SYNOPSIS AND LIST OF DATES

The Petitioner herein prefers this Public Interest Litigation under Article 32 of the Constitution to challenge the constitutionality validity of the Ministry of Home Affairs Notification G.S.R. 685(E) dated 07.09.2015, amending the Passport Rules of 1950, MHA Notification G.S.R. 686(E) dated 07.09.2015, amending the Foreigners Order, 1948 and MHA Notifications G.S.R. 702(E) and 703(E) both dated 18.07.2016 that extend the protection of G.S.R. 685(E) and 686(E) to nationals from Afghanistan (collectively, the "Impugned Notifications"), and Sections 2, 3, 5 and 6 of the Citizenship Amendment Act, 2019 (hereinafter referred to as "the Amendment Act"), the provisions of all of which are *ultra vires* Article 14, Article 21, Article 25 and the basic structure of the Constitution of India, and offend the principle of "constitutional morality". The Amendment Act primarily aims to alter the current Citizenship Act, 1955 to provide for the acquisition of Indian citizenship for a certain category of 'illegal migrants' from only Afghanistan, Pakistan and Bangladesh, who had been granted certain exemptions earlier under the Impugned Notifications. In doing so it lays down qualifying criteria that fail to pass the tests laid down for such laws in Part III of the Constitution as interpreted in numerous landmark decisions of this Hon'ble Court.

An affront to "constitutional morality"

The doctrine of "constitutional morality" can be traced back to Dr. B.R. Ambedkar speaking during the Constituent Assembly debates on November 4, 1948, where he calls it "an indispensable condition of government". Explaining the concept of "constitutional morality" in another speech, Dr. Ambedkar says:

> "*A Constitution which contains legal provisions, is only skeleton. The flesh of the skeleton is to be found in what we call constitutional morality.*"

He goes on to say,

> *"there is one other thing which is very necessary in the working of Democracy, and it is this,* ***that in the name of democracy there must be no tyranny of the majority over the minority****. The minority must always feel safe that although*

> *the majority is carrying on the government, the minority is not being hurt or the minority is not being hit below the belt.*" (Emphasis supplied)

It is this idea of "constitutional morality", now firmly entrenched into our constitutional jurisprudence after this Hon'ble Court's judgement in *Navtej Singh Johar* v. *Union of India*, (2018) 10 SCC 1, that is sought to be offended by the Impugned Notifications and the Citizenship Amendment Act, 2019, which welcome immigrants into the territory of India selectively on the basis of their religion, and pointedly exclude Muslims. In these times of absolute majorities in Parliament, this Court, as the sentinel of our Constitution, has a burden higher than ever before to satisfy its conscience that the impugned actions of the government and of Parliament are in keeping with this "guiding spirit" and "soul" of our Constitution embodied by the principle of constitutional morality. It must apply its own standards laid down in *State (NCT of Delhi)* v. *Union of India*, (2018) 8 SCC 501 in the following words:

> "***296.*** *Another major feature of constitutional morality is that it provides in a Constitution the basic rules which prevent institutions from turning tyrannical. It warns against the fallibility of individuals in a democracy, checks State power and the tyranny of the majority. Constitutional morality balances popular morality and acts as a threshold against an upsurge in mob rule*".

Violation of the Principle of Non-Arbitrariness

The present Amendment Act miserably fails on the touchstone of Article 14 and the parameters for non-arbitrariness provided therein. The Act is primarily focussed on establishing a religion-based classification which is, in and of itself, an impermissible classification and therefore violative of Articles 14, 21 and 25 of the Indian Constitution. In other words, the criterion laid down in the Act for acquiring citizenship does not meet the test of 'intelligible differentia'. Any classification based solely or primarily on a religious identity *ipso facto* violates Article 14 of the Indian Constitution, wherein the legislation effectuates discrimination on the basis of the intrinsic and core identity of the individual i.e. religious identity of the individual. In

fact, the Act explicitly discriminates against Muslims. The Act extends the benefit to individuals professing the faiths of Hinduism, Sikhism, Buddhism, Jainism, Zoroastrianism and Christianity but excludes the same benefit to the individuals practising Islam on a specious and unsubstantiated ground that they do not experience persecution in these countries. Since the Act discriminates on the basis of religious identity, it cannot form a reasonable classification based on intelligible differentia.

Justice Indu Malhotra in her concurring opinion in the *Navtej Johar* case holds, "*Where a legislation discriminates on the basis of an intrinsic and core trait of an individual, it cannot form a reasonable classification based on an intelligible differentia*". These traits, be they intrinsic or a matter of a fundamental choice, she borrows from Article 15 to hold that any classification founded on the intrinsic and core element of an individual's identity such as race, sex, religion, place of birth and caste are ex facie impermissible classification under Article 14 of the Constitution. The classification based on religion in the Impugned Notifications as well as the Amendment Act is therefore ex facie unconstitutional as being violative of Article 14, which is available to "any person" under our Constitution.

The Impugned Notifications and the Amending Act divide "illegal migrants" into the following categories:

(a) illegal migrants who came to India after to December 31, 2014; and

(b) illegal migrants who came to India prior to December 31, 2014.

While the former is fully excluded, the latter is further sub-divided into the following:

(a) illegal migrants who have come from Afghanistan, Bangladesh and Pakistan; and

(b) illegal migrants who have come from all other countries.

While the latter are completely excluded from the benefits granted under the impugned laws, the former are further sub-divided into the following:

(a) illegal migrants who are Hindu, Sikh, Buddhist, Jain, Parsi or Christian; and

(b) illegal migrants who are Muslim.

Each stage of this classification and sub-classification violates even the classical twin tests of classification under Article 14 evolved by this Hon'ble Court in *Anwar Ali Sarka*r (*AIR 1952 SC 75*), which require that (i) there should be a reasonable classification based on intelligible differentia; and (ii) this classification should have a rational nexus with the objective sought to be achieved.

