

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

ASSOCIATION FOR PROTECTION
OF CIVIL RIGHTS (APCR) & ORS. ... PETITIONERS

-VERSUS-

UNION OF INDIA & ORS. ... RESPONDENTS

WITH

I. A. NO. OF 2020 : APPLICATION FOR INTERIM EX-
PARTE STAY.

PAPER BOOK

(PLEASE SEE INDEX INSIDE)

FILED BY:-

EJAZ MAQBOOL, ADVOCATE FOR THE PETITIONERS

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LISTING PROFORMA
IN THE SUPREME COURT OF INDIA

SECTION - (PIL-W)

The case pertains to (Please tick/check the correct box):

- ☐ Central Act: **Constitution of India, 1949 and Citizenship (Amendment) Act, 2019.**
- ☐ Section: **Articles 13, 14, 15, 21, 51(c) & 51-A of the Constitution of India, Section 3(1) of the Citizenship Act, 1955, Sections 1, 2, 3, 4, 5, 6 of the Citizenship (Amendment) Act, 2019.**
- ☐ Central Rule : **NA**
- ☐ Rule No(s) : **NA**
- ☐ State Act : **NA**
- ☐ Section : **NA**
- ☐ State Rule : **NA**
- ☐ Rule No(s) : **NA**
- ☐ Impugned Interim order: (Date) **NA**
- ☐ Impugned Final Order/Decree : (Date) **NA**
- ☐ High Court : - **NA**
- ☐ Names of Judges: **NA**
- ☐ Tribunal/Authority: **NA**

1. Nature of matter : – **Civil matter**
2. (a) Petitioner No.1: – **Association for Protection of Civil Rights (APCR)**
 (b) e-mail ID: – apcrindia@gmail.com
 (c) Mobile phone number:- **9911421022 & 9028196427**
3. (a) Respondent No.1: – **Union of India**
 (b) e-mail ID: – **NA**
 (c) Mobile phone number: – **NA**

A1

4. (a) Main category classification: – **08 - Letter Petition & PIL Matters**
(b) Sub classification: – **0812- Others**
5. Not to be listed before: – **NA**
6. (a) Similar disposed of matter with citation, if any, & case details: **No Similar matter is disposed of.**
(b) Similar pending matter with case details: - **Writ Petition (C) No. 1470/2019 & other connected matters.**
7. **Criminal Matters:– NA**
(a) Whether accused/convict has surrendered: ☐ Yes ☐ No
(b) FIR No. **NA** Date: **NA**
(c) Police Station: **NA**
(d) Sentence Awarded: **NA**
(e) Period of sentence undergone including period of Detention/Custody Undergone: **NA**
8. **Land Acquisition Matters: – NA**
(a) Date of Section 4 notification: **NA**
(b) Date of Section 6 notification: **NA**
(c) Date of Section 17 notification: **NA**
9. **Tax Matters: State the tax effect: NA**
10. **Special Category** (first petitioner/appellant only): **NA**
☐ Senior citizen > 65 years ☐ SC/ST ☐ Woman/child ☐ Disabled ☐ Legal Aid case ☐ In custody
11. Vehicle Number (in case of Motor Accident Claim matters): **NA**

New Delhi
Dated: 03.01.2020

EJAZ MAQBOOL
Advocate for the Petitioners
Code No. : 180
E-mail ID:-emaqbool@gmail.com

SYNOPSIS

The present Writ Petition is being filed by the Petitioners herein under Article 32 in the nature of a public interest litigation to challenge the following as unconstitutional:

- (i) Citizenship Amendment Act, 2019 (hereinafter referred to as the “Impugned Act”)
- (ii) Section 3(1) of the Citizenship Act, 1955,
- (iii) Third Schedule of the Citizenship Act, 1955,
- (iv) The Passport (Entry into India) Amendment Rules, 2015 [Notification No. G.S.R 685(E) dated 7.9.2015 (“First Impugned Notification”)] along with the Foreigners (Amendment) Order, 2015 [Order No. G.S.R 686(E) dated 7.9.2015 (“Second Impugned Notification”)]; and
- (v) The Passport (Entry into India) Amendment Rules, 2016 [Notification No. G.S.R 702 (E) dated 18.7.2016 (“Third Impugned Notification”)] along with the Foreigners (Amendment) Order, 2016 [Order No. G.S.R 703(E) dated 18.7.2016 (“Fourth Impugned Notification”)]- all the four impugned notifications have been collectively referred to as the “Impugned Documents”].

The Petitioners are further filing the present petition seeking a direction against the Respondent Union, refraining them from preparing the National Register of Indian Citizens (NRC).

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The Petitioner No.1 is a registered Society under the Societies Registration Act, 1860 and it is a Civil Rights Group comprising of Advocates, Social Activists and Social Workers dedicated to using the law to protect and advance the cause of civil and human rights in India. The Petitioner No. 1 is a Non-Profit Organization and Non-governmental civil rights group which was setup in 2006 to defend the rights of the unprivileged sections of the society. The Petitioner No.1 has in the past provided legal aid to the victims of illegal detention, custodial death, fake encounter, communal riots and other human rights violations. The Petitioner No. 1 is also providing legal aid to the persons accused in Bijnore Blast Case that is presently pending in Lucknow Court. The Petitioner No.2 is the Secretary of the Petitioner No. 1 Society and the Petitioner No. 3 is the Assistant Coordinator of the Petitioner No. 1 Society.

The Petitioners herein are challenging the Impugned Act as well as the Impugned Provisions and the Impugned Notifications, as being violative of Articles 13,14,15,21, 51(c) and 51-A of the Constitution of India. It is submitted that the Impugned Act, the Impugned Provisions and the Impugned Notifications are manifestly arbitrary and ought to be set aside on *inter alia* the following grounds:

- (i) The Impugned Act makes professing of certain religions as a ground of eligibility for the status of citizenship which is against the principle of secularism and is violative of basic structure of the constitution.

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- (ii) The Impugned Act and the Impugned Notifications are discriminatory are directed against Muslims on the basis of their religion and place of birth.
- (iii) The Impugned Act has classified the persons who have illegally entered into India in two classes, viz. migrants from the three specified countries and migrants from other countries like Sri Lanka, Bhutan, Myanmar, Tibet and China. It is submitted that the reasoning for this classification is religious persecution, but the said classification ignores the fact that migrants from excluded countries court also be victims of religious persecution. Further, the classification also divides these migrants on the basis of religion, while *Hindus, Sikhs, Buddhists, Jains, Parsis or Christians* are included within the Impugned Act, Muslims and Jews have been excluded. The said classification is arbitrary as it has no nexus with the object sought to be achieved by the Impugned Act. The said classification has been made whimsically and capriciously, ignoring the fact that in Afghanistan, Pakistan and Bangladesh, Muslim minority sects like Ahmadiyyas, Shias and Hazaras have also been victims of persecution. Further, no rationale has been provided to exclude the victims of religious persecution from other neighboring countries like Tamilian Hindus from Sri Lanka and Rohingya Muslims from Myanmar.
- (iv) Further the Impugned Act provides no parameters whatsoever to confirm whether a person who has crossed the borders of India has in fact been a victim of religious persecution.

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- (v) Section 3 (1) of the Citizenship Act, 1955 is arbitrary as it lays down different parameters for granting citizenship to children born in India in different periods. Section 3(1) creates three different scenarios:-
- a) Those children who were born in India on or after January 26,1950 but before July 1,1987, were entitled to Indian Citizenship by birth. [Section 3 (1) (a)]
 - b) Those children who were born in India on or after July 1, 1987 but before December 3,2004, were entitled to Indian Citizenship by birth only if either of his parents was an Indian Citizen. [Section 3 (1) (b)]
 - c) Those children who were born in India on or after December 3,2004, were entitled to Indian Citizenship by birth only if both of his parents were Indian Citizens or one of his parents was an Indian Citizen and the other was not an illegal migrant. [Section 3 (1) (c)]

It is submitted that while there are no conditions on children born between to 26.1.1950 to 1.07.1987 for attaining Indian Citizenship, the other two categories i.e. Section 3(1) (b) and Section 3(1) (c) create certain class of stateless children:-

- a) Those children who were born in India on or after July 1, 1987 but before December 3,2004 whose parents were illegal migrants, would not be granted Indian citizenship but would not even be considered illegal migrants within Section 3(2) (b) of the Citizenship Act,1955.

