

GAHC010108552020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 3187/2020

1:RAHIMA BEGAM @ RAHIMA KHATUN
W/O MD. AMBAR ALI,
D/O LATE ATOWAR RAHMAN @ ATAR ALI,
VILLAGE NADIA, PS MUKALMUA, DIST NALBARI ASSAM

VERSUS

1:THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECY TO GOVERNMENT OF INDIA, MINISTRY OF
HOME AFFAIRS , SHASTRI BHAWAN, TILAK MARG, NEW DELHI 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT DISPUR
GUWAHATI 781006

3:THE DEPUTY COMMISSIONER OF NALBARI
PO NALBARI
DIST NALBARI ASSAM 782001

4:THE SUPERINTENDENT OF POLICE (B) NALBARI
PO NALBARI
DIST NALBARI ASSAM 782001

5:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI

6:THE ASSAM STATE CO ORDINATOR OF NRC
BHANGAGARH
GUWAHATI 78100

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

19.10.2020

(Manojit Bhuyan, J)

Heard Mr. A.R. Sikdar, learned counsel for the petitioner as well as Mr. A. Kalita, learned counsel represents respondent nos.2, 3 and 4 whereas Mr. S.C. Keyal, learned counsel appears for the Assam State Coordinator, NRC i.e. respondent no.6.

An issue of great importance is noticed in the present case. It is not a solitary instance, inasmuch as, in a number of cases we have noticed and recorded similar issue appearing. In the present case and in our earlier orders we have recorded that the name of the petitioner appeared in the National Register of Citizens even when proceedings against her had been initiated and continued on the basis of reference made by the Superintendent of Police (Border), Nalbari. Such insertion of name is against the law. The said proceeding also ended by declaring the petitioner as a foreigner of post 1971 stream. The present writ petition is basically a challenge to the said opinion dated 08.11.2019 of the Foreigners' Tribunal No.3, Nalbari, in F.T.(Nal.)-3 Case No.523/2018.

Mr. Keyal submits that it has become vitally important to file an affidavit so that a clear picture can be projected as to how the name of the petitioner got included in the National Register of Citizens despite the fact that at the relevant point of time proceedings against her was continuing. Mr. Keyal also submits that if there are any similar instances, the same will be brought on record in the affidavit.

As indicated above, this is not an isolated case.

Let the Assam State Coordinator, NRC file a comprehensive affidavit and bring on record the situations along with necessary particulars, whereby inroads into the National Register of Citizens may have been created by individuals who are undeserving and not legally entitled to be included in the National Register of Citizens. The affidavit would not be confined to the district of Nalbari alone, but also of other districts as well.

In so far as the present writ petition is concerned, the case records have already been received from the Tribunal concerned.

List against immediately after 3 (three) weeks, by which time it is expected of the Assam State Coordinator, NRC to file the comprehensive affidavit, as indicated above.

JUDGE

JUDGE

Comparing Assistant