The classification in the Act is not founded on the basis of intelligible differentia. The yardstick for the purpose of differentiation in the Act is the alleged persecution of religious minorities belonging to Afghanistan, Pakistan and Bangladesh. It includes Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, but at the same time exclude other minorities facing discrimination or persecution on the basis of their religious/sectarian belief, such as Shia sects in Pakistan and the Hazaras in Afghanistan. It is well documented that sect-based discrimination within religion exists in Pakistan and Afghanistan. The denial of similarly placed individuals belonging to minority communities, who face persecution just like the enumerated religious minorities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, clearly constitutes an unreasonable classification and violates Article 14 of the Indian Constitution. The extension of the benefit of the Amending Act to one set of religious minorities but denying the same to other religious minorities fleeing persecution from the same countries is without nexus with the purported object sought to be achieved, which is the protection of minorities facing religious persecution in the Afghanistan, Pakistan and Bangladesh.

Further, the Act does not prescribe any standard principle or norm behind choosing the aforesaid three neighboring countries, whereby it does not extend the benefit to religious minorities belonging to other neighboring countries such as Sri Lanka, Myanmar, Nepal, Bhutan and China. The religious persecution of Tamils in Sri Lanka, Rohingyas in Myanmar and Buddhists in Tibet, China is again well-documented. It may be noted that Afghanistan never formed a part of India, even during the British rule, whereas Burma was in fact a part of

India even when the Government of India Act, 1935 was enacted. Therefore, there is no basis for selection of the three countries except that all three are Islamic States.

The arbitrary differential treatment of immigrants fleeing religious persecution in the three enumerated countries as well of immigrants from different neighbouring countries facing or fearing religious persecution does not meet the conditions defined this Hon'ble Court under which under-inclusion can be held to be justified.

Manifestly Arbitrary

Additionally, the arbitrary differential treatment of immigrants from only the enumerated religions from only the three named countries without any rationale or principle constitutes "manifest arbitrariness" and thereby violates Article 14 of the Indian Constitution.

Article 13 (2) of the Constitution stipulates that the State shall not make any law which violates the fundamental rights safeguarded under Part III of the Constitution. This Hon'ble Court has now held that laws can be found to be unconstitutional on the grounds of manifest arbitrariness.

This Court in *K.S. Puttaswamy (Aadhaar-5)* v. *Union of India*, (2019) 1 SCC 1 has affirmed Justice Nariman's elucidation of the doctrine of manifest arbitrariness in *Shayara Bano v. Union of India,* (2017) 9 SCC 1, firmly establishing the doctrine as an available ground on which the vires of a statute can be tested. According to Justice Nariman in *Shayara* Bano, the test of manifest arbitrariness means *"something done by the legislature* ***capriciously, irrationally and/or without adequate determining principle.*** *Also, when something is done which is* ***excessive and disproportionate****".*

Violation of the Principle of Secularism that forms part of the Basic Structure

This Hon'ble Court in *S.R. Bommai* v. *Union of India,* 1994 3 SCC 1, in no uncertain terms declared that secularism is part of the basic structure of our Constitution. Under the definition of secularism adopted by this Hon'ble Court in *S.R. Bommai*, this principle prevents the State from favouring any particular religion and enjoins on the State the positive duty to accord equal treatment to all religions. The

Impugned Notifications and the Amendment Act basing its purported intelligible differentia on religion is flagrantly violative of the sacrosanct basic structure of the Constitution, particularly the principle of secularism.

Violation of the Right to Life, Liberty and Dignity

The right to life and personal liberty, which has been held by this Hon'ble Court to include a right to live with dignity, is available to every "person" under Article 21 of the Constitution, and not just to citizens. Thus, even an illegal migrant has the right not be deprived of his/her personal liberty except according to procedure established by law. This Hon'ble Court has held in *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248 that this procedure must be just, fair and reasonable.

After the coming into force of the Impugned Notifications and the Amendment Act, an illegal migrant who is prosecuted under the Passports (Entry into India) Act, 1920 or the Foreigners Order, 1949 will be so prosecuted for being an illegal migrant because he/she does not belong to one of the exempted religions. Ex facie, such a procedure for taking away a person's liberty will be vitiated by unreasonableness, resulting in a violation of his/her right under Article 21.

"Identity with dignity" has been held by this Hon'ble Court in the *Navtej Johar* case to be a constitutional principle flowing from Article 21. Therefore, every person present within the territory of India, be they migrant or citizen, must have the right to self-identify as Muslim without being deprived of their dignity and liberty purely as a consequence of so identifying themselves.

A Presumption of Persecution

The Impugned Notifications or the Amendment Act neither impose any requirement to prove religious persecution or a reasonable fear of religious persecution, nor prescribe a standard for the same. On the contrary, a law that purports to have as its object the protection of religious minorities of certain countries presumes that all illegal migrants from the enumerated religious minorities were persecuted in the said countries and have entered the territory of India to escape religious persecution, without calling upon them to establish or even claim that fact. The very factum of being an illegal migrant entitles

persons from the specified communities and countries to citizenship, which is per se unreasonable and arbitrary.

Relationship with the NRC

Absent a requirement to prove or even claim persecution for applying for citizenship, the Amendment Act clearly appears to have an unholy nexus with the National Register of Citizens "NRC" exercise, aimed at identifying "illegal migrants" residing in India. While the NRC exercise that is ongoing in Assam and is sought to be initiated in the rest of the country, at its logical culmination, would result in identification of persons as "illegal migrants", the Amendment Act seeks to simultaneously offer illegal migrants who are Hindu, Sikh, Buddhist, Jain, Parsi or Christian citizenship on the presumed ground of persecution. This Hon'ble Court must lift the veil and see the nexus between the NRC, the Impugned Notifications and the Amendment Act as part of one seamless chain and set the Amendment Act aside as vitiated by political mala fides, ex facie discriminatory and manifestly arbitrary.

Violation of Freedom of Religion under Article 25

The Amending Act, particularly Section 6, offers an incentive to persons from Afghanistan, Bangladesh and Pakistan to change their faith so as to avail the relaxed requirement of only five (5) years of residence for obtaining Indian citizenship, down from eleven (11) years prescribed under the Third Schedule to the Citizenship Act, 1955. "Forcible conversion" has been defined in various statues in India as the offering of any allurement for converting from one religion to another, and its prohibition has been upheld by this Hon'ble Court as constitutional in *Rev Stainislaus* v. *State of Madhya Pradesh,* (1977) 1 SCC 677. The offering of incentives by the State to any category of persons following one or more specified religions and not to persons of other faiths in the same category would amount to violation of the freedom of religion available to "all persons" under Article 25. The effect of the Amendment Act must be seen in conjunction with the Long-Term Visa scheme introduced for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians coming from Afghanistan, Pakistan and Bangladesh in 2016. The present legal regime is that a Hindu coming into India from a war-torn country like Afghanistan will be granted

long-term visa and will be put on the fast track for citizenship to be granted after 5 years of residence. Whereas a Muslim from the same country seeking refuge will not be eligible for long-term visa and will have to reside in India for 11 years before he/she can apply for citizenship. This is nothing short of incentivizing conversion by the State in gross violation of Article 25.