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- b) Similarly, those children who were born in India on or after December 3, 2004 either of whose parents was an illegal migrant, would again not be granted Indian citizenship.
- (vi) Thus Section 3(1) provides for different treatment to children as per their date of birth and renders certain category of children stateless on the basis of classification on date of birth, which is manifestly arbitrary. Further treatment of the excluded children as stateless is also violative of United Nations Convention on the Rights of the Child, 1990 to which India is signatory.
- (vii) Further the Impugned Act as well as Section 3(1) of the Citizenship Act, 1955 is contrary to international obligations of India under *inter alia* the UDHR, United Nations Convention on the Rights of the Child, 1990 and also United Nations Convention on the reduction of statelessness, 1961 (being customary international law). Further the Impugned Act and Section 3(1) are in violation of Article 50 (c) of the Constitution of India, which imposes a duty on the state to foster respect for international law and treaty obligations. Thus, the impugned provisions being completely in the teeth of Article 51 (c) and also in contravention of Article 37 which stipulates that the principles enshrined in part IV of the constitution are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws. However, by enacting the impugned provisions, the Respondent Union has failed in its duty under Article 37 read with Article 51(c).

- (viii) Further, if the provisions of the impugned act are operationalized and the NRC is prepared, several undocumented Indian will become stateless and therefore, it is submitted that this Hon'ble Court maybe pleased to direct the Respondent Union from refraining to prepare NRC arbitrarily.

Hence, the present Writ Petition.

LIST OF DATES

23.11.1946 On 23.11.1946, the Central Legislative Assembly of the British India enacted Foreigner Act, 1946, in order to confer certain powers on the Central Government in respect of dealing with the Foreigners in India. Section 2(a) of the Foreigners Act, 1946 defines Foreigners as follows:

“Foreigner” means a person who is not a citizen of India.

15.08.1947 India achieved independence from the British and was partitioned into two countries, viz, India and Pakistan.

10.12.1948 The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly. India voted in favour of the declaration.

26.01.1950 With the commencement of the Indian Constitution, persons domiciled in the territory of India automatically became Indian citizens by virtue of operation of the

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relevant provisions of the Indian Constitution. Part II of the Constitution of India dealt with the subject of citizenship and contained Articles 5 to 11 which came into force on 26.11.1949. It is to be noted that these articles were incorporated in the constitution after due deliberation in the Constituent Assembly. The preamble of the Constitution lays down the basic philosophy and values of the Constitution which clearly spells out that the framers of the Constitution did not want India to be a theocratic state and wanted it to be modern secular republic. While enacting the provisions relating to the citizenship as contained in Articles 5 to 11, there is no mention of a religion as eligible factor to claim the citizenship of India.

30.12.1955	The Citizenship Act, 1955 was enacted.
30.08.1961	Convention on the Reduction of Statelessness was adopted. Though India is not a signatory to this convention, it is relevant to note that this convention has become a part of customary international law.
10.04.1979	India acceded to the International Covenant on Civil and Political Rights and ratified the same.
02.09.1990	United Nations Convention on the Rights of the Child came into force. India has ratified this convention on December 11, 1992.

03.12.2004 The Citizenship (Amendment) Act,2003 came into force.

07.09.2015 The Ministry of Home Affairs, Government of India *vide* the Passport (Entry into India) Amendment Rules, 2015 [Notification No. G.S.R 685(E) dated 7.9.2015 (“First Impugned Notification”)] amended the Passport (Entry into India) Rules, 1950. The amendment stated 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 December 31, 2014 either without valid documents or with valid documents, whose validity has subsequently expired, were granted exemption from the adverse penal consequences of Passport (Entry into India) Act, 1920.

Simultaneously, on the same date the Foreigners (Amendment) Order, 2015 [Order No. G.S.R 686(E) dated 7.9.2015 (“Second Impugned Notification”)] was issued. The said order amended the Foreigners Order, 1948, by inserting Section 3A. By virtue of this section, persons belonging to minority communities in Bangladesh and Pakistan, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who were

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compelled to seek shelter in India due to religious persecution or fear of religious persecution and entered into India on or before the December 31, 2014 either without valid documents or with valid documents, whose validity has subsequently expired, were granted exemption from the provisions of the Foreigners Act, 1946 and the orders made thereunder.

01.03.2016 A Writ Petition being Writ Petition (C) No. 68 of 2016 titled as *Pranavkumar & Ors. v/s. Union of India* has been filed challenging The Passport (Entry into India) Amendment Rules, 2016 and The Foreigners (Amendment) Order, 2016 and Notice has been issued thereon on 01.03.2016.

18.07.2016 The Ministry of Home Affairs, Government of India issued the Passport (Entry into India) Amendment Rules, 2016 [Notification No. G.S.R 702 (E) dated 18.7.2016 (“Third Impugned Notification”)] to include, “Afghanistan” in Clause (ha) of Sub-Rule (1) of Rule 4 of the Passport (Entry into India) Rules 1950.

Simultaneously, on the same date, the Ministry of Home Affairs, Government of India issued the Foreigners (Amendment) Order, 2016 [Order No. G.S.R 703(E) dated 18.7.2016 (“Fourth Impugned

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Notification”)] to include, “Afghanistan” in Section 3A of the Foreigners Order, 1948.

27.02.2019 Another Writ Petition being Writ Petition (C) No. 20 of 2019 titled as Narikatva Aain Songsudhan Birodhi Mancha (Forum Against Citizenship Act Amendment Bill) v/s. Union of India was filed challenging inter alia the notification and order dated 23.12.2016 issued under Section 16 of the Citizenship Act of 1955 for granting of certificate of naturalization under Section 5 or for grant of certificate of naturalization under Section 6 of the Citizenship Act of 1955 in respect of any person belonging to minority community in Afghanistan, Bangladesh and Pakistan viz. Hindus, Sikhs, Buddhist, Jains, Parsi’s and Christians. This Hon’ble Court was pleased to issue notice in this petition *vide* its order dated 27.2.2019.

31.08.2019 As per the directions of this Hon'ble Court a National Register of Citizens (NRC) was being prepared by the State Coordinator, and the same was being monitored by this Hon'ble Court. On 31st December, 2018, a draft list was prepared by the NRC authorities which contained the names of nearly 40 lakh people most of whom were alleged to have migrated into Assam illegally and to be excluded from the final NRC. As per the rules, these people were provided opportunity to

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present their claims for being included in the final draft of NRC and were also heard thereafter. In June 2019, according to a further statement issued by the state coordinator of NRC, 1,02,462 persons were further declared ineligible during the process of verification carried out by the local registrars of the Citizen Registration. The Final list of persons which are excluded from the NRC has been published on August 31, 2019 wherein out of total 3, 30, 27, 661 Applicants, only 19,06,657 people were excluded.

12.12.2019

The Union of India enacted the Citizenship (Amendment) Act, 2019 on 12.12.2019, which inter Alia seeks to make illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan eligible for Citizenship on the ground that they being religious minorities in their respective countries are victims of religious persecution. The said Act also makes provisions relating to Overseas Citizens of India (OCI) including a provision to allow cancellation of the OCI registration if the person has violated any law notified by the Central Government.

The unamended 1955 Act allowed a person to apply for citizenship by naturalization, as per the provisions of Section 6 r/w. Third schedule of the Citizenship Act,

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1955. However, Section 3 of the impugned Act has inserted “Section 6B” in the 1955 Act, which inter alia creates an exception for Hindu, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, with regard to qualification mentioned in Clause (d) of the Third Schedule.

By such amendment the Impugned Act grants favourable treatment to a class of illegal migrants belonging to specified six religions viz. Hindus, Sikhs, Christians, Parsis, Jains and Buddhists from Bangladesh, Pakistan and Afghanistan and in a hostile manner excludes Muslim migrants from the said countries.

Further, Section 5 and 6 of the Impugned Act also make consequent amendments to Sections 18 and the Third Schedule of the 1955 Act respectively.

