

ITEM NO.1 & 16

COURT NO.8

SECTION X/PIL(W)

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 AND IMPLEADMENT AS
PARTY RESPONDENT AND INTERVENTION 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 APPLN.(S) FOR CLARIFICATION/DIRECTION AND DIRECTIONS AND
IMPLEADMENT AND INTERVENTION AND OFFICE REPORT)

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

(WITH 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 : 21/07/2015 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)

WP(C) 562/12

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Mr. Rameshwar Prasad Goyal, Adv.

WP(C) 876/14 & rr in
562/12

Mr. Somiran Sharma, Adv.

WP(C) 274/09

Mr. Arvind Kumar Sharma, Adv.

WP(C) 450/15, 449/15

Mr. Partha Sil, Adv.

For Respondent(s)

I.A. NO.16

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Mr. Shadan Farasat, Adv.

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Ms. Arna Das, Adv.

Mr. Shibashish Misra, Adv.

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Mr. T. Mahipal, Adv.

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Mr. Avijit Roy, Adv.
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For M/s Corporate Law Group, Adv.

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Ms. Hemantika Wahi, Adv.

Ms. Rachana Shrivastav, Adv.
Mr. Ashutosh Kr. Sharma, Adv.

Mr. S.S. Shamsbery, Adv.
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Ms. Ruchi Kohli, Adv.

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Mr. G.S. Chatterjee, Adv.

State of Aru.Pr. Mr. Anil Shrivastav, Adv.
Mr. Ranjan Mukherjee, Adv.
Mr. S.C. Ghosh, Adv.
Mr. S. Bhowmick, Adv.

I.A. 19 & 20 Mr. Arup Borbora, Sr. Adv.
Mr. Pranabananda Pathak, Sr. Adv.
Mr. Abhisekh Sarkar, Adv.
Mr. Snehasish Mukherjee, Adv.

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Mr. Z.H. Isaac Haiding, Adv.
Mr. Ashok Kumar Singh, Adv.

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

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

All Applications for impleadment/intervention are allowed. Memo of parties be amended accordingly. Pleadings, if any, may be completed. Pleadings/Additional pleadings may be brought on record.

Writ Petition (Civil) No.311 of 2015

The issues arising in this writ petition are similar to the issues in Writ Petition (Civil) No.562 of 2012 which has been referred to the Constitution Bench by our order dated 17th December, 2014. We, therefore, refer this writ petition to the Constitution Bench to be heard along with Writ Petition (Civil) No.562 of 2012.

Writ Petition (Civil) Nos.450 of 2015 and 449 of 2015

Heard learned counsel for the petitioners and perused the relevant material.

Issue notice.

Tag with Writ Petition (Civil) No.562 of 2012 and Writ Petition (Civil) No.311 of 2015.

I.A. NO.18, 11, 12, 14, 16, 17 AND 20 OF 2015 IN WRIT PETITION (CIVIL) NO.274 OF 2009 AND I.A. NOS.11 AND 12 IN WRIT PETITION (CIVIL) NO.562 (FOR DIRECTIONS)

We have heard the learned counsels for the contesting parties at considerable length.

Upon hearing the learned counsels, we pass the following directions:

1. The process of updating the National Register of Citizens (NRC) will be in strict implementation of the provisions contained in the Schedule framed under Rule 4A(4) of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 (for the sake of convenience, hereinafter referred to as "the Rules")

Insofar as clause 3(3) of the Schedule appended to the Rules is concerned, we clarify that the expression "original inhabitants of the state of Assam" would include the "Tea Tribes" and the inclusion of such original inhabitants would be on the basis of proof to the satisfaction of the Registering Authority which establishes the citizenship of such persons beyond reasonable doubt. Any directions by the Registrar General of India in this regard shall also be followed by the Registering Authority.

Insofar as clause 3(5) of the Schedule to the Rules is concerned, we clarify that Indian citizens, including their children and descendants, who may have moved to the State of Assam subsequent to 24th March, 1971 would be eligible for inclusion in the NRC on adducing satisfactory proof of residence in any part of the country (outside Assam) as on 24th March, 1971.

2. To take care of any clarification that would be required with regard to the modalities in the preparation of the NRC as indicated by us hereinbefore, we constitute a Committee consisting of Mr. Justice Aftab Hussain Saikia, former Chief Justice of the High Court of Jammu and Kashmir, Mr. Justice D. Biswas and Mr. Justice D.N.

Chowdhury, former Judges of the Gauhati High Court. The state of Assam will be free to appoint the Member Secretary of the said Committee. We request the Hon'ble Judges to spare their valuable time and agree to be in the Committee constituted by us. The terms of appointment of the Members of the Committee will be settled by the Committee Members in consultation with the concerned authority of the State.

We also make it clear that complaints with regard to any obstruction in the matter of preparation/updation of NRC by any person or authority may first be brought to the notice of the Court appointed Committee and the said Committee, upon due enquiry, will submit necessary report to the Registry of this Court whereafter the same will be brought to the notice of the Bench.

3. Insofar as the extension of the date for final publication of the NRC is concerned, we decline to extend the date and reiterate our earlier order dated 17th December, 2014 which requires the concerned Authority to publish the final NRC on or before 1st January, 2016. However, we permit the concerned Authority to carry out such modifications in the time schedule with regard to undertaking/completion of the different steps/stages in the

process of updating the NRC as indicated in our previous order, if so required. We expect all Authorities to act faithfully and diligently to carry out their assigned tasks to ensure smooth preparation of NRC and publication thereof within the schedule fixed by us. This is in reiteration of the mandate contained in Article 144 of the Constitution of India. It is not necessary for us to emphasize that any person found to be creating any obstruction or hindrance, in any manner, in the preparation of the NRC would be subjected to such orders as this Court would pass in such eventualities.

All the Interlocutory Applications are closed in terms of the present order.

We request the Hon'ble the Chief Justice of India to make this Bench available on 6th or 7th October, 2015 so as to enable us to monitor the progress in the updation/preparation of the NRC. The State Coordinator to submit a report of the progress made well before the said date.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER