

(Amendment) Act, 1985 (Act No 65 of 1985) w.e.f 07/12/1985 be stuck down as illegal and invalid, being, ultra-vires the Constitution of India.

- 2) That the petitioners are filing the present application for ex-parte stay on and amongst the grounds mentioned in the Writ Petition as well and the same is not being repeated for the sake of brevity of the matter.
- 3) That the [Assam Cabinet](#) on 16/08/2012 accepted the recommendations of the Cabinet sub-committee on updating the National Register of Citizens (NRC). As per reliable information the petitioners submit that the recommendations state that the NRC will be updated by including the names of all those who entered Assam on or before March 25, 1971, provided they can furnish relevant documents. Significantly, the Cabinet sub-committee has also recommended that the doubtful voters too will be able to apply for inclusion in the NRC after completing the necessary formalities. The sub-committee has recommended updating of the NRC in 42 legislative Assembly constituencies in the first phase.
- 4) That the Secretary to the Government of Assam, Home & Political Department vide letter dated 29/08/2012 forwarded to the center the report of the cabinet sub-committee with regard to updating of the NRC.
- 5) The on 24/09/2012 the petitioners herein submitted a memorandum to the Prime Minister with regard to the

identification and deportation of illegal foreigners from Assam according to the provisions of Indian Constitution and existing law. Amongst other issues the petitioners demanded that 1951 be made as the base year for identification of illegal foreigners and identify them according to the 1951 N.R.C., voter list of 1952, Foreigners Act of 1946 and Foreigners Ordinance of 1964. It is submitted that the petitioners are yet to receive any effective and positive response from the respondents.

- 6) That the petitioners are highly aggrieved by the action proposed by the State whereby the National Register of Citizens pertaining to Assam is sought to be updated by including therein all illegal immigrants who have invaded Assam on or before March 25, 1971. The proposed action tantamount to infringing the petitioners fundamental rights guaranteed under Article 14 and 29 (1) of the Constitution. It is also an affront to their other constitutional safeguards provided under the 6th Schedule of the Constitution.
- 7) That the petitioners have established a prima facie good case on merits and the balance of convenience tilt overwhelming in favour of the them and against the Respondent. It is in the interest of justice that the interim relief as prayed for is granted to avoid any hardship and irretrievable injury to the petitioners.

- 8) That the petitioners have established a prima facie good case on merits as per the grounds urged in the Writ Petition. It is respectfully submitted that if the interim relief as prayed for is refused the enormity of irreparable loss and hardships that the petitioners will suffer may not be possible to be redeemed or compensated later. It is therefore submitted that it is just, proper and expedient that the interim relief as prayed for may be granted in favour of the petitioners.
- 9) That in the facts and circumstances it is therefore prayed that pending disposal of this instant writ petition the proposed action of the respondents of updating the National Register of Citizens in Assam may be stayed.
- 10) That it is most respectfully submitted that if the prayer for stay is not granted the petitioners will be highly prejudiced and would render the instant writ petition infructuous.
- 11) That this petition is made bonafide and for the ends of justice.

PRAYER

IN THE PREMISES AS AFORESAID IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT

THIS HON'BLE COURT WILL BE GRACIOUSLY PLEASED TO:

- a) Stay the contemplated action of the respondent authorities of updating the National Register of Citizens with respect to the State of Assam by including the names of all those who entered Assam on or before March 25, 1971;
- b) Grant ex-parte ad-interim orders restraining the respondent authorities from proceeding any further with the updation of the National Register Of Citizens with respect to the State of Assam;
- c) Grant ex-parte ad-interim orders restraining the respondent authorities from taking any action in pursuance to the recommendations of the cabinet sub-committee accepted by the Assam Cabinet on 16/08/2012;
- d) confirm the above prayers (a), (b) and (c) by notice of motion to the respondents.
- e) pass any other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

Filed by

Date: 29/11/2012

(M/s MAP & Co)

New Delhi

Advocate for the Petitioners

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL WRIT JURISDICTION

be stuck down as illegal and invalid, being, ultra-vires the Constitution of India.

- 2) That the petitioners are filing the present application for permission to file lengthy list of dates on and amongst the grounds mentioned in the Writ Petition as well and the same is not being repeated for the sake of brevity of the matter.
- 3) That it is submitted that the history of illegal infiltration into the State of Assam is more than a century old problem. Therefore to trace back the history and put all the facts and circumstances in its correct perspective the petitioners are constrained to file a lengthy list of dates and events. It is therefore submitted that it is just, proper and expedient that the permission as prayed for may be granted in favour of the petitioners.
- 4) That this petition is made bonafide and for the ends of justice.

PRAYER

IN THE PREMISES AS AFORESAID IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT

THIS HON'BLE COURT WILL BE GRACIOUSLY PLEASED TO:

- a) permit the petitioners to file lengthy list of dates and events
- b) pass any other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE
PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

Filed by

Date: 17/12/2012

(M/s MAP & Co)

New Delhi

Advocate for the Petitioners

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL WRIT JURISDICTION

I.A. NO OF 2012

IN

WRIT PETITION (CIVIL) NO.

OF 2012

IN THE MATTER OF:

ASSAM SANMILITA MAHASANGHA & ORS

PETITIONERS

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS

AFFIDAVIT

I, Mr.Matiur Rahman, [REDACTED]

[REDACTED]

[REDACTED] presently at Delhi

do hereby solemnly affirm and declare as under:-

1. That I am the Working President of the petitioner no 1 organisation in the accompanying Writ Petition and as such I am well acquainted with facts and circumstances of the case. I am also competent and authorized to swear this affidavit on behalf of all the petitioners.
2. That the contents of the Application for permission to file lengthy list of dates (Pages 296-298, paras 1- 4) have been drawn by my Advocate under my instructions. I have read and understood the contents of the above and I say that the same are true and correct to my knowledge and belief and I believe the same to be true.

DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of para 1 and para 2 of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

Solemnly affirmed on this the 12th day of December '2012 at Delhi

Place: Delhi

Dated: 12 /12/2012

DEPONENT