03.01.2020

Hence, the present Writ Petition.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

(PUBLIC INTEREST LITIGATION)

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

1. ASSOCIATION FOR PROTECTION OF CIVIL RIGHTS (APCR)
Through its Secretary,
Mr. Rafeek Ahmed
Having his Office at
E-89, 1st Floor, Flat No. 104,
Hari Kothi Lane, Abul Fazal Enclave,
Jamia Nagar, New Delhi-110025. ... Petitioner No.1
2. MR. RAFAEEK AHMED
Secretary,
Association for Protection of Civil Rights (APCR),
Having my Office at
E-89, 1st Floor, Flat No. 104,
Hari Kothi Lane, Abul Fazal Enclave,
Jamia Nagar, New Delhi-110025. ... Petitioner No.2
3. MR. SHOEB KALIM INAMDAR
Assistant Coordinator,
Association for Protection of Civil Rights (APCR),
Having my Office at
E-89, 1st Floor, Flat No. 104,
Hari Kothi Lane, Abul Fazal Enclave,
Jamia Nagar, New Delhi-110025. ... Petitioner No.3

-VERSUS-

1. UNION OF INDIA
Through its Secretary
Ministry of Home Affairs,
Government of India,
North Block, New Delhi - 110001 ... Contesting
Respondent No.1
2. UNION OF INDIA
Through its Secretary
Ministry of Law and Justice,
Government of India,
Shastri Bhawan, New Delhi - 110001 ... Contesting
Respondent No.2

3. UNION OF INDIA
Through its Secretary
Ministry of External Affairs,
Government of India,
South Block, New Delhi - 110001 ... Contesting
Respondent No.3

**WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
CHALLENGING THE CONSTITUTIONAL VALIDITY OF CITIZENSHIP
AMMENDMENT ACT, 2019 AND SECTION 3 (1) (a) SO FAR IT
INTRODUCES CAVEAT THAT CHILD IS BORN BEFORE 1ST DAY OF
JULY, 1987 AND SECTION 3 (1) (b) & (c) OF THE CITIZENSHIP ACT AS
ALSO THE PASSPORT (ENTRY TO INDIA) AMENDMENT RULES, 2016
AND THE FOREIGNERS (AMENDMENT) ORDER, 2016, UNDER
ARTICLE 13, 14, 15, 21, 51(c) AND 51-A OF THE CONSTITUTION.**

To,
The Hon'ble Chief Justice of India
and his companion justices of the
Hon'ble Supreme Court of India

The humble petition of the
above named Petitioners:

MOST RESPECTFULLY SHOWETH:

1. The present Writ Petition is being filed by the Petitioners herein under Article 32 in the nature of a public interest litigation to challenge the following as unconstitutional:
 - (i) Citizenship Amendment Act, 2019 (hereinafter referred to as the "Impugned Act")
 - (ii) Section 3(1) of the Citizenship Act, 1955,
 - (iii) Third Schedule of the Citizenship Act, 1955,
 - (iv) The Passport (Entry into India) Amendment Rules, 2015 [Notification No. G.S.R 685(E) dated 7.9.2015 ("First Impugned Notification")] along with the Foreigners (Amendment) Order, 2015 [Order No. G.S.R 686(E) dated 7.9.2015 ("Second Impugned Notification")]; and

- (v) The Passport (Entry into India) Amendment Rules, 2016 [Notification No. G.S.R 702 (E) dated 18.7.2016 (“Third Impugned Notification”)] along with the Foreigners (Amendment) Order, 2016 [Order No. G.S.R 703(E) dated 18.7.2016 (“Fourth Impugned Notification”)- all the four impugned notifications have been collectively referred to as the “Impugned Notifications”].

The Petitioners are further filing the present petition seeking a direction against the Respondent Union, refraining them from preparing the National Register of Indian Citizens (NRC).

2. The Petitioner No.1 is a registered Society under the Society Registration Act, 1860 and it is a Civil Rights Group comprising of Advocates, Social Activists and Social Workers dedicated to using the law to protect and advance the cause of civil and human rights in India. The Petitioner is a Non-Profit Organization and Non-governmental civil rights group that was setup in 2006 to defend the rights of the unprivileged sections of the society. APCR has in the past provided legal aid to the victims of illegal detention, custodial death, fake encounter, communal riots and other human rights violations. APCR is also providing legal aid to the persons accused in Bijnore Blast Case that is presently pending in Lucknow Court. A true copy of the Memorandum of Association of the Petitioner No.1 Society dated 03.08.2006 is annexed hereto and marked as **Annexure P-1 [Page Nos. 42 to 65]**. A true copy the Certificate of Registration of the Petitioner No.1 Society dated 15.09.2006 is annexed hereto and marked as **Annexure P-2 [Page No. 66]**.

3. The Petitioner No.2 is the Secretary of the Petitioner No.1 Society and is a Citizen of India.

4. The Petitioner No.3 is the Assistant Coordinator of the Petitioner No.1 and he also is a Citizen of India and all the three Petitioners can invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India.

5. That the necessary details of the Society through whom the Petitioner No.1 is approaching this Hon'ble Court and which is the details also of Petitioner Nos. 2 and 3 are as follows:-

- | | | | |
|------|------------------|---|--|
| (i) | Name | : | Mr. Rafeek Ahmed |
| | Father's Name | : | Late Mr. Abdul Wahab |
| | Address | : | No. 302/1, 1 st Floor, Thimmaiah Road Cross, Shivajinagar, Bangalore North, Bangalore, Karnataka – 560051 |
| | Occupation | : | Retired Central Government Officer |
| | E-mail | : | rafeekbgr@gmail.com |
| | Mobile No. | : | 99-114-21022 |
| | PAN No. | : | AAVPA0518Q |
| | UID (Aadhaar No) | : | 5220 2265 6816 |
| | Annual Income | : | Rs. 3,32,114/- |
| (ii) | Name | : | Mr. Shoeb Kalim Inamdar |
| | Father's Name | : | Mr. Kalim Inamdar |
| | Address | : | Haji Nagar, Behind Raza Masjid, Akot File, Akola, Akhatwada, Akola, Maharashtra – 444003 |
| | Occupation | : | Advocate |
| | E-mail | : | shoebinamdaar@gmail.com |
| | Mobile No. | : | 90-281-96427 |
| | UID (Aadhaar No) | : | 8079 8824 0440 |

Photocopies of Aadhaar Card and PAN Card of Petitioner No.2 are annexed hereto and marked as **Annexure P-3 [Page No. 67]** and **Annexure P-4 [Page No. 68]**. A photocopy of the Aadhaar Card of the Petitioner No.3 is annexed hereto and marked as **Annexure P-5 [Page No. 69]** as personal

identification in this Writ Petition because the same is being filed as a Public Interest Litigation.

6. The Petitioner No.1 Society actively participates in protection of the rights of the victims and has filed a Writ Petition before this Hon'ble Court titled 'Association for Protection of Civil Rights Vs. the State of Bihar.' W.P. (Cri.) No. 195 of 2011 against the incident of Police firing and subsequent killing of OBC Muslims in Bhajanpur, Forbesganj, Bihar. The Petitioner No.1 Society has also filed a Writ Petition previously in this Hon'ble Court, under Article 32 of the Constitution challenging the provisions of the UAPA Act. The matters are pending before this Hon'ble Court.

7. The Petitioner's chapter in Assam had also actively participated in preparing the revised National Register for Citizenship (for Short "NRC") which was published on August 31, 2019. The Assam chapter of the Petitioner had actively assisted the authorities in preparing the NRC and that helped the Applicants, who claimed the citizenship of India and had approached nearly 2 lakh of families whose family members had made the requisite applications to be included in NCR.

8. The Respondent is the Union of India through Ministry of Home Affairs. The Respondent has by Act No. 47 of 2019 enacted the Citizenship (Amendment) Act, 2019 (For Short "the said Act") by a Notification dated 12.12.2019.

9. The Petitioner herein is invoking Extraordinary Jurisdiction under Article 32 of the Constitution to challenge the provisions of the said Act being violative of fundamental rights guaranteed inter alia under Article 13, 14, and 21 of the Constitution. However, before stating the grounds of challenge, it

is necessary to set out relevant facts herein below, in brief, which have necessitated filing of the above Petition.

10. The Brief facts leading to the filing of the present Writ Petition are as follows:-

- (i) On 23.11.1946, the Central Legislative Assembly of the British India enacted Foreigner Act, 1946, in order to confer certain powers on the Central Government in respect of dealing with the Foreigners in India.

Section 2(a) of the Foreigners Act, 1946 defines Foreigners as follows:

“Foreigner” means a person who is not a citizen of India.

- (ii) On 15.08.1947, India achieved independence from the British and was partitioned into two countries, viz, India and Pakistan.
- (iii) On December 10,1948, The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly. India voted in favour of the declaration.
- (iv) On 26.01.1950, with the commencement of the Indian Constitution, persons domiciled in the territory of India automatically became Indian citizens by virtue of operation of the relevant provisions of the Indian Constitution. Part II of the Constitution of India dealt with the subject of citizenship and contained Articles 5 to 11 which came into force on 26.11.1949. It is to be noted that these articles were incorporated in the constitution after due deliberation in the Constituent Assembly. The preamble of the Constitution lays down the basic philosophy and values of the Constitution which clearly spells out that the framers of

the Constitution did not want India to be a theocratic state and wanted it to be modern secular republic. While enacting the provisions relating to the citizenship as contained in Articles 5 to 11, there is no mention of a religion as eligible factor to claim the citizenship of India.

