

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(S). 274/2009

ASSAM PUBLIC WORKS

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(ONLY REPORT DATED 11.01.2019 RECEIVED FROM STATE COORDINATOR, NRC LISTED AGAINST THIS MATTER)

Date : 24-01-2019 This case was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Parties :

Mr. Prateek Hajela, State Coordinator,
 NRC, Assam - in-person

State of Assam

Mr. Tushar Mehta, SG
 Mr. Shuvodeep Roy, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Somnath Banerjee, Adv.
 Mr. Kabir Shankar Bose, Adv.
 With
 Ms. L.S. Changsan, Pr. Secy., H & P
 Mr. Virendra Mittal, Secy. H & P

UOI

Mr. K.K. Venugopal, AG
 Mr. Tushar Mehta, SG
 Ms. Rashmi Malhotra, Adv.
 Ms. Rekha Pandey, Adv.
 Mr. R.M. Bajaj, Adv.
 Ms. Binu Tamta, Adv.
 Ms. Shradha Deshmukh, Adv.
 Mr. B.V. Balram Das, AOR

Mr. Kailash Prashad Pandey, AOR

Mr./Ms. Arna Das, Adv.
Mr. Gaurav Dhingra, AOR

Mr. B. Krishna Prasad, AOR

Mr. Snehasish Mukherjee, AOR

Mr. Shibashish Misra, AOR

Mr./Ms. A. Chaliha, Adv.
Mr. Shadan Farasat, AOR
Mr. R.H.A. Sikander, Adv.
Mr. Prateek Gupta, Adv.

Mr. Mohit D. Ram, AOR

Mr. Krishan Kumar Pandey, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. M. Kumar Mishra, Adv.
Mr. Mohan Pandey, AOR

Ms. Madhumita Bhattacharjee, AOR

Mr. Guntur Prabhakar, AOR

Mr. Salman Khurshid, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Abdul Qadir, Adv.
Mr. Mustafa Khaddam Hussain, Adv.
Mr. Ibad Mushtaq, Adv.
Ms. Aditi Gupta, Adv.
Mr. Jawad Tariq, Adv.

Mr. Abhijit Sengupta, AOR

Mr. Sanand Ramakrishnan, AOR

Mr. Avijit roy, AOR

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Ms. Rashmi Singhanian, AOR
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Ms. Rashmi Nandakumar, AOR

Mr. Mansoor Ali, AOR
Mr. A.S. Tapader, Adv.
Mr. A.K. Talukdar, Adv.
Ms. Rubina Jawed, Adv.

Ms. Malvika Trivedi, Adv.
Mr. Ankit Yadav, Adv.
Mr. T. Mahipal, Adv.

Mr. Debojit Borkakati, AOR
Mr. Vivek Sankar, Adv.

Mr. B.D. Jha, Adv.
Mr. Shakeel Ahmad, AOR
Ms. Preeti Jha, Adv.
Ms. Sadiya Shakeel, Adv.
Ms. Priyanka Jha, Adv.

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

The matter has been put up for consideration of the report dated 11th January, 2019 of the learned State Coordinator, NRC, Assam.

We have gone through the said report dated 11th January, 2019 and heard Shri K.K. Venugopal, learned Attorney General, Shri Tushar Mehta, learned Solicitor General appearing for the State of Assam, Shri Prateek Hajela, learned State Coordinator, NRC, Assam and Shri Salman Khurshid, learned Senior Counsel appearing for AAMSU.

Shri Prateek Hajela, the learned State Coordinator has submitted that the process of filing of claims and

objections has been concluded on 31st December, 2018 and about 36.2 lakh claims and about 2 lakhs objections have been filed. Presently, notices have been issued for hearing which is due to commence on and from 15th February, 2019. The learned State Coordinator has also submitted that a minimum of 15 days' time would be given to each claimant before the date of hearing so as to enable him to participate effectively in the hearing.

The learned State Coordinator has stated that in view of the Parliamentary Elections that are likely to be held, the publication of the final NRC may stretch to the end of September, 2019 and if some arrangement can be made to retain some of the NRC staff without they being taken for election duty the period could be shortened.

Having considered the matter we are of the view that, in no circumstances, the publication of the final NRC should be stretched beyond 31st July, 2019. Insofar as the deployment of government staff, currently engaged in NRC work, for election duty is concerned we are of the view that both the processes i.e. the preparation of final NRC and the election should receive equal importance and proceeded with simultaneously without one affecting the other.

What should the optimum number of State Government employees presently engaged in NRC work who can be legitimately continued in such work and what should be the number of such employees who can be taken out for election duty without affecting the NRC work is a matter that has to be sorted out between the learned State Coordinator, the State Government and the Election Commission.

Shri Tushar Mehta, learned Solicitor General appearing for the State of Assam has stated that he will arrange a meeting of the aforesaid three authorities i.e. State Coordinator, Secretary of Election Commission and the Chief Secretary of the State of Assam forthwith and report back to this Court on the outcome thereof within seven days. We request Shri Tushar Mehta, learned Solicitor General to proceed in the matter as suggested and ensure that report of the said Committee in the above matter be filed within seven days from today.

Shri Prateek Hajela, learned State Coordinator has also brought the attention of the Court to the manner in which the verification of the original applications was done and has suggested that the same manner should be allowed to be adopted in the process of consideration of claims for inclusion.

Having considered the matter we are of the view that the Court ought not to pass any orders in this regard, and instead leave the matter to the learned State Coordinator to adopt such method/methods as may be considered just, proper and appropriate so as to ensure a fair hearing to all the claimants and, at the same time, to ensure that final NRC be published on the date specified by the Court i.e. 31st July, 2019.

The matter will be listed again on 5th February, 2019 at 3.00 p.m. for consideration of the report that may be submitted by the Committee.

[VINOD LAKHINA]
AR-cum-PS

[ANAND PRAKASH]
BRANCH OFFICER