Further, it is highly suspect how a person who has been granted citizenship under the amended provisions of the Citizenship Act, 1955 on the sole basis of belonging to a particular religion, and presumably upon making a binding statement on oath or giving an undertaking that he/she belongs to that particular religion, will be able to exercise his/her right to convert, if he/she so desires, to a religion of his/her choice after obtaining citizenship. The right to choose a faith has been held by this Hon'ble Court in *Shafin Jahan* v. *Asokan K.M.*, (2018) 16 SCC 368 to "*be the substratum of individuality and sans it, the right of choice becomes a shadow*". The persons obtaining citizenship under the amended provisions will effectively be deprived of their freedom to choose their religion in future.

Violation of Article 51 and of Norms of International Law

In addition to the above, the Amending Act has the effect of violating Article 51 of the Constitution of India, which requires the State to endeavor to promote international peace and order, by alienating all Islamic countries. The Amending Act further violates international law, including the principle enunciated in Article 2 of the International Covenant on Civil and Political Rights, which India has ratified, and which obligates State Parties to respect and to ensure to all individuals within their territory the recognized human rights without discrimination on the basis, inter alia, of religion. The Amending Act also disrespects international law on refugees, which does not permit discrimination on the basis of religion as per the principles of the 1951 Refugee Convention.

The Amendment Act has already brought disrepute to the nation and has besmirched India's reputation in the international community, inviting immediate censure from the UN High Commissioner for Human Rights, which has referred to the Amendment Act as

"fundamentally discriminatory in nature". The press briefing note further states that

> "*The amended law would appear to undermine the commitment to equality before the law enshrined in India's constitution and India's obligations under the International Covenant on Civil and Political Rights and the Convention for the Elimination of Racial Discrimination, to which Indian is a State party, which prohibit discrimination based on racial, ethnic or religious grounds.*"

The Petitioner is approaching this Hon'ble Court to seek its indulgence with respect to the Impugned Circulars and the Amendment Act to be held as unconstitutional for violating "constitutional morality", the principles enshrined in Article 14, 21 and 25 of the Constitution and directly hitting the basic structure by undermining the principle of secularism.

LIST OF DATES

DATES	PARTICULARS
1935	Government of India Act, 1935 passed.
1937	Burma, which had thus far been a province of British India, was separated from India and a separate Burma Office was set up for its administration under the Secretary of State for India and Burma
15.08.1947	India gained independence from British rule.
23.11.1946	The Central Legislative Assembly of British India brought in Foreigner Act, 1946 to define the powers of the Central Government in respect of its dealings with foreigners in India.
26.01.1950	We gave ourselves the Constitution of India, 1950.
30.12.1955	The Parliament under the purview of Article 11 of the Constitution enacted the Citizenship Act, 1955 to provide a comprehensive procedural framework with respect to determination of the Indian

	Citizenship.
10.12.2003	The Indian Government by virtue of its power conferred under Section 18 of the Citizenship Amendment Act, 1955 have promulgated the "Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003".
07.09.2015	Respondent No. 1 exercised its powers conferred by Section 3 of the Passport (Entry into India) Act, 1920 and amended the Passport (Entry into India) Rules, 1950 and exempted Hindus, Sikhs, Jains, Buddhists, Parsis and Christians belonging to Bangladesh and Pakistan, from adverse penal consequences of Passport (Entry into India) Act, 1920. On the same date, Respondent No. 1 exercised its powers conferred by Section 3 of the Foreigners Act, 1946 and issued an order to amend the Foreigners Order, 1948 and exempted Hindus, Sikhs, Jains, Buddhists, Parsis and Christians belonging to Bangladesh and Pakistan, from the application of Foreigners Act, 1946 and the orders made thereunder in respect of their stay in India.
18.07.2016	Respondent No. 1 issued a Notification in exercise of its powers conferred by Section 3 of the Passport (Entry into India) Act, 1920 and amended the Passport (Entry into India) Rules, 1950 and include, “Afghanistan” in Clause (ha) of Sub-Rule (1) of Rule 4 of the Passport (Entry into India) Rules, 1950. On the same date, Respondent No. 1 exercised its powers conferred by Section 3 of the Foreigners Act, 1946 and issued an order to include, “Afghanistan” in Section 3A of the Foreigners Order, 1948.

19.07.2016	The Citizenship Amendment Bill of 2016 was introduced in the Lok Sabha.
12.08.2016	The Citizenship Amendment Bill of 2016 was referred to Joint Parliamentary Committee (JPC).
03.06.2019	The Citizenship Amendment Bill, 2016 lapsed due to dissolution of 16th Lok Sabha.
31.07.2019	The office of the Registrar General Citizens Registration issued notification in pursuant to Rule 3(4) of Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003, wherein the Central Government decided to prepare and update the population Register between 1st April to 30th September 2020.
09.12.2019	The Citizenship Amendment Bill, 2019 was introduced in 17th Lok Sabha by Respondent No. 1.
10.12.2019	The Citizenship Amendment Bill, 2019 was passed by 17th Lok Sabha.
11.12.2019	The Citizenship Amendment Bill, 2019 was subsequently passed by the Rajya Sabha.
12.12.2019	The Citizenship Amendment Bill was given Presidential Assent and passed as, “The Citizenship (Amendment) Act, 2019”.
14.12.2019	Hence, the present Writ Petition to challenge the Constitutionality of “The Citizenship (Amendment) Act, 2019”.