- (v) On December 30, 1955, the Citizenship Act, 1955 was enacted.
- (vi) On 30.08.1961, Convention on the Reduction of Statelessness was adopted. Though India is not a signatory to this convention, it is relevant to note that this convention has become a part of customary international law.
- (vii) On 10.04.1979, India acceded to the International Covenant on Civil and Political Rights and ratified the same.
- (viii) On 2.09.1990, United Nations Convention on the Rights of the Child came into force. India has ratified this convention on December 11, 1992.
- (ix) On 3.12.2004, The Citizenship (Amendment) Act, 2003 came into force
- (x) On 7.09.2015, the Ministry of Home Affairs, Government of India *vide* the Passport (Entry into India) Amendment Rules, 2015 [Notification No. G.S.R 685(E) dated 7.9.2015 ("First Impugned Notification")] amended the Passport (Entry into India) Rules, 1950. The amendment stated 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 December 31, 2014 either without valid documents or with valid documents, whose validity has subsequently expired, were granted exemption from the adverse penal consequences of Passport (Entry into India) Act, 1920.

Simultaneously, on the same date the Foreigners (Amendment) Order, 2015 [Order No. G.S.R 686(E) dated 7.9.2015 (“Second Impugned Notification”)] was issued. The said order amended the Foreigners Order, 1948, by inserting Section 3A. By virtue of this section, 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 December 31, 2014 either without valid documents or with valid documents, whose validity has subsequently expired, were granted exemption from the provisions of the Foreigners Act, 1946 and the orders made thereunder.

- (xi) A Writ Petition being Writ Petition (C) No. 68 of 2016 titled as *Pranavkumar & Ors. v/s. Union of India* has been filed challenging The Passport (Entry into India) Amendment Rules, 2016 and The Foreigners (Amendment) Order, 2016 and Notice has been issued thereon on 01.03.2016.
- (xii) On 18.07.2016, the Ministry of Home Affairs, Government of India issued the Passport (Entry into India) Amendment Rules, 2016 [Notification No. G.S.R 702 (E) dated 18.7.2016 (“Third Impugned

Notification”)] to include, “Afghanistan” in Clause (ha) of Sub-Rule (1) of Rule 4 of the Passport (Entry into India) Rules 1950.

Simultaneously, on the same date, the Ministry of Home Affairs, Government of India issued the Foreigners (Amendment) Order, 2016 [Order No. G.S.R 703(E) dated 18.7.2016 (“Fourth Impugned Notification”)] to include, “Afghanistan” in Section 3A of the Foreigners Order, 1948.

(xiii) Another Writ Petition being Writ Petition (C) No. 20 of 2019 titled as *Narikatva Aain Songsudhan Birodhi Mancha* (Forum Against Citizenship Act Amendment Bill) v/s. Union of India was filed challenging inter alia the notification and order dated 23.12.2016 issued under Section 16 of the Citizenship Act of 1955 for granting of certificate of naturalization under Section 5 or for grant of certificate of naturalization under Section 6 of the Citizenship Act of 1955 in respect of any person belonging to minority community in Afghanistan, Bangladesh and Pakistan viz. Hindus, Sikhs, Buddhist, Jains, Parsi’s and Christians. This Hon’ble Court was pleased to issue notice in this petition *vide* its order dated 27.2.2019.

(xiv) As per the directions of this Hon'ble Court a National Register of Citizens (NRC) was being prepared by the State Coordinator, and the same was being monitored by this Hon'ble Court. On 31st December, 2018, a draft list was prepared by the NRC authorities which contained the names of nearly 40 lakh people most of whom were alleged to have migrated into Assam illegally and to be excluded from the final NRC. As per the rules, these people were provided

opportunity to present their claims for being included in the final draft of NRC and were also heard thereafter. In June 2019, according to a further statement issued by the state coordinator of NRC, 1,02,462 persons were further declared ineligible during the process of verification carried out by the local registrars of the Citizen Registration. The Final list of persons which are excluded from the NRC has been published on August 31, 2019 wherein out of total 3,30,27,661 Applicants, only 19,06,657 people were excluded.

- (xv) The Union of India has enacted the Citizenship (Amendment) Act, 2019 on 12.12.2019, which inter Alia seeks to make illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan eligible for Citizenship on the ground that they being religious minorities in their respective countries are victims of religious persecution. The said Act also makes provisions relating to Overseas Citizens of India (OCI) including a provision to allow cancellation of the OCI registration if the person has violated any law notified by the Central Government.
- (xvi) It is submitted that Section 2 of the impugned Act amends Section 2(1)(b) of the 1955 Act to provide that Hindu, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan will not be treated as illegal migrants. In order to get this benefit, they have also been exempted from the foreigners Act, 1946 and the Passports (Entry to India) Act, 1920 by the Central Government.
- (xvii) The unamended 1955 Act allowed a person to apply for citizenship by naturalization, as per the provisions of Section 6 read with Third

schedule of the Citizenship Act, 1955. However, Section 3 of the impugned Act has inserted "Section 6B" in the 1955 Act, which inter alia creates an exception for Hindu, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, with regard to qualification mentioned in Clause (d) of the Third Schedule. By virtue of Section 3 of the Impugned Act, Section 6B is inserted as follows:

Section 3. After Section 6A of the principal Act, the following Section shall be inserted, namely: -

6B. (1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, or an application made in this behalf, grant a certificate of registration or certificate of naturalization to a person referred to in the proviso to clause (b) of sub-section (1) of Section 2.

(2) Subject to fulfilment of the conditions specified in section 5 or the qualifications for naturalization under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalization under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of

illegal migration or Citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his application on the ground of making such application.

(4) Nothing in this section shall apply to the Tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation. 1873.

By such amendment the Impugned Act grants favourable treatment to a class of illegal migrants belonging to specified six religions viz. Hindus, Sikhs, Christians, Parsis, Jains and Buddhists from Bangladesh, Pakistan and Afghanistan and in a hostile manner excludes Muslim migrants from the said countries.

(xviii) Further, Section 5 and 6 of the impugned Act also makes consequent amendments to Sections 18 and the Third Schedule of the 1955 Act respectively.

A true copy of the impugned Citizenship (Amendment) Act, 2019 is annexed hereto and marked as **Annexure P-6 [Page Nos. 70 to 72]**.

(xix) That the cause of action for filing the present petition last arose on December 12, 2019 when the Impugned Act was enacted. Further the Impugned Act, Section 3 of the Citizenship Act, 1955, third schedule of the Citizenship Act, 1955 and the Impugned Notifications are violative of Articles 13,14,15,21,51(c) and 51-A of the Constitution and are therefore causing injury to the public.

11. A batch of Writ Petitions challenging the Impugned legislation came up before this Hon'ble Court on December 18, 2019 and this Hon'ble Court was pleased to issue notice in the batch of Writ Petitions filed challenging the Impugned Act and directed the matters to be listed on January 22, 2020. The Petitioners herein crave leave to get the present petition tagged with the similar matters pending before this Hon'ble Court. A true copy of the order dated December 18, 2019 passed by this Hon'ble Court in Writ Petition (Civil) No. 1470 of 2019 is annexed hereto and marked as **Annexure P-7 [Page Nos. 73 to 84]**.

12. That the Petitioners are therefore filing the present Writ Petition under Article 32 of the Constitution of India on the following amongst other grounds which are taken without prejudice to one another: -

GROUND

- A. For that the provisions of the Impugned Act are unreasonable and are not based on rational classification having any nexus to the object for which the same has been enacted and as such is required to be declared as unconstitutional. The Impugned Act is also manifestly arbitrary, which is evident from the following:-
- i) For that professing any particular religion as a ground of eligibility for the status of citizenship is against the basic value / philosophy and structure of the Constitution and therefore the provisions of the Impugned Act of 2019 are unconstitutional.
 - ii) For that settled principles of the constitutional law provide that the parliament has no power to make any legislation which is offending the basic feature of the constitution. In *Keshavananda Bharti's case* [(1973) 4 SCC 225], it was held by this Hon'ble Court that parliament has no power to amend / destroy / annihilate the basic feature of the constitution. Expounding on that theory, this Hon'ble Court in [*S.R. Bommai's Case* (1994) 3 SCC 1] has held that secularism is the basic feature of the constitution. Indian citizenship is a matter of status and becomes the basis for claiming fundamental freedoms and number of statutory rights. Without the status of the citizen many of the fundamental rights/ freedoms are not available to a person. Therefore, to introduce the concept of profession of religion as the eligible criteria to become the citizen of the country is Unconstitutional since the Impugned Act is based on the religious criteria and is therefore unconstitutional.

