

ITEM NO.301

COURT NO.1

SECTION 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.274/2009

ASSAM PUBLIC WORKS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 05-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Kailash Prashad Pandey, AOR

For Respondent(s)

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Ms. Preeti Jha, Adv.

Ms. Sadiya Shakeel, Adv.

Ms. Priyanka Jha, Adv.

Ms. Malvika Trivedi, Adv.

Mr. Ankit Yadav, Adv.

Mr. T. Mahipal, Adv.

Ms. Diksha Rai, Adv.

Ms. Palak Mahajan, Adv.

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

We have considered the report of the State Coordinator, NRC. We have also heard the learned Attorney General and the learned Solicitor General, who have, *inter alia*, argued that from the last date of submission of nomination till the date of poll, the NRC work should be suspended and such suspension should be also for an anterior period of two weeks. The aforesaid suspension has been stated to be necessary for permitting withdrawal of 167 companies of the Central Armed Police Forces currently engaged in NRC work so as to ensure the law and order situation in the country at the time of General Elections which are scheduled to be held in the coming few months. An additional reason for the aforesaid suspension is what is anticipated to be a highly surcharged political atmosphere on the eve of the elections wherein hearing of the NRC cases would not be conducive.

We have considered the submission advanced on behalf of the Union of India by the learned Attorney General and learned Solicitor General. At this stage, we are not inclined to pass any orders on the said request. However, taking note of the report of the State Coordinator, we direct that adequate number of State Government officials (number indicated by the State Coordinator as 3457) which would consist of officers in different ranks as stated in the report, be kept free for NRC work. The availability of the

said officers for NRC work would still leave out over 2000 persons currently engaged in NRC work for being engaged in the election work at the relevant point of time.

We also request the Election Commission of India to examine the case of exemption of officers, in the rank of District Magistrates, Additional District Magistrates, etc. as mentioned in paragraph 4 of the report of the State Coordinator, from transfers which are likely to be made in view of the elections. The Election Commission of India will consider the aforesaid matter keeping in mind that this Court which has consistently monitored the NRC work is of the view that least interference should come in such works so that final NRC is made and published on the stipulated date i.e. 31st July, 2019. A copy of the report of the State Coordinator be furnished to the Secretary of the Election Commission of India forthwith.

The matter shall be listed again in the first week of March, 2019.

(Chetan Kumar)
A.R. -cum-P.S.

(Anand Prakash)
Court Master