

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. of 2020

IN

WRIT PETITION (CIVIL) NO. 1470 of 2019

IN THE MATTER OF:-

Indian Union Muslim
League & Ors.

...Petitioners

Versus

Union of India & Ors.

...Respondents



PAPER-BOOK

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(Application for Directions)

Advocate for the Petitioner: Pallavi Pratap

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APPLICATION FOR DIRECTIONS

1. That the Petitioner has preferred the present writ petition to issue a writ of certiorari or any other appropriate writ to declare the Citizenship (Amendment) Act, 2019 (hereinafter referred to as the "Amendment Act" / "CA, Act 2019") as void, for being in violation of Articles 14, 15 and 21 and the basic structure of the Constitution for discriminating among persons on the basis of their faith and religion.

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2. The Present Applicant raises questions against the Amendment Act and also its possible unconstitutional, unlawful and inhumane effects in relation to the National Register of Citizens (NRC) exercise carried out in the State of Assam, which is now, according to the speeches of the Union Home Minister, is to be carried out across the country.
3. Since 2014, the Ministers of the Union Respondent including the Hon'ble Prime Minister have been giving contradictory statements on the NRC and its implementation across the country and its link to the National Population Register (NPR) exercise being carried out across the country.
4. On Nov 2014, The Minister of State for Home , Mr. Kiren Rijiju had told the Rajya Sabha that NPR was the first step towards creation of the NRIC (National Register of India Citizens). He had said: "The National Population Register (NPR) is a register of all the usual residents which include

citizens and non-citizens as well. The NPR is the first step towards creation of National Register of Indian Citizens (NRIC) by verifying the citizenship status of every usual residents. There is no proposal to merge the existing Aadhar database to the NPR under consideration of the Government. The biometrics enrolment in the 12 NPR States/UTs, namely; J&K, Nagaland, Manipur, Mizoram, Meghalaya, Assam, West Bengal, Orissa, Arunachal Pradesh, Lakshadweep, Tamil Nadu and Dadra & Nagar Haveli will be completed by June, 2015. A True Copy of the Statement issued by the MoS in reply to question tabled in the Rajya Sabha on 24.7.2014 is annexed herewith and marked as **Annexure A-1(pages 11)**.

5. The Union Home Minister on several instances has given statements and speeches stating that the NRC shall be implemented across India. Eg. In a speech at Bongaon,

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West Bengal on May 1, 2019 he linked the Amendment Act and the NRC and went on to state that the NRC shall be implemented throughout the country. He also tweeted the same on 1.10.2019 through his official handle wherein he stated "First we will pass the Citizenship Amendment bill and ensure that all the refugees from the neighbouring nations get the Indian citizenship. After that NRC will be made and we will detect and deport every infiltrator from our motherland."

A True copy of the newspaper report on the speeches of the Home Minister on the CAA and NRC dated 20.12.2019 is annexed herewith and marked as **Annexure A-2** (**pages 12-16**).

6. However, contrary to the statements of the Home Minister, the Hon'ble Prime Minister in his speech at RamLeela Maidan on 22.12.2019 stated that there was no plan of a nationwide NRC. A True Copy of the newspaper report on the speech dated

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22.12.2019 is annexed herewith and marked as **Annexure A-3 (pages 17-19)**.

7. Thereafter on On 24.12.2019 the Home Minister, contrary to his earlier statements stated that "There is no link between the National Register of Citizens (NRC) and the National Population Register (NPR), I am clearly stating this today". A True Copy of the newspaper report dated 24.12.2019 is annexed herewith and marked as **Annexure A-4 (pages 20-21)**.

8. The Minister of Heavy Industries and Public Enterprises of India, Prakash Javadekar also stated that the NPR wouldn't be used as NRC. He was quoted saying by news agency ANI: "We have never said that NPR (National Population Register) will be used as NRC (National Register of Citizens). I completely deny." A true Copy of the screenshot of the tweet by ANI dated 24.12.2019 is annexed

herewith and marked as **Annexure A-5** **(pages 22)**.

9. On 29.12.2019, the Union Law Minister in an interview stated that a “proper legal process” will be followed for a nation-wide NRC, including consultation with state governments, and that “some” data collected for the National Population Register (NPR) “may or may not be used” for the NRC.” A True Copy of the newspaper report of the interview dated 29.12.2019 is annexed herewith and marked as **Annexure A-6 (pages 23-26)**.
10. That such contradictory statements given by the ministers of the Union Respondent are creating a widespread confusion and panic among the people at large. Therefore the Respondent Union must clarify their stand and halt any proceedings in relation to the said NRC and NPR process till the present writ is pending before this Hon’ble Court.

11. Further, Section 14A of the Citizenship Act, 1955 which was added in 2004 did not mandate a nationwide NRC to be conducted. Further, the same was in respect with the border states, where the problem of illegal migrants exist. The rest of the country does not face any such problems.
12. Additionally section 14A (2) clearly states that the Government "may maintain a National Register of Citizens" and does not require that the Government must compulsorily do the same. Therefore there is no need to have a nationwide NRC exercise.
13. This application is bona fide and made in the interest of justice.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Pass orders directing the Respondent Union of India to clarify as to whether the National Register of Citizens (NRC) and the

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National Population Register (NPR) exercises are linked;

- (b) Pass orders directing the Respondent Union of India to clarify as to whether a pan India National Register of Citizens (NRC) will be prepared and its exercise be implemented across India;
- (b) Pass orders directing the Respondent Union to put a hold a hold on the exercises of the preparation of the NRC and/or the NPR till such time the present petition is pending before this Hon'ble Court; and
- (c) Pass any other order/s as deem fit and proper to meet the ends of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by:

(Pallavi Pratap)

Dated: 16.1.2020

Advocate for the Petitioner

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AFFIDAVIT

state as follows:

1. That I am the Applicant in the present Application for directions and as such, am competent to swear this affidavit and am well conversant with the facts and circumstances of the case.
2. I state that the contents of the Application for seeking directions are true to my knowledge and information derived from the records of the case made is true as per the legal advice received and believed by me.

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3. I say that the annexure A-1 to A-6 at pages 11 to 26 annexed along with the Writ Petition are true copies of its respective originals.


DEPONENT

Verification

Verified at New Delhi on this the 14th day of January, 2019 that the contents of paragraphs. 1 to 3 of my above affidavit are true and correct to my knowledge and believe, that no part of it is false and nothing material has been concealed there from

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DEPONENT