IN THE SUPREME COURT OF INDIA
(CIVIL EXTRA ORDINARY JURISDICTION)
PUBLIC INTEREST LITIGATION
WRIT PETITION (CIVIL) NO. OF 2019
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

1. ASADUDDIN OWAISI
   MEMBER OF PARLIAMENT, (LOK SABHA), R/O H. NO. 8-15-130/AS/1, SHASTRIPURAM, MAILARDEVPALLY, RANGA REDDY DISTRICT 500052, PRESENTLY AT 34, ASHOKA ROAD, NEW DELHI – 110001
   EMAIL: asad.owaisi@sansad.nic.in
   PHONE NO.:+91 9246588083
   PAN NO.: AAFPO3453L ... PETITIONER

AND

1. UNION OF INDIA
   THROUGH SECRETARY
   MINISTRY OF HOME AFFAIRS
   GOVERNMENT OF INDIA, NORTH BLOCK,
   NEW DELHI-110001

2. UNION OF INDIA
   THROUGH SECRETARY
   MINISTRY OF LAW & JUSTICE,
   GOVERNMENT OF INDIA, THROUGH
   4TH FLOOR, A-WING, SHASTRI BHAWAN,
   NEW DELHI-110001

3. UNION OF INDIA
   THROUGH SECRETARY
   MINISTRY OF EXTERNAL AFFAIRS,
   GOVERNMENT OF INDIA,
   SOUTH BLOCK, NEW DELHI-110001

... RESPONDENTS
ALL ARE CONTESTING RESPONDENTS

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA CHALLENGING THE CONSTITUTIONAL VALIDITY OF THE IMPUGNED NOTIFICATIONS AND THE CITIZENSHIP AMENDMENT ACT 2019, INSOFAR AS THE SAME VIOLATE ARTICLE 14, ARTICLE 21 AND ARTICLE 25 OF THE CONSTITUTION, THE PREAMBLE OF THE CONSTITUTION AS WELL AS BEING IN CONTRAVENTION OF THE BASIC STRUCTURE OF THE CONSTITUTION.

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA AND OTHER COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF
THE PETITIONER ABOVENAMED

MOST RESPECTFULLY SHEWETH:

1. That the Petitioner is constrained to approach this Hon'ble Court by invoking Article 32 of the Constitution of India seeking to challenge the Ministry of Home Affairs Notification G.S.R. 685(E) dated 07.09.2015, amending the Passport Rules of 1950, MHA Notification G.S.R. 686(E) dated 07.09.2015, amending the Foreigners Order, 1948 and MHA Notifications G.S.R. 702(E) and 703(E) both dated 18.07.2016 that extend the protection of G.S.R. 685(E) and 686(E) to nationals from Afghanistan (collectively, the "Impugned Notifications"), and Sections 2, 3, 5 and 6 of the Citizenship Amendment Act, 2019 (hereinafter referred to as "the Amendment Act"), as ultra vires Article 14, Article 21, Article 25 and the basic structure of the Constitution of India, and offending the principle of "constitutional morality".

2. The Petitioner is the Member of Parliament representing the Hyderabad Constituency, for the 17th Lok Sabha. I am also the President of the All India Majlis-e-Ittehad-ul-Muslimeen. The Petitioner has received the outstanding Parliamentarian Award on numerous occasions. In fact, the Petitioner has raised objection under Rule 72 of Rules of Procedure and Conduct of Business in Lok Sabha highlighting the patent illegality of Citizenship Amendment Bill, 2019.

a. That the Petitioner's Aadhaar No. is 8873 2915 2778 and PAN No. is AAFPO3453L. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-20 is Rs. 13,71,516. A true copy of the Petitioner's Aadhaar Card is annexed herewith and marked as **ANNEXURE P-1** (Please see pg. _____). A true copy of the Petitioner's PAN Card is annexed herewith and marked as **ANNEXURE P-2** (Please see pg. _____). A true copy of the Petitioner's ITR Acknowledgement for AY 2019-20 is annexed herewith and marked as **ANNEXURE P-3** (Please see pg. _____)

b. That Petitioner does not have any personal interest or any personal gain or private motive or any other oblique reason for filing the present writ petition in public interest.

c. That the Petitioner is himself bearing the litigation costs and other charges of the present petition in public interest.

d. That the Petitioner herein has not moved the concerned government authority for reliefs sought herein, as such, there is no result thereof.

e. That the Petitioner has not been involved in any other civil or criminal or revenue litigation which could have any legal nexus with the issues involved in the present writ petition in public interest.

3. That Respondent No. 1 is the Union of India through Ministry of Home Affairs which is responsible for a myriad of functions including but not limited to internal security, border management, Centre-State relations, administration of Union Territories and of advising the Central Government on related matters.

4. That Respondent No. 2 is the Union of India through Ministry of Law and Justice (Legislative Department). It is concerned with advising the various Ministries of the Central Government on legal matters and drafting of principal legislation for the Central Government.

5. That Respondent No. 3 is the Union of India through Ministry of External Affairs which is responsible for the conduct of foreign relations of India and India's representation in the United Nations.

FACTS OF THE CASE

6. In 1935, after 77 years of the rule of the British Crown over India, the Government of India Act, 1935 was passed and in 1937, Burma, which had thus far been a province of British India, was separated from India and a separate Burma Office was set up for its administration under the Secretary of State for India and Burma.

7. On 15.08.1947, after a long struggle for freedom, India gained independence from British rule. Unlike Pakistan, we rejected the two-nation theory and decided to constitute ourselves into a secular republic based on principles of equality and non-discrimination. However, independence was accompanied by partition of the country, and Pakistan, comprising the territory now known as Pakistan as well as Bangladesh, was separated from India.

8. It is relevant to note that historically, Afghanistan was never a part of British India, whereas Burma was a province of British India administered by the India Office.

9. On 26.01.1950, we gave ourselves the Constitution of India, 1950. Under Article 5 of the Constitution (as it stands), the idea of citizenship is premised on the existence of one of the following criteria as a prerequisite for the grant of Indian citizenship to any person:

   (a) birth within the territory of India;
   (b) descent i.e. one or both parents being born in the territory of India; or
   (c) bona fide residence in the territory of India.

   These criteria are also reflected in Articles 6 to 8 of the Constitution. Article 11 provided the Parliament the power to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

10. In exercise of the power under Article 11 of the Constitution, the Indian Parliament enacted the Citizenship Act, 1955 to provide a comprehensive procedural framework with respect to determination of the Indian Citizenship. Article 5 also formed the underlying basis for Section 3 of the Citizenship Act, 1955, which incorporated the same three principles.

    Section 2 (1) (b) of the Citizenship Act, 1955 clearly provides the definition of illegal migrant and it is defined as follows;

    2(1) (b)illegal migrant means' a foreigner who has entered into India-

    i. *Without a valid passport or travel documents and such other documents or authority as may be prescribed by or under any law in that behalf; or*

    ii. *With a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time;*

11. That it may be mentioned that on 10.12.2003, the Indian Government by virtue of its power conferred under Section 18 of the Citizenship Amendment Act, 1955 have promulgated the "Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003". Rules 3 and 4 of the Citizenship Rules, 2003 (“2003 Rules”) provide for the maintenance and preparation of National Register of Citizens throughout the country. Rule 4A contains special provisions for a National Register of Indian Citizens in the State of Assam.

12. That on 07.09.2015, The Ministry Home Affairs, vide Notification dated 08.09.2015 bearing number GSR 685(E) made an amendment in the Passport (Entry into India) Rules, 1950 to say that “persons belonging to minority communities in Bangladesh and Pakistan, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who were compelled to seek shelter in India due to religious persecution or fear of religious persecution and entered

into India on or before the 31st December, 2014" are exempted from the prohibition upon entering India without valid documentation, as set out by Rule 3 of the Passport Rules. Simultaneously, G.S.R. 686(E) was issued on the same day amending the Foreigners Order of 1948, granting the same class of persons mentioned above exemption from the application of the Foreigners Act, 1946 and orders made thereunder. A true typed copy of the Gazette Notification containing both Notifications G.S.R. 685(E) and G.S.R. 686(E) dated 08.09.2015 is annexed herewith as **ANNEXURE P-4** (pages_____to_____) .

13. That on 18.07.2016, the Ministry of Home Affairs vide Notification number GSR 702 (E) and 703(E) dated 18.07.2016 published in Gazette No. 495 made a further amendment in the Passport (Entry into India) Rules, 1950 and Foreigners Order, 1948 and substituted the word "Bangladesh", for words "Afghanistan, Bangladesh".

    A true copy of the Gazette Notification containing both Notifications number GSR 702 (E) and 703(E) dated 18.07.2016 is produced and annexed herewith as **ANNEXURE P-5** (pages____to_____).

14. That on 31.07.2019, the office of the Registrar General Citizens Registration issued notification in pursuance to Rule 3(4) of Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003, wherein the Central Government in exercise of its powers under Rule 4 of the 2003 Rules decided to prepare and update the Population Register. The fieldwork for house-to-house enumeration is to be carried on between 1st April to 30th September 2020.

    A copy of the notification dated 31.07.2019 issued by the Ministry of Home Affairs is produced and annexed herewith as **ANNEXURE P-6 (**pages_____to _____) .

15. That on 31.08.2019, pursuant to the series of Supreme Court orders in Assam ***Sanmiltha Mahasanga v. Union of India [W.P. (C) No 562/2012] & All Assam Public Work v. Union of India [WP (C)274 of 2009]***, the State Coordinator of NRC published the updated the National Register of Citizens (NRC) for

the residents in the State of Assam in execise of powers under Rule 4A read with the Schedule to the 2003 Rules.

16. There were applications of 3.3 crore applicants in the NRC process and final list has included 3.11 crore people and excluded 19.06 lakh people. It is still not confirmed that how many people belonging to which religion have been excluded by virtue of the process of National Register of Citizens in the State of Assam. Upon exhaustion of the appeal remedy provided under Clause 7 of the Schedule to the 2003 Rules for claims and objections before the Tribunal constituted under the Foreign (Tribunals) Order, 1964, the persons who do not find place in the NRC will become "illegal migrants" for purposes of the Citizenship Act, 1955.

    A true copy of the order dated 31.08.2019 issued by State Coordinator of NRC is produced and annexed herewith as **ANNEXURE P-7** (page _____).

17. That on 09.12.2019 the Citizenship Amendment Bill, 2019 was introduced in Lok Sabha and the same was passed with a majority of 311 to 80.

18. That on 11.12.2019 the Citizenship Amendment Bill, 2019 was introduced in Rajya Sabha and the same was passed with a majority of 125 to 105. There after the said Bill was granted Presidential assent and Notified in the Gazette on 12.12.2019. A true copy of the Gazette Notification dated 12.12.2019 is produced and annexed herewith as **ANNEXURE P-8 (**pages _____ to_____).

19. It is pertinent to note that vide the Act the benefit of reduced period of naturalization to 5 years shall be granted to all persons, including illegal immigrants, if they are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan. The amendment make two classification (i) classification based on religion by excluding Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from the ambit of illegal migrants (ii) classification based on the country, wherein the benefit of restricting the benefit of naturalization is extended to religious minorities only from Afghanistan, Pakistan and Bangladesh.

20. In light of the above, the following questions of law have arisen, which require determination by this Hon'ble Court:

    A. Whether the Impugned Notifications and Impugned Sections of the Amendment Act are ultra vires Article 14 as suffering from the vice of arbitrariness?

    B. Whether the impugned provisions fail the reasonable classification test under Article 14 of the Constitution?

    C. Whether the classification made by the impugned provisions has any nexus with the object sought to be achieved?

    D. Whether the presumption of persecution vitiates the nexus with the purported object sought to be achieved?

    E. Whether the impugned provisions suffer from unjustifiable under-inclusion?

    F. Whether the impugned provisions violate Article 21 of the Constitution?

    G. Whether the impugned provisions violate the Basic Structure of the Indian Constitution?

    H. Whether the impugned provisions offend the principle of constitutional morality?

    I. Whether the impugned provisions suffer from the vice of manifest arbitrariness?

    J. Whether the impugned provisions are violative of Article 25 of the Constitution?

    K. Whether the impugned provisions violate Article 51 and norms of International Law?

21. That the Petitioner has no personal interest or private / oblique motive in filing the instant petition but only seeks the intervention of this Hon'ble Court in order to ensure that natural rights are recognized and protected by the Constitutional framework laid down by the Hon'ble Supreme Court. That the Petitioner is not involved in any litigation before any other forum/court/authority, which has a nexus with the instant Petition.

22. That in the circumstances mentioned herein, this Petition is being preferred by the Petitioner *inter alia* on the following amongst other grounds without prejudice to each other:

GROUNDS

A. BECAUSE the Ministry of Home Affairs Notification G.S.R. 685(E) dated 07.09.2015, amending the Passport Rules of 1950, MHA Notification G.S.R. 686(E) dated 07.09.2015, amending the Foreigners Order, 1948 and MHA Notifications G.S.R. 702(E) and 703(E) both dated 18.07.2016 that extend the protection of G.S.R. 685(E) and 686(E) to nationals from Afghanistan (collectively, the "Impugned Notifications"), and Sections 2, 3, 5 and 6 of the Citizenship Amendment Act, 2019 (hereinafter referred to as "the Amendment Act"), the provisions of all (collectively referred to hereinafter as the "impugned Notifications and Sections of the Amendment Act") of which are *ultra vires* Article 14, Article 21, Article 25 and the basic structure of the Constitution of India .

B. BECAUSE the Impugned Notifications and impugned Sections of the Amendment Act are against "constitutional morality" as defined by this Hon'ble Court in *Navtej Singh Johar* v. *Union of India*, (2018) 10 SCC 1. This Hon'ble Court described "constitutional morality in the following words**:**

> "***128.*** *It is the concept of constitutional morality which strives and urges the organs of the State to maintain such a heterogeneous fibre in the society, not just in the limited sense, but also in multifarious ways. It is the responsibility of all the three organs of the State to curb any propensity or proclivity of popular sentiment or majoritarianism. Any attempt to push and shove a homogeneous, uniform, consistent and a standardised philosophy throughout the society would violate the principle of constitutional morality. Devotion and fidelity to constitutional morality must not be equated with the popular sentiment prevalent at a particular point of time.*"

C. BECAUSE the Impugned Notifications and the Amendment Act offend the idea of "constitutional morality" conceived by Dr. Ambedkar as the shield of the minority against the tyranny of the majority. This standard was adopted for itself by this Hon'ble Court in *State (NCT of Delhi)* v. *Union of India*, (2018) 8 SCC 501 is as under:

> "**296.** *Another major feature of constitutional morality is that it provides in a Constitution the basic rules which prevent institutions from turning tyrannical. It warns against the fallibility of individuals in a democracy, checks State power and the tyranny of the majority. Constitutional morality balances popular morality and acts as a threshold against an upsurge in mob rule*".

D. BECAUSE the Impugned Notifications and Sections of the Amendment Act are arbitrary. The present Amendment Act miserably fails on the touchstone of Article 14 and the parameters for non-arbitrariness provided therein. The Act is primarily focussed on establishing a religion-based classification which is, in and of itself, an impermissible classification and therefore violative of Articles 14, 21 and 25 of the Indian Constitution.

E. BECAUSE the criterion laid down in the Act for acquiring citizenship does not meet the test of 'intelligible differentia'. Any classification based solely or primarily on a religious identity *ipso facto* violates Article 14 of the Indian Constitution, wherein the legislation effectuates discrimination on the basis of the intrinsic and core identity of the individual i.e. religious identity of the individual. In fact, the Act explicitly discriminates against Muslims. The Act extends the benefit to individuals professing the faiths of Hinduism, Sikhism, Buddhism, Jainism, Zoroastrianism and Christianity but excludes the same benefit to the individuals practising Islam on a specious and unsubstantiated ground that they do not experience persecution in these countries. Since the Act discriminates on the basis of religious identity, it cannot form a reasonable classification based on intelligible differentia.

F. BECAUSE applying the test prescribed by Justice Indu Malhotra in her concurring opinion in the *Navtej Johar* case any classification founded on the intrinsic and core element of an individual's identity such as race, sex, religion, place of birth and caste are ex facie impermissible classification under Article 14 of the Constitution. The classification based on religion in the Impugned Notifications as well as the Amendment Act is therefore ex facie unconstitutional as being violative of Article 14.

G. BECAUSE the protection under Article 14 is available to "any person" under our Constitution.

H. BECAUSE the Hon'ble Supreme Court has consistently held that Fundamental Rights enshrined under Article 21 and Article 14 apply to all irrespective of the fact whether they are citizens of India or foreign nationals. The protection was extended to Chakma refugees while laying down the law in ***Louis De Raedt v Union of India*** (1991) 3 SCC 544 and ***State of Arunachal Pradesh v Khudiram Chakma*** (1994) Supp. 1 SCC 615. Later in ***National Human Rights Commission*** **v.** ***State of Arunachal Pradesh,*** (1996) 1 SCC 742 widely known as *Chakma Refugees case*, the Apex Court reaffirmed the liberalism and progressivism of the Constitution.

I. BECAUSE the Impugned Notifications and the Amending Act arbitrarily divide "illegal migrants" into the following categories without any basis or national nexus with the object sought to be achieved:

(a) illegal migrants who came to India after to December 31, 2014; and

(b) illegal migrants who came to India prior to December 31, 2014.

While the former is fully excluded, the latter i.e. illegal migrants who came to India prior to December 31, 2014, is further sub-divided into the following:

(a) illegal migrants who have come from Afghanistan, Bangladesh and Pakistan; and

(b) illegal migrants who have come from all other countries.

While the latter are completely excluded from the benefits granted under the impugned laws, the former, i.e. illegal migrants who have come from Afghanistan, Bangladesh and Pakistan are further sub-divided into the following:

(a) illegal migrants who are Hindu, Sikh, Buddhist, Jain, Parsi or Christian; and

(b) illegal migrants who are Muslim.

J. BECAUSE each stage of the above classification and sub-classification violates even the classical twin tests of classification under Article 14 evolved by this Hon'ble Court in *Anwar Ali Sarka*r (*AIR 1952 SC 75*), which require that (i) there should be a reasonable classification based on intelligible differentia; and (ii) this classification should have a rational nexus with the objective sought to be achieved.

K. BECAUSE the classification in the Act is not founded on the basis of intelligible differentia. The yardstick for the purpose of differentiation in the Act is the alleged persecution of religious minorities belonging to Afghanistan, Pakistan and Bangladesh. It includes Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, but at the same time exclude other minorities facing discrimination or persecution on the basis of their religious/sectarian belief, such as Shia sects in Pakistan and the Hazaras in Afghanistan.

L. BECAUSE it is well documented that sect-based discrimination within religion exists in Pakistan and Afghanistan. The denial of similarly placed individuals belonging to minority communities, who face persecution just like the enumerated religious minorities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, clearly constitutes an unreasonable classification and violates Article 14 of the Indian Constitution. The extension of the benefit of the Amending Act to one set of religious minorities but denying the same to other religious minorities fleeing persecution from the same countries is without nexus with the purported object sought to be achieved, which is the protection of minorities facing religious persecution in the Afghanistan, Pakistan and Bangladesh.

M. BECAUSE the Act does not prescribe any standard principle or norm behind choosing the aforesaid three neighboring countries, whereby it does not extend the benefit to religious minorities belonging to other neighboring countries such as Sri Lanka, Myanmar, Nepal, Bhutan and China. The religious persecution of Tamils in Sri Lanka, Rohingyas in Myanmar and Buddhists in Tibet,

China is again well-documented. It may be noted that Afghanistan never formed a part of India, even during the British rule, whereas Burma (now Myanmar) was in fact a part of India even when the Government of India Act, 1935 was enacted. Further, there have been widespread reports that the Rohingyya minority of Myanmar has been subjected to ethnic cleansing and genocide. The Myanmar government is, in fact, currently defending a genocide charge at the International Court of Justice at The Hague. There has also been an influx of refugees from Myanmar into India over the recent past, and the situation calls for some action on the part of the Indian government. Despite this, Myanmar has been excluded from the ambit of the Impugned Circulars and the Amending Act, but Afghanistan has been included. Therefore, it is evident that there is no basis for selection of the three countries except that all three are Islamic States, and the central philosophy behind the action is exclusion of Muslims migrants from the benefits of citizenship.

N. BECAUSE the arbitrary differential treatment of immigrants fleeing religious persecution in the three enumerated countries as well of immigrants from different neighboring countries facing or fearing religious persecution does not meet the conditions defined this Hon'ble Court under which under-inclusion can be held to be justified. This Hon'ble Court has held that under-inclusion can be overlooked but not if the Court can clearly see that there is no fair reason for the law which would not require with equal force its extension to those whom it leaves untouched. Under-inclusion is not overlooked if there unfairness or there is a violation of other constitutional restrains.

O. BECAUSE not only are the impugned notifications and sections of the Amending Act arbitrary, they are in fact, manifestly arbitrary. The arbitrary differential treatment of immigrants from only the enumerated religions from only the three named countries without any rationale or principle constitutes "manifest arbitrariness" and thereby violates Article 14 of the Indian Constitution.

P. BECAUSE Article 13 (2) of the Constitution stipulates that the State shall not make any law which violates the fundamental rights safeguarded under Part III of the Constitution. This Hon'ble Court

has now held that laws can be found to be unconstitutional on the grounds of manifest arbitrariness.

Q. BECAUSE this Court in *K.S. Puttaswamy (Aadhaar-5)* v. *Union of India*, (2019) 1 SCC 1 has affirmed Justice Nariman's elucidation of the doctrine of manifest arbitrariness in *Shayara Bano v. Union of India,* (2017) 9 SCC 1, firmly establishing the doctrine as an available ground on which the vires of a statute can be tested. According to Justice Nariman in *Shayara* Bano, the test of manifest arbitrariness means *"something done by the legislature* ***capriciously, irrationally and/or without adequate determining principle.*** *Also, when something is done which is* ***excessive and disproportionate****"*.

R. BECAUSE the Impugned Notifications and the Amending Act offend the principle of secularism, which has been recognised to be a part of the basic structure of the Constitution by this Hon'ble Court in *Kesavananda Bharati* v. *State of Kerala, 1973 (4) SCC 225*.

S. BECAUSE the impugned Notifications and sections of the Amending Act are contrary to the principles laid down by this Hon'ble Court in *S.R. Bommai* v. *Union of India,* 1994 3 SCC 1, where this Court while reaffirming that secularism is part of the basic structure held that the principle of secularism prevents the State from favouring any particular religion and enjoins on the State the positive duty to accord equal treatment to all religions.

T. BECAUSE the impugned Notifications and sections of the Amending Act violate the right to life and liberty under Article 21, which has been held by this Hon'ble Court to include a right to live with dignity. The right under Article 21 is available to every "person" and not just to citizens. Thus, even an illegal migrant has the right not be deprived of his/her personal liberty or dignity except according to procedure established by law. This Hon'ble Court has held in *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248 that this procedure must be just, fair and reasonable.

U. BECAUSE after the coming into force of the Impugned Notifications and the Amendment Act, an illegal migrant who is prosecuted under the Passports (Entry into India) Act, 1920 or the Foreigners Order, 1949 will be so prosecuted and punished with imprisonment for

being an illegal migrant simply because he/she does not belong to one of the exempted religions. Ex facie, such a procedure for taking away a person's liberty will be vitiated by unreasonableness, resulting in a violation of his/her right under Article 21.

V. BECAUSE "identity with dignity" has been held by this Hon'ble Court in the *Navtej Johar* case, to be a constitutional principle flowing from Article 21. Therefore, every person present within the territory of India, be they migrant or citizen, must have the right to self-identify as Muslim without being deprived of their dignity and liberty purely as a consequence of so identifying themselves.

W. BECAUSE requiring a person to declare a purely private matter such as religion is a violation of the right to privacy, which has been found by this Hon'ble Court in *K.S. Puttaswamy* v. *Union of India,* (2017) 10 SCC 1 to flow from Article 21.

X. BECAUSE the Impugned Notifications or the Amendment Act neither impose any requirement to prove religious persecution or a reasonable fear of religious persecution, nor prescribe a standard for the same. On the contrary, a law that purports to have as its object the protection of religious minorities of certain countries presumes that all illegal migrants from the enumerated religious minorities were persecuted in the said countries and have entered the territory of India to escape religious persecution, without calling upon them to establish or even claim that fact. The very factum of being an illegal migrant entitles persons from the specified communities and countries to citizenship, which is per se unreasonable and arbitrary.

Y. BECAUSE in the absence of a requirement to prove or even claim persecution for applying for citizenship, the Amendment Act clearly appears to have an unholy nexus with the National Register of Citizens "NRC" exercise, aimed at identifying "illegal migrants" residing in India. While the NRC exercise that is ongoing in Assam and is sought to be initiated in the rest of the country, at its logical culmination, would result in identification of persons as "illegal migrants", the Amendment Act seeks to simultaneously offer illegal migrants who are Hindu, Sikh, Buddhist, Jain, Parsi or Christian citizenship on the presumed ground of persecution. This Hon'ble Court must lift the veil and see the nexus between the NRC, the

Impugned Notifications and the Amendment Act as part of one seamless chain and set the Amendment Act aside as vitiated by political mala fides, ex facie discriminatory and manifestly arbitrary.

Z. BECAUSE the Amending Act, particularly Section 6, offers an incentive to persons from Afghanistan, Bangladesh and Pakistan to change their faith so as to avail the relaxed requirement of only five (5) years of residence for obtaining Indian citizenship, down from eleven (11) years prescribed under the Third Schedule to the Citizenship Act, 1955. "Forcible conversion" has been defined in various statues in India as the offering of any allurement for converting from one religion to another, and its prohibition has been upheld by this Hon'ble Court as constitutional in *Rev Stainislaus* v. *State of Madhya Pradesh,* (1977) 1 SCC 677. The offering of incentives by the State to any category of persons following one or more specified religions and not to persons of other faiths in the same category would amount to violation of the freedom of religion available to "all persons" under Article 25.

AA. BECAUSE it is highly suspect how a person who has been granted citizenship under the amended provisions of the Citizenship Act, 1955 on the sole basis of belonging to a particular religion, and presumably upon making a binding statement on oath or giving an undertaking that he/she belongs to that particular religion, will be able to exercise his/her right to convert, if he/she so desires, to a religion of his/her choice after obtaining citizenship. The right to choose a faith has been held by this Hon'ble Court in *Shafin Jahan* v. *Asokan K.M.*, (2018) 16 SCC 368 to "*be the substratum of individuality and sans it, the right of choice becomes a shadow*". The persons obtaining citizenship under the amended provisions will effectively be deprived of their freedom to choose their religion in future.

BB. BECAUSE the Amending Act has the effect of violating Article 51 of the Constitution of India, which requires the State to endeavor to promote international peace and order, by alienating all Islamic countries. The Amending Act further violates international law, including the principle enunciated in Article 2 of the International Covenant on Civil and Political Rights, which India has ratified, and which obligates State Parties to respect and to ensure to all

individuals within their territory the recognized human rights without discrimination on the basis, inter alia, of religion. The Amending Act also disrespects international law on refugees, which does not permit discrimination on the basis of religion as per the principles of the 1951 Refugee Convention.

CC. BECAUSE the Amendment Act has brought disrepute to India and besmirched our reputation in the international community. The UN High Commissioner for Human Rights, has referred to the Amendment Act as "fundamentally discriminatory in nature". The press briefing note of the UN High Commissioner for Human Rights further states that:

> "*The amended law would appear to undermine the commitment to equality before the law enshrined in India's constitution and India's obligations under the International Covenant on Civil and Political Rights and the Convention for the Elimination of Racial Discrimination, to which Indian is a State party, which prohibit discrimination based on racial, ethnic or religious grounds.*"

DD. BECAUSE the Act changes the character of Indian citizenship and the basis on which it is granted, moving from secular to overtly favouring specific religious groups. It stands to creates a sense of alienation among the Muslim community and makes them feel unwelcome in their own country.

EE. BECAUSE Article 15 of the Universal Declaration of Human Rights provides that "everyone has the right to a nationality" and that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." Enshrining citizenship and the right to be free from arbitrary deprivation of citizenship as human rights in and of themselves, Article 15 of the Universal Declaration of Human Rights establishes the bedrock legal relationship between individuals and States.

FF. BECAUSE the freedom from discrimination is considered as one of the core principles of human rights and the same has been provided in Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and

International Covenant on Social, Cultural and Economic Rights (ICESCR).

GG. BECAUSE the Act is in violation of Article 26 of International Covenant on Civil and Political Rights. The Article 26 is reproduced herein below:

> *"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."*

23. That in view of the above it is in the interest of justice and equity, the Petitioner seeks to pray following directions from this Hon'ble Court under Article 32 of the Constitution.

24. That the Annexures to the present writ petition are true/true typed copies of their respective original.

25. That this Petition has been filed in bonafide and in public interest and the Petitioners crave the leave of this Hon'ble Court to amend the Grounds taken herein, if and when required.

26. That this Hon'ble Court has jurisdiction to decide this writ petition in public interest under Article 32 of the Constitution of India.

27. That no similar petition seeking similar has been filed by the Petitioner before this Hon'ble Court or any other Court.

PRAYER

In the circumstances it is most respectfully prayed that this Hon'ble Court may be pleased to:

a) Pass appropriate writ, order or direction declaring that Sections 2, 3, 5 and 6 of the Citizenship (Amendment) Act, 2019 are unconstitutional, null and void and ultra vires Articles 14, 21 and 25 of the Constitution of India and hence void ab initio;

b) Pass appropriate writ, order or direction declaring that the Ministry of Home Affairs Notification G.S.R. 685(E) dated 07.09.2015 read with the Ministry of Home Affairs Notifications G.S.R. 702(E) dated 18.07.2016 is unconstitutional, null and void and ultra vires Articles 14, 21 and 25 of the Constitution of India and hence void ab initio;

c) Pass appropriate writ, order or direction declaring that the Ministry of Home Affairs Notification G.S.R. 686(E) dated 07.09.2015 read with the Ministry of Home Affairs Notifications G.S.R. 703(E) dated 18.07.2016 is unconstitutional, null and void and ultra vires Articles 14, 21 and 25 of the Constitution of India and hence void ab initio;

d) Pass such other and further order/orders as are deemed fit and proper in the facts and circumstances of the case.

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

DRAWN BY:
MOHAMMAD NIZAM PASHA, ADV.
SHARIQ AHMED, ADV.
ADITYA SAMADDAR, ADV
SPARSH PRASAD, ADV.

FILED BY:

DRAWN ON : 14.12.2019
FILED ON: 14.12.2019

[M R SHAMSHAD]
ADVOCATE FOR THE PETITIONER