- iii) For that the provisions of the Impugned Act are violative of article 14 and 15 of the constitution of India as the same being violative of Equality before Law and Equal Protection of Law.
- iv) For that the provisions of the Impugned Act are discriminatory directed against the Muslims on the basis of their religion and place of birth.
- v) For that the Impugned Act classifies group of persons who have entered/ or stayed in India illegally into two groups/classes viz. migrants from 3 specified countries and other group of migrants from Sri Lanka, Bhutan, Myanmar, Tibet and China which is unreasonable. As migrants from neighbouring excluded countries could be victims of persecution on religious grounds. Secondly, the basis of such migration is religious persecution only which is arbitrary. Such classification is not based on authentic date. Therefore, the classification for the purpose of the legislation is irrational having no nexus between the basis of the classification and the object of the impugned Act.
- vi) For that even otherwise the provisions of the Impugned Act are unreasonable and arbitrary, which are required to be declared as unconstitutional by this Hon'ble Court.
- vii) For that provisions of the Impugned Act are making the sub-classification of the people who are person of a particular religion as illegal migrants as given in Section 2(b) of the Citizenship Act of 1955. It divides the illegal migrants into 2 classes, one class is of such persons who profess the specified

6 religions and the other class is of those who are not from that specified 6 classes. Thus, the Muslims and Jews are excluded. The basis of classification is unreasonable and arbitrary. It is not based on any authentic data and is done rather whimsically and capriciously to achieve certain political ends of the party in power. Secondly, there is no reasonable ground to select only Muslim theocratic states viz. Pakistan, Bangladesh and Afghanistan and grant the benefit of the legislation in question to the migrants from those countries only on the basis that they are persecuted minorities in their country. Even the Muslims belonging to minority sects in Islam viz. Ahmadiyya and Shias also become victims of religious persecution in such specified countries.

- viii) For that India is surrounded in its neighbourhood by Sri Lanka and Bhutan which are also theocratic Countries having Buddhism as State religion. While Myanmar is overwhelming Buddhist majority country and Nepal is overwhelming Hindu majority country. Religious persecution of Tamilian Hindus and Muslims is well known and is part of public domain. So is the case of Rohingya Muslims of province of Rakhine of Myanmar. The issue of violation of Human Rights of Rohingya Muslims by the state of Myanmar is pending in the International Court of Justice. It is well known and the facts are in public domain that there are migrants from Sri Lanka comprising of Tamilian Hindus and Muslims, Rohingya Muslims from Myanmar who have crossed the border of our country and they are the victims

of persecution by the majority of the country from which they have migrated. These migrations are in exodus. There is no rationale to exclude them from granting the citizenship by naturalization and such exclusion deny to them equality before the law and equal protection of law guaranteed to every person under Article 14 of the Constitution.

- ix) For that the vice of discrimination also become evident by whimsical manner in which the provisions are made in favour of the 6 specified religions in the Impugned Act. There are no parameters laid down to determine whether a person who has crossed the borders of India is the victim of religious persecution. In the case of Assam, it is pertinent to note the report made by the Governor of Assam (Lt. General Retd.) S.K. Sinha in the year 1999 which clearly stated that illegal migration from Assam has taken place primarily for economic reason. the Governor's Report stated in detail the reasons why the persons from Bangladesh are crossing the border between Assam and Bangladesh and settle in Assam. It is arbitrary as no guidelines are laid down to determine the claim of any individual migrant whether his/her migration from Bangladesh/ or any other country to Assam is for economic reasons or for the alleged religious persecution. Secondly, no definition of religious persecution is laid down either in the citizenship act, foreigner act, or any other law, rules / regulations relating to the citizenship or the foreigners in India. To lay down such vague and uncertain provisions and leaving it to the executive to

decide the status of a person is whimsical and offending Articles 14 and 15 of the Constitution of India.

- x) For that the arbitrariness of the whole exercise becomes evident in the context of the fact that India has got no national policy relating to rehabilitation of the refugees in our country. There is no data available on official record to show the extent of migration from 3 neighbouring countries viz. Bangladesh, Afghanistan and Pakistan into our country or whether it is out of religious persecution or other reasons. There is no treaty made with these 3 countries to take back the person who are condemned as illegal migrants. It is in public domain that none of these 3 countries has shown its willingness to take back these “illegal migrants”. The net result is that all of them will be treated as stateless persons and as such will be kept in detention centres. No data is available to show as to how many detention centres will be required to settle such stateless persons in consonance with human dignity and prevalent values of human rights. To make law without taking into consideration such factors is arbitrary and is therefore violative of Articles 14 and 15.

- B. For that Section 3(1) (a) of the Citizenship Act, 1955 is unconstitutional in so far as it introduces a caveat that the child should have been born on or before 1.7.1987. Further, the provisions of Section 3(1)(b) and 3(1)(c) of the Citizenship Act, 1955 are unconstitutional as they are violative of Articles 14, 15, 21, 51(c) and 51-A of the constitution. This is evident from the following:-

- i) That the provisions relating to the grant of citizenship as contained in Section 3 of the Citizenship Act, 1955 give rise to the following scenarios relating to the children who are born to a couple who are illegal migrants:
- a) The first scenario is of the children born between 26th January 1950 and before 1st July 1987, such children are entitled to Indian citizenship.
 - b) Second scenario is that children born on or after 1st July 1987 and 3rd December 2004, the date of commencement of the Citizenship Amendment Act, 2003 and either of his parents is a citizen of India at the time of his birth, they are entitled to the citizenship. Therefore, any child born after 1st July 1987 and before 3rd December 2004 none of his parents is the citizen of India has no right to citizenship. Therefore, during this period, if a child is born to a couple of illegal migrants is not the citizen of India but at the same time, he is not an illegal migrant as defined under Section 3(2)(b) proviso of the Citizenship Act. Such child is a stateless child without any country.
 - c) The third scenario is the children born after 3rd December 2004 of those couples where one of them is a citizen of India and other is not an illegal migrant at the time of his birth; Such children are citizens of India by birth. Therefore, children born to a couple one of whom is an

illegal migrant is not entitled to the status of citizenship by birth. However, such children for the premises as stated above will not be illegal migrant but Stateless children. Thus, on principle of citizenship by birth the Law provides different treatment to a person as to when he/she was born; in the case of children born between 1st July, 1987 and 3rd December, 2004 if none of his parents is a citizen of India, has no right to citizenship and such children are stateless. Then again children born after 3rd December, 2004 in India whose one of the parents is not a citizen of India and other is not an illegal migrant then such children are also stateless children. To treat a person as stateless on the basis of his or her date of birth is manifestly arbitrary. Such stateless children cannot be classified as illegal migrant as defined u/s 2(b)(1) of the Impugned Act. Nonetheless such persons born as stateless children have the fundamental rights under Article 14 and 15 of the Constitution and to threaten them with deportation or incarceration in detention camp is manifestly arbitrary and is therefore unconstitutional.

d) The treatment of such person who are born as stateless person is also violative of the Rights of Children as per the Convention of the Rights of Child 1990 which India has ratified.

ii) That Section 3 of the Citizenship Act gives right to three scenarios relating to the children born on different dates those

children born between 26th January 1950 and before 1st July 1987 are entitled to Indian Citizenship without any condition. Those children born on or after 1st July 1987 and 3rd December 2004 are the citizens of India only if either of his parents are citizens of India at the time of his birth and secondly, any child born after 1st July 1987 and before 3rd December 2004, but none of his parents is the citizen of India has no right to citizenship, and thirdly, children born after 3rd December 2004 of those couples where one of them is a citizen of India and other is not an illegal migrant at the time of his birth. Such children are citizens by birth. Therefore, children born to a couple one of whom is an illegal migrant is not entitled to the status of citizenship by birth.

- iii) That it is submitted that these provisions contained in the Citizenship Act as well as in the Impugned Act are against the rights of the children contained in Article 15 of the Universal Declaration of Human Rights (“UDHR”) 1948 which is signed by India and has now become the part of the International Customary Law. Article 15 of Human Rights clearly provides as follows:

“Article 15”

- (i) *Everyone has the right to a nationality. (ii) No one shall be arbitrarily deprived of his nationality nor deny the right to change his nationality.”*

The cumulative effect of the impugned provisions of the Citizenship Act of 1955 is to arbitrarily deprive nationality to the children born in India after 1st July 1987. This right to nationality enshrined in Article 15 of UDHR is further operationalized / expanded by the UN Convention on the Reduction of Statelessness 1961, which provides as follows:

Article 1 – *A contracting state shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted:*

- (a) At birth, by operation of law, or*
- (b) Upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this Article, no such application may be rejected.*

A contracting State which provides for the grant of its nationality in accordance with sub-paragraph (b) of this paragraph may also provide for the grant of its nationality by operation of law at such age and subject to such conditions as may be prescribed by the national Law.

Though India has not signed this convention nor ratified the right of a child to nationality has become a part of the

International Customary Law. Further, Article 7 and 8 of UN convention on the Rights of Child, 1990, which is signed and ratified by India. By Articles 7 and 8 provides as follows:

Article 7 –

- (1) *The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality as far as possible, the right to know and be cared for by his or her parents.*
- (2) *State parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.*

Article 8 –

- (1) *State parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.*
- (2) *Where a child is illegally deprived of some or all of the elements of his or her identity, State parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*

As mentioned above, though India has not signed nor ratified UN Convention of Reduction of Stateless 1961, the content of Articles 1 to 15 has become the part of International Customary Law.

- iv) That the impugned provisions of the Citizenship Act of 1955 and the Impugned Act go completely contrary to the above quoted conventions of the rights of children, which are accepted by India under Article 50(c) of the Constitution of India, which occurs in Part IV of the Constitution clearly providing to “*foster respect for international law and treaty obligations in the dealings of organized people with one another*”. Under Article 37 which also occurs in Part IV of the Constitution of India imposes obligations on the State that the principles laid down in Part IV of the Constitution are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.
- v) That the enactment of the impugned provisions of the Citizenship Act, 1955 and the Impugned Act, clearly is in violation of the fundamental principles in the governance of the country and enacting such impugned provisions, the legislature has violated of its constitutional duties to observe the principles laid down in Article 51(c) of the Constitution. It is submitted that the enactment of any legislation which is in contravention of the directive principles of State policy enunciated in Part IV shows that the legislature has acted in manifestly in an arbitrary manner as it is the act of whimsicality to disregard of the duty

imposed on the State to apply the principles of Part IV in the governance of the State. Therefore, the impugned provisions of the Citizenship Act are also violative of Article 21 of the Constitution

C. For that the Impugned Act and Section 3 (1) of the Citizenship Act, 1955 are violative of Article 21 of the Constitution, this is apparent from the following:-

- i) That Article 21 of the Constitution grants fundamental rights of life and liberty to every person and provides that no person shall be deprived of life and personal liberty except according to procedure established by Law. For the reasons stated above, the provisions of the Citizenship Act as amended by the Impugned Act are violative of Article 14 and therefore not law at all.
- ii) That in catena of cases, this Hon'ble Court has held that Article 21 guarantees to the persons not merely a right of mere existence but to live with dignity. The term personal liberty has also been widely defined by this Hon'ble Court. The provisions of the Impugned Act have introduced the definition of illegal migrant and has sought to give protection to those migrants from three specified neighbouring countries who are supposed to be victims of religious persecution. Such presumption is not based on any data. It is pertinent to refer to the report of the Governor of Assam, Lt. General S.K. Sinha in the year 1999 which stated that the reasons for migration of the people from

Bangladesh to Assam was for economic reasons and has not referred to any religious persecution. Such assumption that all Bengali speaking persons in Assam except the Muslims are the victims of religious persecutions is baseless. Secondly, the specifying six religions who are supposed to be the victims of religious persecution is also without any basis or determinative principle. It is in public domain that in Pakistan as well as Afghanistan there are sectarian differences amongst the Muslims of the country. In Pakistan it is public domain that Shias and Ahmediya are persecuted. In the case of Ahmediya they have been declared “*Non-Muslims*” and further there is law in Pakistan which penalizes any person who is not Muslim, but poses himself to be a Muslim. Therefore, Ahmediya in Pakistan are also minorities as they are treated as non-Muslim. Therefore, to presume that Ahmediya also belong to the Muslim majority in Pakistan is without application of mind and to exclude them on the ground of religion under the provisions of the Impugned Act is perverse as based on no data at all and contrary to the legal culture prevailing in Pakistan. Even in Afghanistan which is Muslim dominating country there are sectarian differences amongst its Muslim population. It is in public domain that Hazara who are Shias are persecuted in Afghanistan and to deny protection of laws to a migrant from Afghanistan who is the follower of Shiaism is discriminatory and violative under Articles 14 under the Constitution. The provisions of the Impugned Act also do not lay down any

guidelines to determine the fact that the particular migrant from the three specified neighbouring countries is victim of religious persecution or he has migrated for economic or other reasons. It is in public domain that waves of migrations have taken place from East and West Pakistan at different times amounting to exodus but such exodus limited to a particular period of time. It is legitimate to assume that exodus is a result of feeling of insecurity felt by groups of people on the ground of religious persecution, but such exodus subsided and trickling of migration has taken place for variety of reasons and not necessarily due to religious persecution. To make law without having sufficient data on such vital issue is arbitrary.

- iii) That in so far as Bangladesh is concerned, the exodus of the migration from East Pakistan to India has also taken place from 1931 to 1951 and thereafter there has not been any exodus of the migration. Secondly, so far as Assam is concerned, the cut off date under Assam Accord for determining the illegal migration is 25.03.1971. It is to be noted that in the period of 43 years, people who have migrated to Assam have settled in the different places in Assam and have established their roots in this country. Such purported illegal migrants have given birth to large number of children who are living in India at various places including Assam cutting off their connection from where they originally migrated for various compelling reasons. Throwing such people out of country without taking into consideration the length of period that they have stayed in this

country is absolutely inhuman. Children born during this period have also developed their roots in this country and to make them stateless and put them into Detention Centre is violative of their life and liberty as guaranteed under Article 21 of the Constitution of India.

- iv) That the impugned provisions of the said Act are discriminatory directed to a particular community i.e. Muslim in particular and is against the International Covenant on Civil and Political Rights and Article 7 of the Universal Declaration of Human Rights.

- D. For that even the provisions of the Impugned Notifications, which are in *pari materia* with the Impugned Act are in contravention of Articles 13, 14, 15, 21, 51(C) and 51-A of the constitution and therefore should be declared unconstitutional.
- E. For that there is imminent threat to operationalise the provisions of the Impugned Act by the Executive/Administrative actions of preparing National Register of Indian Citizens (NRC). The Hon'ble Minister of Home Affairs and other responsible ministers and leaders of the Ruling Bhartiya Janata Party (BJP) have announced that the follow up of the Impugned Act will be by preparing NRC for the whole country. Preparation of NRC on the basis of the Impugned Act and other impugned provisions of Citizenship Act of 1955, will prove disastrous for the following reasons:

- (a) In Assam, the cut-off date being 24th March, 1971, is laid down. But for preparing NRC for the rest of the country, no cut-off date is laid down.
- (b) No guidelines are laid down to determine the basis for including or excluding applicants in NRC. In Assam the experiment of preparing NRC has failed and the Assamese entailing huge cost of Rs. 1600 crores and wastage of man power. Now Assamese are threatened with the trauma of undergoing the same exercise of proving their citizenship.
- (c) No discussion has taken place about the documents required for the inclusion of applicants in NRC.
- (d) There are crores of Indians who live in subsistence level and are illiterate or semi-literate who do not maintain record of their birth certificate or length/duration of their residence in India. Such people face imminent threat to become stateless.
- (e) According to 2011 census 8.70 Crores of Scheduled Castes are illiterate, 5.20 crore Scheduled Tribes are illiterate and therefore they are undocumented.
- (f) 30 crores are landless having no documents pertaining to land.
- (g) 1.7 crore are homeless and are pavement dwellers therefore being undocumented.
- (h) 15 crores are Nomadic Tribes – Banjaras, Lohars, Bawariyas, Nath, etc. having no subtle Home who are therefore being undocumented.

- (i) 8.43 Crore are Adivasis who are undocumented.
- (j) In the year 1970 the literacy rate was 34% and as of today it is 26% (31 crore) are illiterate, them having no substantial knowledge of Documentation

In other words, there are crores of undocumented Indians who will become stateless and no estimate or assessments have been made of their number. No policy is framed regarding the plight and treatment of such undocumented Indians who will be rendered stateless. For the premises stated above, it is absolutely necessary that this Hon'ble Court may issue an appropriate Writ/direction to the Union of India and states, to refrain from preparing NRC arbitrarily.

- F. For that the Impugned Act arbitrarily fixes the cut-off date as on 31ST December, 2014 up to which migrants from six specified religions and from three specified neighbouring countries will be granted citizenship. Any such migrants entering India after such cut-off date is not entitled to Indian Citizenship. The object of the Impugned Act appears to protect such migrants from religious persecution to which they are subjected in their respected countries. There is no rational basis to assume that after 31st December, 2014 there will be no religious persecution in those religious countries. This is an instance of manifest arbitrariness and therefore such provisions have no nexus with the object of the Impugned Act and therefore the Impugned Act should be declared unconstitutional

13. The Petitioners have not filed any other petition before this Hon'ble Court or any other Court within the territory of India on the subject matter of the instant Petition and for the reliefs prayed for herein.

14. That the Petitioners have no other efficacious remedies except to approach this Hon'ble Court for the enforcement of the rights conferred by Part III of the Constitution.

15. In the aforesaid premises and in the interests of justice, it is most respectfully prayed that this Hon'ble Court may be graciously pleased to:-

PRAYER

- (a) issue an appropriate Writ or direction strike down the provisions of Section 3 (1) (a) so far it introduces caveat that child is born before 1st day of July, 1987 and section 3 (1) (b) & (c) of the Citizenship Act, 1955 as unconstitutional, illegal and void; and/or
- (b) a writ in the nature of mandamus, or any other writ, order or direction, declaring the Citizenship (Amendment) Act, 2019 to be unconstitutional; and/or
- (c) a writ in the nature of mandamus, or any other writ, order or direction, declaring Notification No. G.S.R 685(E) dated 7.9.2015 to be unconstitutional; and/or
- (d) a writ in the nature of mandamus, or any other writ, order or direction, declaring the Order No. G.S.R 686(E) dated 7.9.2015 to be unconstitutional; and/or

- (e) a writ in the nature of mandamus, or any other writ, order or direction, declaring the Notification No. G.S.R 702 (E) dated 18.7.2016 to be unconstitutional; and/or
- (f) a writ in the nature of mandamus, or any other writ, order or direction, declaring the Order No. G.S.R 703(E) dated 18.7.2016 to be unconstitutional; and/or
- (g) Issue an appropriate writ or direction against the Respondent to refrain from preparing NRC (National Register of Citizens); and/or
- (h) pass such other/further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

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

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Drafted on: 01.01.2020

New Delhi

Filed on: 03.01.2020

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

Association for Protection of Civil Rights (APCR) & Ors. ... Petitioners

-Versus-

Union of India & Ors. ... Respondents

AFFIDAVIT

I, Rafeek Ahmed, S/o. Late Mr. Abdul Wahab, aged about 73 years, having my office at E-89, 1st Floor, Flat No. 104, Hari Kothi Lane, Abul Fazal Enclave, Jamia Nagar, New Delhi-110025, do hereby solemnly affirm and state as under:-

1. That I am the Petitioner No.2 and Secretary of the Petitioner No.1 Society in the above mentioned Writ Petition and as such I am well conversant with the facts and circumstances of the case and competent to swear the present affidavit on my own behalf and also on behalf of the Petitioner Nos. 1 & 3.
2. That I have gone through a copy of the Synopsis and List of Dates running from pages B to M and a copy of the Writ Petition from paragraphs 1 to 15 running from pages 1 to 32 and I state that the contents thereof are true and correct to my knowledge and belief.
3. That I have gone through a copy of the Interlocutory Application and state that the contents thereof are true and correct to my knowledge and belief.

4. That the annexures annexed to the present Writ Petition are true and correct copies of their respective originals.
5. That the Petitioners have no personal interests, individual gain, private motive or oblique reasons for filing the present petition. The present petition is not guided for the gain of any individual person, institution or body and there is no motive other than Public Interest in filing the present Petition.

DEPONENT

VERIFICATION

Verified at New Delhi on this 3rd day of January, 2020 that the contents of the above Affidavit are correct and true to the best of my knowledge, belief and nothing material has been concealed therefrom.

DEPONENT

THE CONSTITUTION OF INDIA, 1949

Article 13. Laws inconsistent with or in derogation of the fundamental rights

(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

(3) In this article, unless the context otherwise requires-

(a) “law” includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usages having in the territory of India the force of law;

(b) “laws in force” includes laws passed or made by Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

(4) Nothing in this article shall apply to any amendment of this Constitution made under Article 368.

Article 14. Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-

(a) access to shops, public restaurants, hotels and palaces of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Article 21. Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 51. Promotion of international peace and security

(c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and

Article 51-A. Fundamental duties

It shall be the duty of every citizen of India –

- (a) to abide by the Constitution and respect its ideals and institutions, the national Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;

- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

// TRUE COPY //

THE CITIZENSHIP ACT, 1955

Section 3. Citizenship by birth

- (1) Except as provided in sub-section (2), every person born in India,—
- (a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;
 - (b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;
 - (c) on or after the commencement of the Citizenship (Amendment) Act, 2003, where—
 - (i) both of his parents are citizens of India; or
 - (ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth.
- (2) A person shall not be a citizen of India by virtue of this section if at the time of his birth—
- (a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and he or she, as the case may be, is not a citizen of India; or
 - (b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.]

THE THIRD SCHEDULE
[See section 6(1)]
QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person ¹[***] are—

- (a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;
- (b) that, if he is a citizen of any country, ²[he undertakes to renounce the citizenship of that country in the event of his application for Indian citizenship being accepted];
- (c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;
- (d) that during the ³[fourteen years] immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than ⁴[eleven years];

'Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan,

¹ The words "who is not a citizen of a country specified in the First Schedule" omitted by Act 6 of 2004, sec. 18 (w.e.f. 3-12-2004)

² Subs. by Act 6 of 2004, sec. 18, for "he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government" (w.e.f. 3-12-2004).

³ Subs. by Act 6 of 2004, sec. 18, for "twelve years" (w.e.f. 3-12-2004)

⁴ Subs. by Act 6 of 2004, sec. 18, for "nine years" (w.e.f. 3-12-2004)

the aggregate period of residence or service of Government in India as required under this clause shall be read as "not less than five years" in place of "not less than eleven years".⁵

- (e) that he is of good character;
- (f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution; and
- (g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into or continue in, service under a Government in India or under an international organization of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit, —

- (i) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;
- (ii) allow periods of residence or service earlier than ⁵[fifteen years] before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

// TRUE COPY //

⁵ Subs. by Act 6 of 2004, sec. 18, for "thirteen years" (w.e.f. 3-12-2004)

ANNEXURE P – 1

AMENDED
RULES AND REGULATIONS
OF
ASSOCIATION FOR PROTECTION OF CIVIL RIGHTS

RULE 1 NAME OF SOCIETY:

Name of Society will be ASSOCIATION FOR PROTECTION OF CIVIL RIGHTS (APCR).

RULE 2 MEMBERSHIP:

Society shall have founder members, eminent members, members and patrons.

- i) **FOUNDER MEMBERS:** Founder members are those whose names appear as desirous persons in Memorandum of Association.
- ii) **MEMBERS:** An Indian citizen of reliable character, not below the age of 18 years who agrees with aims and objectives of the society, may become a Member of the society, provided his/her application for membership is accepted by the President of the society (on recommendation of State President).
- iii) **EMINENT MEMBERS:** Any suitable Indian citizen of reliable character actively involved in social welfare, whose age is not below 18 years, may be made eminent member of the society, provided his/her name is proposed by atleast two members of Executive committee and approved by two third majority of

Executive Committee. The strength of eminent members, at any time, shall not exceed 15.

- iv) PATRON: The Executive Committee may select any prominent person as PATRON who is not a member of the Society and who in their opinion can help in promotion of the aims and objects of the Society.

RULE 3 SUBSCRIPTION:

The Executive Committee shall fix subscription amount, from time to time for all categories of members of the society. One will not be entitled to vote whose subscription has been in arrears for a period exceeding three years.

RULE 4 CESSATION OF MEMBERSHIP:

Membership (of any category) shall cease:

- 1) On death,
- 2) On written resignation and its acceptance by President.

Membership (of any category) may be terminated (by Executive Committee) in the following circumstances

- 1) On being convicted by court of law in an offence involving moral turpitude or on being declared insolvent,
- 2) On sustained default for five years in payment of subscription.
- 3) On being found guilty of acting against Aims and Objects of the Society or its Rules and Regulations,

- 4) If he has not attended (without due cause) three consecutive meetings where his attendance was required.
- 5) If he willfully disobeys the decisions of the Society.

Reasons for removal from membership shall be conveyed in writing to the person concerned. Reasonable opportunity will be given to him to submit his defense. His reply will be considered by Executive Committee meeting called for the purpose. (Member concerned is not permitted to attend such a meeting). Decision of Executive Committee in this respect shall be final.

RULE 5 APPEAL AND RE-ADMISSION:

If any person ceases to be a member of the Society on account of any of the reasons given in Sub-Rules (4) or (5) of Rule No. 4 above and the person expresses his/her desire to re-admission, he/she shall have to first give an apology and assurance in writing to the Executive Committee. Such a member shall be re-admitted only after two-third majority of the Executive Committee approves readmission.

RULE 6 GENERAL BODY:

General Body of the society shall consist of founder members, eminent members, presidents of state chapters, and members nominated for Executive Committee (In accordance with Rule 14 (B)).

