

ITEM NO.301+ 302

COURT NO.2

SECTION PIL-W/X/XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 274/2009

ASSAM PUBLIC WORKS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA NO. 10/2013-INTERVENTION APPLICATION
 IA NO.86036/2018-CLARIFICATION/DIRECTION
 IA NO.86040/2018-CLARIFICATION/DIRECTION
 IA NO. 103961/2018-INTERVENTION APPLICATION
 IA NO.105327/2018-APPROPRIATE ORDERS/DIRECTIONS
 IA NO. 105666/2018-EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) NO. 562/2012 (X) (301.1)

IA NO.1/2012-STAY APPLICATION

IA NO.24/2017

IA NO.25/2017

IA NO.41036/2017-INTERVENTION/IMPLEADMENT APPLICATION

IA NO.92739/2018-INTERVENTION APPLICATION

W.P.(C) NO.916/2014 (PIL-W) (301.2)

IA 2/2015 FOR [PERMISSION TO FILE ANNEXURES]

IA 3/2015 FOR EXEMPTION FROM FILING O.T. AND

IA NO.119677/2017-IMPLEADING PARTY)

IA NO.1/2014-STAY APPLICATION

W.P.(C) NO.876/2014 (X) (301.3)

[IA NO.1/2014-STAY APPLICATION]

W.P.(C) NO.311/2015 (X)(301.4)

(IA 2/2015

IA NO.1/2015-SEEKING LEAVE TO FILE WRITTEN ARGUMENTS)

W.P.(C) NO.449/2015 (X) (301.5)

(FOR ON IA 1/2015)

W.P.(C) NO.450/2015 (X) (301.6)

(IA 1/2015)

W.P.(C) NO.68/2016 (PIL-W) (301.7)
IA NO.1/2017-INTERVENTION APPLICATION

W.P.(C) NO.470/2018 (X) (301.8)
(FOR ADMISSION AND I.R. AND IA NO.69948/2018-EXEMPTION FROM FILING O.T.)

DIARY NO.20944/2018 (XIV) (301.9)
(FOR ADMISSION AND I.R. AND IA NO.80351/2018-CONDONATION OF DELAY IN FILING AND IA NO.80352/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.80350/2018-PERMISSION TO FILE SLP/TP)

DIARY NO.21214/2018 (XIV) (301.10)
(IA NO.84178/2018-CONDONATION OF DELAY IN FILING)

DIARY NO.21368/2018 (XIV) (301.11)
(FOR ADMISSION AND I.R. AND IA NO.82085/2018-CONDONATION OF DELAY IN FILING AND IA NO.82087/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.82088/2018-INTERVENTION/IMPLEADMENT AND IA NO.82084/2018-PERMISSION TO FILE SLP/TP AND IA NO.82086/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

DIARY NO.21377/2018 (XIV) (301.12)
(FOR ADMISSION AND I.R. AND IA NO.92415/2018-CONDONATION OF DELAY IN FILING AND IA NO.92417/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.92411/2018-PERMISSION TO FILE SLP/TP AND IA NO.92419/2018-CONDONATION OF DELAY IN REFILING)

DIARY NO.21959/2018 (XIV) (301.13)
(FOR ADMISSION AND I.R. AND IA NO.82961/2018-CONDONATION OF DELAY IN FILING AND IA NO.82962/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.82959/2018-PERMISSION TO FILE SLP/TP)

W.P.© NO.1047/2018 (X) (302)
(FOR ADMISSION and IA No.125802/2018-EXEMPTION FROM FILING O.T.)

Date : 19-09-2018 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

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

Having heard Shri K.K. Venugopal, learned Attorney General for India appearing for the Union of India, Shri Tushar Mehta, learned Additional Solicitor General appearing for the State of Assam, Shri Prateek Hajela, learned State Coordinator, Shri Kapil Sibal and Ms. Indira Jaising and Mr. K.N. Chaudhary, learned Senior Counsels appearing for some of the contesting parties we are of the view that the order that would be required to be passed at this stage is to open the process for receipt of claims and objections in respect of entries in the final draft NRC published on 30th July, 2018. The said process of receipt of claims and objections will now begin on and from 25th September, 2018 and will be remain open, tentatively, for a period of 60 (sixty) days effective from 25th September, 2018. We make it clear that insofar as filing of claims and objections are concerned it will be open for the claimants to rely on any one or more of the following ten (10) documents.

- i. Land documents like Registered Sale Deed, Records of land rights upto 24th March, 1971 (midnight).
- ii. Permanent Residential Certificate issued from outside the State upto 24th March, 1971 (midnight)

- iii. Passport issued by the Government of India upto 24th March, 1971 (midnight)
- iv. Life Insurance Corporation of India Insurance Policy (LICI) of relevant period upto 24th March, 1971 (midnight)
- v. Any license/certificate issued by any Government authority of relevant period i.e. upto 24th March, 1971 (midnight)
- vi. Document showing service/employment under Government/Public Sector undertaking upto 24th March, 1971 (midnight)
- vii. Bank/Post Office Accounts of relevant period i.e. upto 24th March, 1971 (midnight)
- viii. Birth Certificates issued by the competent authority upto 24th March, 1971 (midnight)
- ix. Educational certificate issued by Board/Universities upto 24th March, 1971 (midnight)
- x. Records/processes pertaining to court upto 24th March, 1971 (midnight) provided they are part of a processing in a Judicial or Revenue Court.

Insofar as the documents set out below are concerned the issue is kept open till such time that the learned Project Coordinator Shri Prateek Hajela offers his views/comments with regard to the statements made in the affidavit of the Union of India dated 17th September, 2018 as contained in paragraph 7 and paragraph 11 (Para 4(ii)) are concerned.

Documents kept open

- (i) Names in NRC, 1951;
- (ii) Names in Electoral Roll upto 24th March, 1971;
- (iii) Citizenship Certificate; and Refugee Registration Certificate;
- (iv) Certified copies of pre-1971 Electoral Roll, particularly, those issued from the State of Tripura; and
- (v) Ration Card

Shri Hajela will offer his views on the permissibility of introduction of any one or more of the above documents, at this stage of the updation process, in the light of the changed stand of the Union of India as contained/available in the aforesaid paragraph of the affidavit dated 17th September, 2018.

We have also considered the Confidential Report/Reports filed by Shri Prateek Hajela which has/have been placed before us in a sealed cover(s). Though Shri K.K. Venugopal, learned Attorney General for India has stated that a copy of the said report/reports be made available to the Union of India, we are of the view that having regard to the sensitive nature of some of the information contained therein which may affect the entire exercise undertaken and also the exercise that may be required to be undertaken by the Court the said

report/reports should remain in the custody of the Court for the present. The request of the learned Attorney General for India will be considered on the next date fixed. In the meantime, we direct Shri Hajela not to share any information pertaining to the ongoing exercise of updation of the NRC with any Executive, Legislative or Judicial Authority of the State without leave of the Court.

The matter will be listed once again on 23rd October, 2018 at 2.00 p.m.

The views of Shri Hajela in terms of the present order be filed within fifteen (15) days from today in a sealed cover to the Registry of this Court. Further orders will follow on the next date fixed.

Shri Salman Khurshid, learned Senior Counsel appearing for All Assam Minorities Students' Union is permitted to submit in writing the pleas that he would like to urge at the time of hearing of his application(s) on the next date fixed.

W.P.(C) NO.1047/2018 [ITEM NO.302]

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

Issue notice.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
ASSISTANT REGISTRAR