India to make available this Bench on 1<sup>st</sup> December, 2015 for the whole day for hearing of the issues raised before us.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER