IN THE SUPREME COURT OF INDIA (CIVIL EXTRA ORDINARY JURISDICTION)

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) No. OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

ISRARUL HOQUE MONDAL & ORS.

... PETITIONERS

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

WITH

I.A. NO. 260 OF 2020

[APPLICATION SEEKING INTERIM DIRECTIONS]

PAPER BOOK

FOR DETAILED INDEX: KINDLY SEE INSIDE

ADVOCATE FOR THE PETITIONERS:

M.R. SHAMSHAD

SYNOPSIS AND LIST OF DATES

The Petitioners are constrained to approach this Hon'ble Court by invoking Article 32 of the Constitution of India and seeks to challenge the Notification S.O. 2753 (E) dated 31.07.2019, issued by the Ministry of Home Affairs, being ultra vires the Article 14, 19 and 21 of the Constitution of India and Sections 2, 3, 5 and 6 of the Citizenship (Amendment) Act, 2019, being ultra vires Articles 14, 21 and 25 of the Constitution of India and hence void ab initio.

The impugned Circulars and the impugned Amendment Act are ultra vires the Constitution of India for violating "constitutional morality", the principles enshrined in Article 14, 21, 25 and 51 of the Constitution and directly hitting the basic structure by undermining the principles of secularism, equality (and non-arbitrariness), dignity of life and liberty, pluralism, keeping of international peace and harmony.

Lastly the Petitioner also seeks to raise the issue of the relationship of the Citizenship Amendment Act with the National Register of Indian Citizens, as envisaged by S. 14A of the Citizenship Act, 1955 and Rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. The joint effect of the impugned amendment and the Rules is that lakhs of bonafide Indians are at risk of being declared 'doubtful citizens' with the gross injustice of only adherents of Hindu, Sikh, Buddhist, Parsi, Jain and Christians, still being given Citizenship under the deeming fiction of refuge from religious persecution.

(]

DATES	EVENTS
1935	Government of India Act, 1935 was passed by the parliament of the United Kingdom.
1937	Burma Office was set up for its administration under the Secretary of State for India and Burma.
23.11.1946	The Central Legislative Assembly of British India brought in the Foreigners Act, 1946 to define the powers of the Central Government in respect of its dealings with foreigners in India.
15.08.1947	India gained independence from British rule.
26.01.1950	The Republic of India brought the Constitution of India into force.
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.
1965	Riots took place East Pakistan wherein it was estimated that about 600,000 refugees came to India.
1971	Bangladesh gains independence.
10.12.2003	The Indian Government issued a Notification bearing

(,)

number G.S.R. 937(E) 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". In the said Rules, in terms of Rule4 directed that "The Central Government shall, for the purpose of National Register of Indian Citizens, cause to carry throughout country the house-to-house а

enumeration for collection of specified particulars relating to each family and individual, residing in a local area including the Citizenship status". Thereby laying the foundation stone for the National Population Register.

03.12.2004

The Citizenship Act, 1955 was amended to substitute Section 3 to provide for Citizenship by Birth

31.08.2007

Mr. AR Antulay laid papers before the Rajya Sabha stating the 'Follow up action on the recommendations of the Sachar Committee'. The salient features of the Committee were laid before the Rajya Sabha.

2010-2011

In terms of Gazette Notification S.O. 596(E) dated 15.03.2010, issued by the Ministry of Home Affairs, the data for National Population Register was collected in 2010 along with the house listing phase of Census of India 2011.

2015

The data for National Population Register was collected in 2010 was updated.

07.09.2015

b-. 3)

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 vide Gazette Notification dated 07.09.2015 bearing number G.S.R. 685(E).

On the same date, Respondent No. 1 exercised its powers conferred by Section 3 of the Foreigners Act, 1946 and issued G.S.R. 686(E), which amended 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 bearing number G.S.R. 702 (E) 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 bearing number G.S.R. 703(E) 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.

The Citizenship Amendment Bill of 2016 was referred 12.08.2016 to Joint Parliamentary Committee (JPC).

The Joint Parliamentary Committee to which the 07.01.2019 Citizenship (Amendment) Bill, 2016 had been referred, adopted the Report and authorized the Chairperson to present the Report on their behalf.

> Accordingly, the Chairman of the JPC laid the Report before both the houses of Parliament on 07.01.2019.

29.03.2019 Mr. Amit Shah, who would go on to become the Home Minister in the months to come made a statement in a rally held at Alipurduar, a North Bengal seat that "infiltrators" would be thrown out and NRC would be implemented in Bengal. He also clarified that the Hindu refugees would be safe.

11.04.2019 BJP twitter handle tweeted that it would ensure that NRC would be implemented in the entire country and every infiltrator who was not Buddhist, Hindu or

Sikh would be removed. The said tweet was thereafter deleted sometime after the passing of the impugned Act in December, 2019.

- 03.06.2019 The Citizenship Amendment Bill, 2016 lapsed due to dissolution of 16th Lok Sabha.
- The office of the Registrar General Citizens
 Registration issued a notification vide number S.O.
 2753 (E) 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".
- 18.12.2019 The Hindu published an article, on the state of minorities facing persecution in the Indian subcontinent.
- The Week, in terms of an article has reported that the tweet of April, 2019 was deleted. In the tweet the BJP had stated that NRC would be implemented across the country and non-Hindu, Buddhist and Jains would be removed from the country was deleted.
- 23.12.2019 Hence, the present Writ Petition.

(")

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:

٠<u>٠</u>٠

رد. اخت 1. ISRARUL HOQUE MONDAL
S/O EKRAMUL HOQUE MONDAL
R/o – GOPALPUR,P.O. –KOYAIR,
P.S. –KHANDAGHOSH,
DIST.–PURBA BARDHAMAN,
WEST BENGAL, PIN CODE: 713423
EMAIL:- israrulmondalo8@gmail.com
MOB.8250173023
PAN NO.AYDPM4355P
AADHAAR NO. 946873930957

2. MUKLESUR RAHMAN S/O GOLAM MOSTAFA VILL-GIMAGERE, DIST. PURBA MEDINIPUR, WEST BENGAL, PIN CODE: 721401 EMAIL:-mrahman.phys@gmail.com MOB. 7003554004 PAN NO.AWCPR1865N AADHAAR NO. 578976903671

S/O OSHIMUDDIN AHMED VILL-RAMBAGH DHOBAR PUKUR, P.O.-BHAGWANGOLA, P.S. BHAGWANGOLA, DIST.- MURSHIDABAD, WEST BENGAL, PIN CODE: 742135 EMAIL:-kabirul.shm@gmail.com MOB-9932917905 PAN NO.AAKPI7769N AADHAAR NO. 648278537289

4. MD KAISAR RASHID S/O MD RAKIBUR RAHAMAN VILL-BALUTUNGI, P.O.- BAJUPUR MADHUPUR, P.S. LALGOLA, DIST.-MURSHIDABAD, WEST BENGAL, PIN CODE: 742148 EMAIL:-kaisarrahidmakhan@gmail.com MOB-9732514532 PAN NO.ALEPR2887H AADHAAR NO. 682225129460

5. MOHAMMAD ISMAIL

S/O MOULAVI MD. FARMAN ALI

VILL-SHIRISHABONA-MOTALIBA TOLA

P.O.- BHAIRABPUR

P.S.-HARISCHANDRAPUR

DIST.- MALDA, WEST BENGAL,

PIN CODE: 732125

EMAIL:-ismailmohd1983@gmail.com

MOB-9874437910

PAN NO. ACUPIO762P

AADHAAR NO. 234659043265

S/O MIR AKSAR ALI VILL-SARGACHI ASHRAM P.S.-BELDANGA DIST.-MURSHIDABAD, WEST BENGAL, PIN CODE: 742134 EMAIL:- rabiulmir83@gamil.com MOB.-7001738010 PAN NO.ABTPI6774M AADHAAR NO. 5021 3133 6354

- 7. ASIKUL ALAM
 S/O RAKIB RAHAMAN
 VILL-BHABTA P.O.- BHABTA
 P.S.- BELDANGA
 DIST.-MURSHIDABAD,
 WEST BENGAL, PIN CODE: 742134
 EMAIL:-asikulabcd@gmail.com
 MOB.-9734665365
 PAN NO.BAKPA0454R
 AADHAAR NO. 5293 2335 4833
- S. MD AULAD HOSSAIN
 S/O MD GIHAD ALI MULLAH
 VILL- KAMADPUR P.S.- NOWDA,
 DIST.-MURSHIDABAD,
 WEST BENGAL, PIN CODE: 741156
 EMAIL:- auladhossain000@gmail.com
 MOB.- 9732442525
 PAN NO. AEGPH1591B
 AADHAAR NO. 5202 1390 4143
- 9. MASUDUR RAHAMAN
 S/O ABDUS SUKUR VILL-BANKIPUR
 P.O.- RASULPUR P.S.- NABAGRAM,
 DIST.- MURSHIDABAD,
 WEST BENGAL, PIN CODE: 742184
 EMAIL:- masudur25@gmail.com
 MOB-9475526937
 PAN NO.APXPR9769M
 AADHAAR NO.6827 8282 2674

10. MIR SHOMIMUDDIN
S/O LT. MIR HAFEZULLA
VILL-KAMALPUR, P.O.-KHAMARGACHHI
P.S.- BALAGARH, DIST.- HOOGHLY,
WEST BENGAL, PIN CODE: 712515
EMAIL:- mirshomimuddinooo@gmail.com
MOB-9903620636
PAN NO.ACGPU7097K
AADHAAR No. 7452 6057 6594

S/O MD. AKTAR UDDIN
VILL- AIRMARY P.O.- K.D. PARA
P.S.- LALGOLA DIST.- MURSHIDABAD,
WEST BENGAL, PIN CODE: 742148
EMAIL:- najibur.jolly@gmail.com
MOB.-9647081097
PAN No. AQXPR8002Q
AADHAAR No. 5602 1668 3342

12. NASIMUDDIN MOLLA
S/O SIDDIK HOSSAIN MOLLA
VILL-MARAYANPUR P.O.-LAKKHIPUL
P.S.-HABRA, DIST.-NORTH-24PGS,
WEST BENGAL, PIN CODE: 743234
EMAIL:- nasimubira@gamil.com
MOB-9051580070
PAN No.BEWPM4558L
AADHAAR No. 3797 4153 5977

13. MOHAMMAD ZABIHULLA
C/O- MD. ABUL BASAR
VILL- BELPARA P.O.- DAKSHINDIHI
P.S.- JANGIPARA, DIST.-HOOGHLY,
WEST BENGAL, PIN CODE: 712706
EMAIL:- zabihullam@gamil.com
MOB-9564986065
PAN No.AAYPZ8166G
AADHAAR No. 5190 3058 2290

*

C/O- LT. HABIBUR RAHAMAN
C/O- LT. HABIBUR RAHAMAN
VILL-KETUGRAM, P.O.- KETUGRAM
P.S.-KETUGRAM, DIST.-BURDWAN,
WEST BENGAL, PIN CODE: 713140
EMAIL:-rahaman.najibur@gmail.com
MOB.-7407199581
PAN No.BDAPR2077J
AADHAAR No.2873 7323 2768

15. FIROJALI

S/O HARROJ MOMIN
VILL- JAFARGANJ, P.O.-JAFARGANJ
P.S.-FARAKKA, DIST.- MURSHIDABAD,
WEST BENGAL, PIN CODE: 742202
EMAIL:- firojalimath50@gmail.com
MOB.-9477512999
PAN No.BCMPA8716L
AADHAAR No.7740 8276 1023

16. JHARNA HAQUE

W/O- SAIDUL HAQUE
VILL- KHUDIRAM PALLY
P.O.- BARDDHAMAN (SADAR)
P.S. BURDWAN
DIST.- PURBABARDHAMAN,
WEST BENGAL, PIN CODE: 713101
EMAIL:- haquesksaidul@gmail.com
MOB.9434003997
PAN No.AMCPH1304C
AADHAAR No. 6660 3468 8785

17. MD. RUHUL AMIN

S/O MD. FAZLUR RAHAMAN
VILL-AIRMARY, P.O.-K.D. PARA
P.S.-LALGOLA DIST. MURSHIDABAD,
WEST BENGAL, PIN CODE: 742148
EMAIL:- manik17071975@gmail.com
MOB.- 9832517331
PAN No.AUFPA2915F
AADHAAR No. 4282 9428 7372

18. MD. SHAHE ALAM KAYAL

S/O MD. NURUL ISLAM KAYAL
VILL-TILPI, P.O-TILPI CHANDANESHWAR
DIST.- SOUTH 24 PARGANAS,
WEST BENGAL, PIN CODE: 743396
EMAIL:mdshahealamkayal1976@gamil.com
MOB. 9732587027
PAN No. BEEPK5736A
AADHAAR No. 8908 7823 2993

19. MD MEHEDI HASAN

C/O- MD. ZILLAR RAHMAN
VILL-MANIK CHAK, P.O.- MANIKCHAK
P.S.-LALGOLA, DIST.MURSHIDABAD, WEST BENGAL, PIN
CODE: 742148
EMAIL:-mehedinayan1979@gmail.com
MOB. 9733812206,7908382095
PAN NO.AEAPH8336J
AADHAAR NO. 6478 6447 0048

20. MASUD NASTUR

C/O- LT. MONIRUZZAMAN
VILL- BAGACHHARA P.O.- AMTALA
P.S.- NOZWDA, DIST. MURSHIDABAD,
WEST BENGAL, PIN CODE: 742121
EMAIL:-masudnastur@gmail.com
MOB. 9732765778
PAN No.AKYPN2695N
AADHAAR No. 2022 4331 0931

...PETITIONERS

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

UNDER OF WRIT PETITION ARTICLE 32 **CHALLENGING** CONSTITUTION OF INDIA 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 Petitionersare constrained to approach this Hon'ble Court by invoking Article 32 of the Constitution of India seeking to challenge the (i)Notification S.O. 2753 (E) dated 31.07.2019, issued by the Ministry of Home Affairs, being ultra vires the Article 14, 19 and 21 of the Constitution of India, (ii) Notification G.S.R. 685(E) dated 07.09.2015, issued by the Ministry of Home Affairs, amending the Passport Rules of 1950, (iii) Notification G.S.R. 686(E) dated 07.09.2015, issued by the Ministry of Home Affairs, amending the Foreigners Order, 1948;(iv) Notifications G.S.R. 702(E) and 703(E) both dated 18.07.2016, issued by the Ministry of Home Affairs; and(v) Sections 2, 3, 5 and 6 of the Citizenship (Amendment) Act, 2019, being ultra vires Articles 14, 21 and 25 of the Constitution of India and hence void ab initio.
- 1A. That the Petitioners herein have not moved the concerned government authority for reliefs sought herein, as such, there is no result thereof.
- 2. That the details of the Petitioners are as under:
 - 1. Petitioner No. 1, namely Mr. IsrarulHoqueMondal is a teacher by profession. He is also the settlor of a Public Charitable Trust called the Bengal Madrasah Education Forum. The said forum is an apolitical, social organization working towards social upliftment of minorities, with a focus on education. His Aadhaar No. is 946873930957 and PAN No. is AYDPM4355P. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs. 5,14,473. A true copy of the Petitioner No. 1's ITR for AY 2018-19 is annexed herewith and marked as ANNEXURE P-1 (Please see pg. 35). A true copy of the Petitioner No. 1's Aadhaar Card is annexed herewith and marked as ANNEXURE P-2 (Please see pg. 36). A true copy of the Petitioner No. 1's PAN Card is annexed herewith and marked as ANNEXURE P-3 (Please see pg. 37).

2. Petitioner No. 2, namely Mr. MuklesurRahman is an Associate Professor by profession. His Aadhaar No. is 578976903671 and PAN No. is AWCPR1865N. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs. 11,97,674. A true copy of the Petitioner No. 2's ITR for AY 2018-19 is annexed herewith and marked as ANNEXURE P-4 (Please see pg. 38). A true copy of the Petitioner No. 2's Aadhaar Card is annexed herewith and marked as ANNEXURE P-5 (Please see pg. 39). A true copy of the Petitioner No. 2's PAN Card is annexed herewith and marked as ANNEXURE P-6 (Please see pg. 40)

ς,,

- 3. Petitioner No. 3, namely Mr. Kabirul Islam is a Headmaster by profession. His Aadhaar No. is 648278537289 and PAN No. is AAKPI7769N. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs. 6,62,046.A true copy of the Petitioner No. 3's ITR for AY 2018-19 is annexed herewith and marked as ANNEXURE P-7 (Please see pg. 41). A true copy of the Petitioner No. 3's Aadhaar Card is annexed herewith and marked as ANNEXURE P-8 (Please see pg. 42). A true copy of the Petitioner No. 3's PAN Card is annexed herewith and marked as ANNEXURE P-9 (Please see pg. 43)
- 4. Petitioner No. 4, namely Mr. Mahammad Kaisar Rashid is a teacher by profession. His Aadhaar No. is 682225129460 and PAN No. is ALEPR2887H. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs. 4,12,158. A true copy of the Petitioner No. 4's ITR for AY 2018-19 is annexed herewith and marked as ANNEXURE P-10 (Please see pg. 44). A true copy of the Petitioner No. 4's Aadhaar Card is annexed herewith and marked as ANNEXURE P-11 (Please see pg. 45). A true copy of the Petitioner No. 4's PAN Card is annexed herewith and marked as ANNEXURE P-12 (Please see pg. 45)
- 5. Petitioner No. 5, namely Mr. Mohammad Ismail is an AssistantProfessorby profession. His Aadhaar No. is 234659043265 and PAN No. is ACUPI0762P. He regularly files

his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 6,58,795. A true copy of the Petitioner No. 5's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-13 (Please see pg. 47). A true copy of the Petitioner No. 5's Aadhaar Card is annexed herewith and marked as ANNEXURE P-14 (Please see pg. 48). A true copy of the Petitioner No. 5's PAN Card is annexed herewith and marked as ANNEXURE P-15 (Please see pg. 49)

6. Petitioner No. 6, namely Mr. Mir Rabiul Islam is a teacher by profession. His Aadhaar No. is 502131336354 and PAN No. is ABTPI6774M. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs. 3,59,105. A true copy of the Petitioner No. 6's ITR for AY 2018-19 is annexed herewith and marked as ANNEXURE P-16 (Please see pg. 50). A true copy of the Petitioner No. 6's Aadhaar Card is annexed herewith and marked as ANNEXURE P-17 (Please see pg. 51). A true copy of the Petitioner No. 6's PAN Card is annexed herewith and marked as ANNEXURE P-18 (Please see pg. 52)

63

ζ.

- 7. Petitioner No. 7, namely Mr. AsikulAlam is a teacher by profession. His Aadhaar No. is 529323354833 and PAN No. is BAKPA0454R. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 4,86,990 A true copy of the Petitioner No. 7's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-19 (Please see pg. 53). A true copy of the Petitioner No. 7's Aadhaar Card is annexed herewith and marked as ANNEXURE P-20 (Please see pg. 54). A true copy of the Petitioner No. 7's PAN Card is annexed herewith and marked as ANNEXURE P-21 (Please see pg. 55)
- 8. Petitioner No. 8, namely Mr. Mohammad AuladHossain is a teacher by profession. His Aadhaar No. is 520213904143 and PAN No. is AEGPH1591B. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs.4,60,048. A true copy of the Petitioner No. 8's ITR for AY

2018-19 is annexed herewith and marked as ANNEXURE P22 (Please see pg. 56). A true copy of the Petitioner No. 8's
Aadhaar Card is annexed herewith and marked as ANNEXURE
P-23 (Please see pg. 57). A true copy of the Petitioner No. 8's
PAN Card is annexed herewith and marked as ANNEXURE P24 (Please see pg. 58)

9. Petitioner No. 9, namely Mr. MasudurRahaman is a teacher by profession. His Aadhaar No. is 682782822674 and PAN No. is APXPR9769M. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 4,12,034. A true copy of the Petitioner No. 9's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-25 (Please see pg. 59). A true copy of the Petitioner No. 9's Aadhaar Card is annexed herewith and marked as ANNEXURE P-26 (Please see pg. 60). A true copy of the Petitioner No. 9's PAN Card is annexed herewith and marked as ANNEXURE P-27 (Please see pg. 61)

10

- 10. Petitioner No. 10, namely Mr. Mir ShomimUddin is a teacher by profession. His Aadhaar No. is 745260576594 and PAN No. is ACGPU7097K. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 5,19,434. A true copy of the Petitioner No. 10's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-28 (Please see pg. 62). A true copy of the Petitioner No. 10's Aadhaar Card is annexed herewith and marked as ANNEXURE P-29 (Please see pg. 63). A true copy of the Petitioner No. 10's PAN Card is annexed herewith and marked as ANNEXURE P-30 (Please see pg. 64).
- 11. Petitioner No. 11, namely Mr. Mohammad Najibur Rahaman is a teacher by profession. His Aadhaar No. is 560216683342 and PAN No. is AQXPR8002Q. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 4,58,214. A true copy of the Petitioner No. 11's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-31 (Please see pg. 65). A true copy of the Petitioner No. 11's

Aadhaar Card is annexed herewith and marked as ANNEXURE P-32 (Please see pg. 66). A true copy of the Petitioner No. 11's PAN Card is annexed herewith and marked as ANNEXURE P-33 (Please see pg. 67)

- 12. Petitioner No. 12, namely Mr. NasimuddinMolla is a teacher by profession. His Aadhaar No. is 379741535977 and PAN No. is BEWPM4558L. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 4,84,377. A true copy of the Petitioner No. 12's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-34 (Please see pg. 68). A true copy of the Petitioner No. 12's Aadhaar Card is annexed herewith and marked as ANNEXURE P-35 (Please see pg. 69). A true copy of the Petitioner No. 12's PAN Card is annexed herewith and marked as ANNEXURE P-36 (Please see pg. 70)
- 13. Petitioner No. 13, namely Mr. Mohammad Zabihulla is a teacher by profession. His Aadhaar No. is 519030582290 and PAN No. is AAYPZ8166G. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 1,80,104. A true copy of the Petitioner No. 13's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-37 (Please see pg. 1). A true copy of the Petitioner No. 13's Aadhaar Card is annexed herewith and marked as ANNEXURE P-38 (Please see pg. 12). A true copy of the Petitioner No. 13's PAN Card is annexed herewith and marked as ANNEXURE P-39 (Please see pg. 13)
- 14. Petitioner No. 14, namely Mr. Najibur Rahaman is a teacher by profession. His Aadhaar No. is 287373232768 and PAN No. is BDAPR2077J. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 4,73,898. A true copy of the Petitioner No. 14's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-40 (Please see pg. 44). A true copy of the Petitioner No. 14's Aadhaar Card is annexed herewith and marked as ANNEXURE P-41 (Please see pg. 45). A true copy of the Petitioner No. 14's PAN Card is

· (.A

()

annexed herewith and marked as ANNEXURE P-42 (Please see pg. 76)

- 15. Petitioner No. 15, namely Mr. Firoz Ali is a teacher by profession. His Aadhaar No. is 774082761023 and PAN No. is BCMPA8716L. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 2,15,708. A true copy of the Petitioner No. 15's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-43 (Please see pg. 77). A true copy of the Petitioner No. 15's Aadhaar Card is annexed herewith and marked as ANNEXURE P-44 (Please see pg. 78). A true copy of the Petitioner No. 15's PAN Card is annexed herewith and marked as ANNEXURE P-45 (Please see pg. 71)
 - 16. Petitioner No. 16, namely Ms. JharnaHaque is a house wife. Her Aadhaar No. is 666034688785 and PAN No. is AMCPH1304C. She regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 1,84,643. A true copy of the Petitioner No. 16's ITR for AY 2019-20 is annexed herewith and marked as ANNEXURE P-46 (Please see pg. \mathbb{Z}^{O}). A true copy of the Petitioner No. 16's Aadhaar Card is annexed herewith and marked as ANNEXURE P-47 (Please see pg. \mathbb{Z}^{O}). A true copy of the Petitioner No. 16's PAN Card is annexed herewith and marked as ANNEXURE P-48 (Please see pg. \mathbb{Z}^{O}).

6.3

17. Petitioner No. 17, namely Mr. Mohammed Ruhul Amin is a teacher by profession. His Aadhaar No. is 428294287372 and PAN No. is AUFPA2915F. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs. 5,06,394. A true copy of the Petitioner No. 17's ITR for AY 2018-19 is annexed herewith and marked as ANNEXURE P-49 (Please see pg. \$3). A true copy of the Petitioner No. 17's Aadhaar Card is annexed herewith and marked as ANNEXURE P-50 (Please see pg. \$4). A true copy of the Petitioner No. 17's PAN Card is annexed herewith and marked as ANNEXURE P-51 (Please see pg. \$5)

18. Petitioner No. 18, namely Md. Shahe Alam kayal is a teacher by profession. His Aadhaar No. is 890878232993 and PAN No. is BEEPK5736A. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2018-2019 is Rs. 4,52,399. A true copy of the Petitioner No. 18's ITR for AY 2018-19 is annexed herewith and marked as ANNEXURE P-52 (Please see pg. \$\frac{\sigma}{\sigma}\$), A true copy of the Petitioner No. 18's Aadhaar Card is annexed herewith and marked as ANNEXURE P-53 (Please see pg. \$\frac{\sigma}{\sigma}\$). A true copy of the Petitioner No. 18's PAN is annexed herewith and marked as ANNEXURE P-54 (Please see pg. \$\frac{\sigma}{\sigma}\$).

1.

洼.

()

- 19. Petitioner No. 19, namely Mr. Mohammad Mehedi Hasan is a teacher by profession. His Aadhaar No. is 647864470048 and PAN No. is ÅEAPH8336J. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 4, 68,487. A true copy of the Petitioner No. 19's ITR for AY 2019-2020 is annexed herewith and marked as ANNEXURE P-55 (Please see pg. 89). A true copy of the Petitioner No. 19's Aadhaar Card is annexed herewith and marked as ANNEXURE P-56 (Please see pg. 90). A true copy of the Petitioner No. 19's PAN Card is annexed herewith and marked as ANNEXURE P-57 (Please see pg. 91).
- 20. Petitioner No. 20, namely Mr.MasudNastur is a teacher by profession. His Aadhaar No. is 202243310931and PAN No. is AKYPN2695N. He regularly files his Tax Returns. The Income of the Petitioner for AY (FY) 2019-2020 is Rs. 4, 74,036. A true copy of the Petitioner No. 20's ITR for AY 2019-2020 is annexed herewith and marked as ANNEXURE P-58 (Please see pg. 92). A true copy of the Petitioner No. 20's Aadhaar Card is annexed herewith and marked as ANNEXURE P-59 (Please see pg. 93). A true copy of the Petitioner No. 20's PAN Card is annexed herewith and marked as ANNEXURE P-60 (Please see pg. 94).

- 3. That Petitioners do 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.
- 4. That the Petitioners are themselves bearing the litigation costs and other charges of the present petition in public interest.
- 5. That the Petitioners have 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.
- 6. 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, and administration of Union Territories and of advising the Central Government on related matters.
- 7. 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.
- 8. 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

£ .

- 9. That 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. 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
- 10. That on 15.08.1947, India gained independence from British rule.

 Unlike Pakistan, the Republic of India rejected the two-nation theory and decided to be a secular republic based on principles of equality

and non-discrimination. Independence was accompanied by the partition of the country of the erstwhile territories of India. Bengal was partitioned into the Indian state of West Bengal and the Pakistani province of East Bengal. East Bengal was later renamed East Pakistan, which subsequently broke away from Pakistan to form the independent country of Bangladesh. Most of Sylhet district in Assam also joined East Pakistan and was subsequently considered to be East Bengal. East Bengal was the area of agricultural growth whereas West Bengal was meant for industrial development.

- 11. That about 3.2 lakhs Hindus from East Pakistan migrated mainly to Kolkata and various rural areas and towns of West Bengal during 1947, but a significant number also moved to the Barak Valley of Assam and the princely state of Tripura which eventually joined India in 1949. Around 0.5 million were also settled in other parts of India, including the East Pakistan Displaced Persons' Colony (EPDP) in Delhi (subsequently renamed Chittaranjan Park), Odisha, Madhya Pradesh, Bihar and Chhattisgarh. The estimated 0.5 million Bengalis in Delhi and 0.3 million in Mumbai are also largely East Bengali refugees and their descendants.
- 12. That on 26.01.1950, the Constitution of India, 1950 came into force. Under Article 5 of the Constitution of India, citizenship can be granted to an individual, only if one of the following criteria are met:
 - (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.

13. In 1950, it is estimated that a further one million refugees crossed into West Bengal, particularly in the aftermath of 1950 Barisal riots and Noakhali riots. The 1951 Census of India recorded that 27% of Kolkata's population was East Bengali refugees mainly Hindu Bengalis

and they contributed the economic growth of Kolkata in various fields. Millions of Hindus particularly Bengali speaking from East Pakistan took refuge in India's various states.

14. That in exercise of legislative competence under Article 11 of the Constitution of India, the Parliament enacted the Citizenship Act, 1955 to provide a comprehensive framework with respect to determination of Indian Citizenship. Article 5 also formed the underlying basis for Section 3 of the Citizenship Act, 1955, which incorporated the same three principles.

 $\binom{n}{2}$

 \mathbb{C}

Section 2 (1) (b) of the Citizenship Act, 1955 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-

- 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;
- 15. That migration continued, primarily from East Pakistan to India, right up to the liberation of Bangladesh in 1971, both on an ongoing basis and with spikes during periods of particular communal unrest such as the 1964 East Pakistan riots and the 1965 India-Pakistan War, when it is estimated that 600,000 refugees cametoIndia. Estimates of the number of refugees up to 1970 are over 5 million to West Bengal alone. This includes around 4.1 million coming between 1946 and 1958 and 1.2 million coming between 1959 and 1971. These refugees may have attained citizenship by way of naturalization and their children are citizens by birth. However, this entire demographic will be in danger of being declared illegal migrants. There is thus a danger of Indian Citizens, irrespective of religion being declared as illegal migrants. However, in gross violation of Article 14 and 15, of such these probable

illegal migrants, non muslim migrants, will still have rights to apply for Indian Citizenship, by simply declaring themselves to be religiously persecuted in their origin nation.

16. 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. It is pertinent to note that the persons Rule 4(4) of the Citizenship Rules, prescribes as follows;

5%

During the verification process, particulars of such individuals, whose Citizenship is doubtful, shall be entered by the Local Registrar with appropriate remark in the Population Register for further enquiry and in case of doubtful Citizenship, the individual or the family shall be informed in a specified proforma immediately after the verification process is over.

- 17. That the persons excluded from the National Register of Citizens in pursuant to Rule 4 of the Citizenship Rules, 2003, have to finally represent the proceedings before the Foreigner Tribunal in order to establish citizenship of the person. A person declared as Foreigner by the Tribunal shall result in detention at the detention center. A true copy of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 dated 10.12.2003 is annexed herewith as ANNEXURE P-61 (pages 95 to 103)
- 18. That with effect from 03.12.2004, the Citizenship Act, 1955 was amended to substitute Section 3 to provide for Citizenship by Birth.
- 19. That on 31.08.2007, Mr. AR Antulay laid papers before the Rajya Sabha stating the 'Follow up action on the recommendations of the Sachar Committee'. The salient findings of the Sachar Committee were reproduced therein as an Annxure. A true copy of the Statement dated

31.08.2007, laid before the Rajya Sabha is herewith as ANNEXURE P-62 (pages 1 ou 110)

20. 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-63 (pages \(\)\(\) to \(\)\(\).

1.3

¥.,

21. 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, 1948and 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 annexed herewith as ANNEXURE P-64 (pages 114 to 115).

22. That on 12.08.2016, the Citizenship (Amendment) Bill, 2016 was referred to a Joint Parliamentary Committee. Thereafter, after study visits and 14 sittings, the JPC adopted the Report at their sitting held on 03.01.2019 and authorized the Chairperson to present the Report on their behalf. Accordingly, the Chairman of the JPC laid the Report before both the houses of Parliament on 07.01.2019. A true copy of the relevant portion from the Report of The Joint Committee on the

Citizenship (Amendment) Bill, 2016 dated 07.01.2019 is annexed herewith as ANNEXURE P-65 (pages 116 to 195).

- 23. That on or about 29.03.2019, Mr. Amit Shah, who would go on to become the Home Minister in the months to come made a statement in a rally held at Alipuduar, a North Bengal seat that "infiltrators" would be thrown out and NRC would be implemented in Bengal. He did however, clarify that Hindu refugees would be safe, as reported in the article. A true copy of the Article dated 29.03.2019 is annexed herewith as ANNEXURE P-66 (pages 196 to 197).
- 24. That the Bharatiya Janta Party, on 11.04.2019, tweeted that it would be ensured that NRC would be implemented in the entire country and every infiltrator who was not Budhist, Hindu or Sikh would be removed. The said tweet was thereafter deleted sometime after the passing of the impugned Act in December, 2019.
- 25. 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 annexed herewith as ANNEXURE P-67 (pages 192 to 199).

- 26. 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. A true copy of the Citizenship Amendment Bill, 2019 annexed herewith as ANNEXURE P-68 (pages 200 to 206).
- 27. 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 annexed herewith as ANNEXURE P-69 (pages 207 to 209).

- 28. That on 18.12.2019, the Hindu published an article, on the state of minorities facing persecution in the Indian sub-continent. A true copy of the Article dated 18.12.2019 is annexed herewith as ANNEXURE P-70 (pages 210 to 213).
- 29. That on 20.12.2019, an article in The Week, has reported that the tweet of April, 2019 was deleted. In the tweet the BJP had stated that NRC would be implemented across the country and non Hindu, Buddhist and Jains would be removed from the country was deleted. A true copy of the Article dated 20.12.2019 is annexed herewith as ANNEXURE P-71 (pages 214 to 214).
- 30. 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, Parsisand Christians from Afghanistan, Bangladesh and Pakistan. The amendment makes 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.
- 31. 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?

6.

(;

- 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?
- 32. That the Petitioners we 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 Petitioners seen involved in any litigation before any other forum/court/authority, which has a nexus with the instant Petition.
- 33. 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 office of the Registrar General Citizens Registration has issued notification dated 31.07.2019in 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 has decided to prepare and update the Population Register.
- B. Because the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 as per Rule 4(4) does not provide for any express grounds to deem a citizenship

doubtful or undoubtful. Thus, doubtfulness of citizenship is left to the personal bias and discretion of the Local Registrar. Such 'doubtful citizens' will not have to participate in proceedings before a Foreigners Tribunal, so long as they declare themselves to be Hindu, Sikh, Buddhist, Jain, Parsi or Christian from Afghanistan, Bangladesh or Pakistan as per S. 2(1) of the Citizenship Act, 1955as it stands amended by the impugned Act.

C. Because the impugned Act has the effect of coerced declaration of religious persecution from neighbouring states under the promise of Indian Citizenship, even for a non-Muslim citizen who may simply not have the documents to prove their citizenship. It is clarified that although the Impugned Act does not require the production of documents, the preparation of a Citizens Register under the Citizenship Act, 1955 does require the production of certain particulars under Rule, 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. These particulars can only be furnished by way of proof in the nature of documents.

*****'

- D. Because the economically weakest sections of Indian citizens irrespective of religious identity may have lost their documents, as a consequence of floods (particularly in a State like West Bengal which witnesses seasonal floods in the Ganga, Mahananda, Padma, Teesta, Hooghly), hasty migrations, etc. Particularly vulnerable are the landless families comprised of approximately 300 million Indians.
- E. Because Indian, Muslims have been documented as being below the national average in almost all parameters of well being and development as per the Sachar Committee Report, 2006. As such, given the poor levels of education and high levels of migration across States, the probability of not having the means to furnish particulars as required under the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 is very high. Such Indian

Muslims do not have the benefit of the impugned Act in gross variance with Hindus, Sikhs, Buddhists, Jains, Parsis or Christians, who may still be granted Indian Citizenship.

- F. Because Citizenship can only be deprived off under S. 9 and 10 of the Citizenship Act, 1955. The cumulative effect of a National Register of Citizens and the Impugned Act, will be that bonafide Citizens may not be able to prove their Citizenship status. The economically weakest sections of society are at particular risk of the same.
- G. Because infirmities of the Citizenship Amendment Bill, 2016 were pointed out to the Joint Parliamentary Committee. The JPC was told that "As per our records, there are 31,313 persons belonging to minority communities (Hindus 25447, Sikhs 5807, Christians 55, Buddhists andParsis 2) who have been given Long Term Visa on the basis of their claim of religious persecution in their respective countries and want Indian Citizenship. Hence, these persons will be immediate beneficiaries." Thus, the means of the act do not justify the ends. The immediate benefit of 31,313 individuals does not justify the difficulty that will be faced by millions of Indians across the Country. The Petitioner herein seeks further leave of this Court to refer to the JPC Report to be read as additional grounds herein.
- H. Because the impugned Act stated no reason for leaving out the following countries where religious minorities may be facing religious persecution, in gross variance with the stated objects of the Bill:
 - a. Sri Lanka, where Hindu Tamils are minority and comprise 12.6% of the population who face religious persecution.
 - b. Myanmar, wherein religious persecution of Rohingiyasis well documented and the lesser known persecution of Christians also has been reported.

- c. Bhutan, where Christians are persecuted.
- d. China, wherein the religious persecution of Ulghirs is well documented.
- e. Pakistan and Bangladesh, where the persecution of Ahmadias, Hazara, Baloochs and Shias has been widely reported.
- I. Because the classification in the Citizenship Amendment Act, 2019 is not founded on the basis of intelligible differentia. The yardstick for the purpose of differentiating in the Citizenship Amendment Act, 2019 is that the 'religious persecuted minorities' belonging to the country of 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/sect belief, such as Ahmadiyya sect in Pakistan and Shia Sect and Hazara Sect in Afghanistan.
- J. Because the Objects and Reasons of the impugned Act, in para 2, states that individuals fleeing religious persecution may not have complete documents or may not have any documents at all. The same relaxation of not having documents or not having all the documents has not been extended, so far, to the exercise as notified by the Notification dated 31.07.2019 to Indian Citizens.

Į.

K. 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.

L. 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:

C:

₹ ,

- "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."
- M. 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".
- N. 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.

O. 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.

40

 \Leftrightarrow

- P. BECAUSE applying the test prescribed by Justice Indu Malhotra in her concurring opinion in the NavtejJohar 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.
- Q. BECAUSE the protection under Article 14 is available to "any person" under our Constitution.
- R. 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 KhudiramChakma (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.

- S. 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:

£ . 3

~^*;

- (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 subdivided into the following:

- (a) illegal migrants who are Hindu, Sikh, Buddhist, Jain, Parsi or Christian; and
- (b) illegal migrants who are Muslim.
- T. 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 Sarkar (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.
- U. 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.

- V. 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.
- BECAUSE the Act does not prescribe any standard principle or norm W. behind choosing the aforesaid three neighbouring countries, whereby it does not extend the benefit to religious minorities belonging to other neighbouring 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.

ر اور

> X. BECAUSE 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. 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.

- Y. BECAUSE not only are the impugned notifications and sections of the Amending Act arbitrary, they are infact, 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.
- Z. 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.
- AA. 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 ShayaraBano 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 ShayaraBano, 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".
- BB. 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 KesavanandaBharati v. State of Kerala, 1973 (4) SCC 225.
- CC. 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

4

۲۰۰۱, في ٤

- particular religion and enjoins on the State the positive duty to accord equal treatment to all religions.
- DD. BECAUSE the impugned Notifications and sections of the Amending Activolate 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.

£ ...

- EE. 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.
- FF. 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. Puttaswamyv. Union of India, (2017) 10 SCC 1to flow from Article 21.
- GG. 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.
- HH. 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 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.

- II. 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 Stainislausv. 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.
- JJ. 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 ShafinJahan 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.

KK. 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.

ر کی

Ľ٦.

LL. 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."

- MM. 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.
- NN. 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.

- OO. BECAUSEthe 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).
- PP. 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."

- 34. That in view of the above it is in the interest of justice and equity that the Petitioner seeks to pray following directions from this Hon'ble Court under Article 32 of the Constitution of India.
- 35. That the Annexures to the present writ petition are true or true typed copies of their respective original.
- 36. 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.
- 37. That this Hon'ble Court has jurisdiction to decide this writ petition in public interest under Article 32 of the Constitution of India.
- 38. That no similar petition seeking similar relief 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, 15, 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 as ultra vires Articles 14, 15, 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 as ultra vires Articles 14, 15, 21 and 25 of the Constitution of India and hence void ab initio;
- d) Pass appropriate writ, order or direction declaring that the Notification S.O. 2753 (E) dated 31.07.2019, issued by the Ministry of Home Affairs, as ultra vires Articles 14, 15, 21 and 25 of the Constitution of India and hence void ab initio
- e) 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:

M.R.SHAMSHAD ADV & ADITYA SAMADDAR, ADV

FILED BY:

DRAWN ON:20.12.2019 FILED ON:23.12.2019

[M K SHAMSHAD]
ADVOCATE FOR THE PETITIONERS

ANNEXURE - P-63

रजिस्ट्री सं॰ डी॰ एल॰-33004/99

REGD. NO. D. L.-33004/99



असाधारण

EXTRAORDINARY

्रभाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i) प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 5531

नई दिल्ली, मंगलवार, सितम्बर ८, २०१५/भाद्र १७, १९३७

No. 553

A. ...

NEW DELHI, TUESDAY, SEPTEMBER 8, 2015/BHADRA 17, 1937

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 7 सितम्बर, 2015

सा.का.नि. 685(व). —केन्द्रीय सरकार, पासपोर्ट (भारत में प्रवेश) अधिनियम, 1920 (1920 का 34) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पासपोर्ट (भारत में प्रवेश) नियम, 1950 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

- (1) इन नियमों का संक्षिप्त नाम पासपोर्ट (भारत में प्रवेश) संशोधन नियम, 2015 है।
 (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- 2. पासपोर्ट (भारत में प्रवेश) नियम, 1950 के नियम 4 के उप नियम(1) के खंड (ज) के पश्चात् निम्नलिखित खंड अंत:स्थापित किया जाएगा, अर्थात् :-

"(जक) बंगलादेश और पार्किस्तान में अल्पसंख्यक समुदायों के व्यक्तियों अर्थात् हिंदू, सिक्ख, बौद्ध, जैन, पारसी और ईसाई जो 31 दिसंबर, 2014 को या उससे पूर्व भारत में धार्मिक उत्पीड़न या धार्मिक उत्पीड़न के भय के कारण भारत में आश्रय लेने के लिए बाध्य के

- (i) बिना किसी विधिमान्य दस्तावेजों के जिसके अंतर्गत पासपोर्ट या कोई अन्य यात्रा दस्तावेज भी हैं ; या
- (ii) विधिमान्य दस्तावेजों के साथ जिसके अंतर्गत पासपोर्ट या कोई अन्य यात्रा दस्तावेज भी है और ऐसे दस्तावेजों की विधिमान्यता समाप्त हो गई है:

परंतु इस खंड का उपबंध राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से प्रभावी होगा।"

[फा. सं. 25022/50/2015-एफ.I]

जी. के. द्वेदी, संयुक्त सचिव

टिप्पण: मूल नियम संख्यांक 4/5/49-एफ.आई, तारीख 25 अप्रैल, 1950 को प्रकाशित किए गए थे और अंतिम संशोधन सा.का.नि. संख्यांक 132(अ), तारीख 26 फरवरी, 1992 द्वारा किया गया।

3822 GI/2015

(1)

<u></u>

()

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 7th September, 2015

G.S.R. 685(E).—In exercise of the powers conferred by section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920), the Central Government hereby makes the following rules further to amend the Passport (Entry into India) Rules, 1950, namely:-

1. (1) These rules may be called the Passport (Entry into India) Amendment Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Passport (Entry into India) Rules, 1950, in rule 4, in sub-rule (1), after clause (h), the following clause shall be inserted, namely:-

"(ha) 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-

- (i) without valid documents including passport or other travel documents; or
- (ii) with valid documents including passport or other travel document and the validity of any of such documents has expired:

Provided that provision of this clause shall take effect from the date of publication of this notification in the Official Gazette."

[F. No. 25022/50/2015-F.I]

G. K. DWIVEDI, Jt. Secy.

Note: The principal rules were published vide number 4/5/49-F.I, dated the 25th April, 1950 and last amended vide number G.S.R. 132(E), dated the 26th February, 1992.

वादेश

नई दिल्ली, 7 सितम्बर, 2015

सा.का.नि. 686(अ).—केन्द्रीय सरकार, विदेशियों विषयक अधिनियम, 1946 (1946 का 31) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विदेशियों विषयक आदेश, 1948 का और संशोधन करने के लिए निम्नलिखित आदेश करती है, अर्थात् :-

- 1. (1) इस आदेश का संक्षिप्त नाम विदेशियों विषयक (संशोधन) आदेश, 20,15 है।
 - (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- 2. विदेशियों विषयक आदेश, 1948 के पैरा 3 के पश्चात्, निम्नलिखित पैरा अंत:स्थापित किया जाएगा, अर्थात् :-
 - "(3क) विदेशियों के कृतिपय वर्ग को छूट- (1) बंगलादेश और पाकिस्तान में अल्पसंख्यक समुदायों के व्यक्तियों अर्थात् हिंदू, सिक्ख, बौद्ध, जैन, पारसी और ईसाई जो 31 दिसंबर, 2014 को या उससे पूर्व भारत में धार्मिक उत्पीड़न या धार्मिक उत्पीड़न के भय के कारण भारत में आश्रय लेने के लिए बाध्य थे-
 - (क) बिना किसी विधिमान्य दस्तावेजों के जिसके अंतर्गत पासपोर्ट या कोई अन्य यात्रा दस्तावेज भी हैं और जो पासपोर्ट (भारत में प्रवेश) अधिनियम, 1920 (1920 का 34) की धारा 3 के अधीन बनाए गए पासपोर्ट (भारत में प्रवेश) नियम, 1950 के नियम 3 के उपबंधों से नियम 4 के अधीन छूट प्राप्त हैं, या
 - (ख) विधिमान्य दस्तावेजों के साथ जिसके अंतर्गत पासपोर्ट या कोई अन्य यात्रा दस्तावेज भी है और ऐसे दस्तावेजों की विधिमान्यता समाप्त हो गई है,

विदेशियों विषयक अधिनियम, 1946 और, यथास्थिति, ऐसे दस्तावेजों के बिना या उन दस्तावेजों की समाप्ति के पश्चात् भारत में उनके रहने के संबंध में उनके अधीन किए गए आदेशों के उपबंधों के लागू होने से राजपत्र में इस आदेश के प्रकाशन की तारीख से छूट प्रदान की जाती है।"

[फा. सं. 25022/50/2015-एफ. 1]

जी. के. दिवेदी,संयुक्त सचिव

टिप्पण: मूल आदेश भारत के राजपत्र, में सं. 9/9/46 राजनीतिक, (ईडब्ल्यू) तारीख 14 फरवरी 1948 में प्रकाशित किया गया था और अंतिम संशोधन सा. का. नि. सं. 56(अ), तारीख 24 जनवरी, 2008 द्वारा किया गया। [भाग <u>II</u>—खण्ड 3(i)]

भारत का राजपत्र : असाधारण

-

ORDER

New Delhi, the 7th September, 2015

G.S.R. 686(E).—In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (31 of 1946), the Central Government hereby makes the following order further to amend the Foreigners Order, 1948, namely:—

- 1. (1) This Order may be called the Foreigners (Amendment) Order, 2015.
 - (2) It shall come into force on the date of its publication in the Official Gazette.
- 2. In the Foreigners Order, 1948, after paragraph 3, the following paragraph shall be inserted, namely:—
 - "3A. Exemption of certain class of foreigners.- (1) 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-
 - (a) without valid documents including passport or other travel documents and who have been exempted under rule 4 from the provisions of rule 3 of the Passport (Entry into India) Rules, 1950, made under section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920); or
 - (b) with valid documents including passport or other travel document and the validity of any of such documents has expired,

are hereby granted exemption from the application of provisions of the Foreigners Act, 1946 and the orders made thereunder in respect of their stay in India without such documents or after the expiry of those documents, as the case may be, from the date of publication of this order in the Official Gazette."

[F. No. 25022/50/2015- F.I]

G. K. DWIVEDI, Jt. Secy.

Note: The principal Order was published in the Gazette of India vide No.9/9/46-Political (EW), dated the 14th February, 1948 and last amended vide number GSR 56(E), dated the 24th January, 2008.

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110054 and Published by the Controller of Publications, Delhi-110054.

(Tome Copy)

ANNEXURE - P- 67

रजिस्ट्री सं॰ डी॰एल॰-33004/99

REGD. NO. D. L.-33004/99

198

Une Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II-Section 3-Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2503]

नई दिल्ली, बुधवार, जुलाई 31, 2019/श्रावण 9, 1941

No. 2503]

NEW DELHI, WEDNESDAY, JULY 31, 2019/SHRAVANA 9, 1941

गृह मंत्रालय

(भारत के महारजिस्ट्रार, नागरिक रजिस्ट्रीकरण का कार्यालय)

अधिसूचना

नई दिल्ली, 31 जुलाई, 2019

का.आ. 2753(अ).—नागरिकता (नागरिकों का रिजस्ट्रीकरण और राष्ट्रीय पहचानपत्रों का जारी करना) नियमावली, 2003 के नियम 3 के उप नियम (4) के अनुसरण में केंद्र सरकार एतद् द्वारा जनसंख्या रिजस्टर तैयार करने और उसे अद्यतन करने का निर्णय लेती है तथा स्थानीय रिजस्ट्रार के क्षेत्राधिकार के अंतर्गत सामान्य तौर पर रहने वाले सभी व्यक्तियों की संबंधित जानकारी एकत्र करने के लिए, असम के अलावा देशभर में घर-घर जाकर गणना करने संबंधी फील्ड कार्य 01 अप्रैल, 2020 से प्रारम्भ होकर 30 सितम्बर, 2020 की अविध में किया जायेगा।

[फा. सं. 9/5/2019-सीआरडी (एनपीआर)] विवेक जोशी, नागरिक रजिस्ट्रीकरण के महारजिस्ट्रार

MINISTRY OF HOME AFFAIRS (OFFICE OF THE REGISTRAR GENERAL CITIZEN REGISTRATION, INDIA) NOTIFICATION

New Delhi, the 31st July, 2019

S.O. 2753(E).—In pursuance of sub-rule(4) of rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, the Central Government hereby decides to prepare and update the Population Register and the field work for house to house enumeration throughout the country except Assam for collection of

3933 GI/2019

(1)

2

THE GAZETTE OF INDIA: EXTRAORDINARY

[PART II—SEC. 3(ii)]

information relating to all persons who are usually residing within the jurisdiction of Local Registrar shall be undertaken between the 1st day of April, 2020 to 30th September, 2020.

[F. No. 9/5/2019-CRD (NPR)]

VIVEK JOSHI, Registrar General of Citizen Registration

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054. MANOJ

MANOJ KUMAR VERMA U Digitally signed by AMANOJ KUMAR VERMA Date: 2019.08.01

(True Copy)