- (A) All members of General Body shall have right to attend the General Body Meeting, other functions and lawful gatherings called/arranged by the Society and offer their suggestions therein.
- (B) General body members will participate in the election of Executive Committee, as provided in Rule 14.
- (C) As this Society is purely a welfare and charitable society with the sole aim of serving common man, no member (of any category) is entitled to enjoy any special privilege from the Society for reason of being its member. However, as approved by Executive Committee he/she may be paid expenses or provided a suitable facility, to carry out activities of the society.

RULE 7 DUTIES OF MEMBERS:

Members of all categories of the Society shall:

- a) Participate in the election process of the society, when called upon to do so, in accordance with these rules
- b) Attend regularly, the meetings duly convened by the Society,
- c) Give necessary information to the Society pertaining to any important matter relevant to the Society,
- d) Not indulge in activities which are prejudicial to the Aims and Objects and/or Rules & Regulations of the Society.

RULE 8 STATE CHAPTERS:

- a) President of the Society will have the power to form state chapter of the society in a particular state, through promoters appointed by him.
- b) To establish state Chapter, State Executive Committee (SEC) will be formed consisting of at least 7 members including three office bearers namely State President, Secretary and Treasurer. State Office Bearers shall be nominated by President of the Society, from amongst members of the society. Remaining SEC members will be elected by members and eminent members in that state (As defined in Rule 2).
- c) The State Executive Committee shall meet at least once in 6 months to review the activities of the Society at the state level, discuss pertinent issues and make necessary plans.
- d) The State Executive Committee shall ensure compliance of society regulations.
- e) The President of each State Chapter shall be a member of General Body of the Society.
- f) With the approval of State Executive Committee, state president shall establish district chapters and nominate district presidents, from amongst members of the society (As per Rule 9 below). Other office bearers at district

level shall be selected by district President, from district committee members.

- g) State Chapters shall manage finances in according with legal requirements and directives given by APCR General Secretary. Accounting procedures, budget and annual audit will be subject to approval of General Secretary. State chapters will abide by rules framed by Executive Committee, in this regard.

RULE 9 DISTRICT UNITS:

District Units shall have a District Committee, consisting of at least 7 members including District President, nominated according to Rule 8 (f). Apart from District President, other members of District Committee will be elected by members and eminent members (as defined in Rule 2) in that district.

RULE 10 TERM OF THE OFFICE BEARERS:

- 1 The entire election system shall be valid for 4 years.
- 2 After every 4 years as per Rules & Regulations, elections shall be held as applicable.
- 3 Till the elections are held and new organizational set up comes into effect, the existing set up shall continue to be in office.

RULE 11 RESIGNATION, REMOVAL AND SUSPENSION:

- 1 The resignation of any member, eminent member or office bearer shall be submitted to the President of the Society and shall come into effect after his acceptance.
- 2 Before expulsion of a member, as in Rule 4, President or Sate President may suspend him, if deemed necessary.
- 3 The authority which nominates or elects an office bearer shall have the power to suspend or remove him from office.

RULE 12 AMENDMENTS TO THE CONSTITUTION:

Amendment in the Constitution of the Society may be made as provided in Rule 31.

RULE 13 POWERS, DUTIES AND FUNCTIONS OF GENERAL BODY:

- (1) The General Body (GB), will elect Executive Committee, from amongst itself, for a term of four years, in accordance with Rule 14.
- (2) GB will approve the minutes of the last general body meeting and endorse the report of activities of the preceding year.
- (3) GB will appoint an auditor to assess the accounts.
- (4) GB will consider auditor's report, approve the audited accounts and balance sheet of the preceding year and budget for the next year.

- (5) GB will discuss and decide on any matter of common interest referred to it by the Executive Committee.
- (6) GB will approve the annual program of the society, prepared by executive committee.
- (7) MEETING OF GENERAL BODY:

Meeting of General Body will be held every year. Besides this meeting, the General Secretary with the permission of the President may call General Body Meeting as and when deemed necessary. Quorum of the meeting of General Body shall be one-third of its total members.

If a meeting is adjourned for want of quorum then the next meeting (with due notice) will be held without requirement of quorum. The General Secretary shall issue written notice for GB meeting at least 15 (fifteen) days in advance. The General Secretary with permission of the President may convene special meeting of the General Body on a written requisition by at least one third of the members of GB and such meeting shall be convened within one month of the written requisition.

RULE 14 EXECUTIVE COMMITTEE:

There will be an Executive Committee of the society which will shall be elected by the General Body. Executive Committee shall act in accordance with the Rules & Regulations of the Society to achieve its aims and objects.

(A) STRENGTH:

The strength of Executive Committee (including office bearers) shall be 17.

(B) COMPOSITION OF EXECUTIVE COMMITTEE:

The composition of the Executive Committee shall be as under:

President	1
Vice-Presidents	2
General Secretary	1
Secretary	1
Joint Secretaries	2
Treasurer	1
Other Executive Members	9

In a meeting called for the purpose, GB will elect, for a term of four years from amongst itself, the President of the society and 12 other members for EC. Four more members for EC will be nominated by the President. In consultation with these 16 members, the President will nominate from amongst them, other office bearers as mentioned above.

(C) POWERS AND FUNCTIONS OF THE EXECUTIVE COMMITTEE:

The Executive Committee shall be responsible for the management and administration of all affairs of the Society. It is also authorized to assign to any executive member any particular activity of the society. The

Executive Committee shall also have the following powers:

- (1) To take necessary steps for the implementation of all decisions of the General Body.
- (2) To grant eminent membership, in accordance with Rule 2(iii), to suitable persons.
- (3) To prepare annual program of the Society in conformity with its aims and objects, to be placed before GB for approval.
- (4) To manage the affairs of the Society and to keep control over properties of the Society and all its assets.
- (5) To invest the funds of the Society not immediately required in accordance with Rules and Regulations of the Society and as per law.
- (6) To send representative(s) to any workshops or conferences or training, etc. within or outside India.
- (7) To appoint Returning Officers and to define their powers to complete election process at various levels.
- (8) To admit the Patron(s) of the Society (in accordance with Rule 2).

- (9) To arrange and receive loan from any Bank(s) or from any other legal entity or individual(s) on reasonable terms and conditions if necessary. The society shall be liable for its return.
- (10) To accept donations, grants, gifts, contributions, subscriptions and endowments, in accordance with Rules and Regulations of the Society.
- (11) To establish and collect funds and accept donations in cash or in kind and utilize the same for the purpose of the Society.
- (12) To receive money, securities, instruments and/or any other movable and/or immoveable property for and on behalf of the Society.
- (13) To enter into agreement for and on behalf of the Society.
- (14) To take all other legal steps required for smooth/better management of the Society.
- (15) To receive auditor's report and statement of accounts to present to the GB.
- (16) To prepare the annual budget of income and expenditure of the Society for particular year and place it before General Body for approval.

(17) To chalk out programs for generating income for the Society and find ways and means to increase the income of the Society for coming years.

(18) To appoint sub-committees for any particular purpose as may be deemed necessary.

(19) To fix an amount which may be spent by President/General Secretary/Secretary over and above the sanctioned budget.

(D) ELECTION OF THE EXECUTIVE COMMITTEE:

1. Election of the Executive Committee shall be held once in every four years.
2. The Executive Committee shall hold office for a period of four years. Present members shall be eligible for re-election.
3. After every election three office bearers shall attest a list of office bearers and it will be filed with the Registrar of Societies, Delhi.

(E) MEETING OF THE EXECUTIVE COMMITTEE:

- 1) Meeting of the Executive Committee of the Society shall be held twice a year. Additionally, with the permission of the President, General Secretary may call a meeting when necessary.
- 2) A special meeting would be called (within a month) by the General Secretary with the permission of

the President on a written requisition by at least one third of the Executive Committee Members on a specific agenda.

- 3) The General Secretary in consultation with the President shall issue a notice with agenda of business to members at least seven days before the date of the meeting.
- 4) On president's instructions, an urgent meeting of the Executive Committee may be called at 24 hours notice, by the General Secretary.
- 5) Nine members of the Executive Committee shall form the quorum for its meetings.
- 6) If a meeting is adjourned due to lack of quorum, there will be no quorum requirement for next meeting.

RULE 15 POWERS AND DUTIES OF:

PRESIDENT:

The President subject to decisions of the Executive Committee will be the executive head of the Society and shall have powers to give general directions for management of the affairs of the Society. The President shall specifically have the following powers and duties:

- (1) To keep watch over the general working of the Society.

- (2) To preside over all the meetings of the Executive Committee/General Body and exercise his casting vote in case of equal division of votes.
- (3) To permit an emergent meeting by short notice.
- (4) To allow inclusion of any subject or matter in the agenda for a meeting.
- (5) In the course of any proceedings or meetings of the Executive Committee or the General Body, the decision of the President shall be considered as final, in case of dispute as to the meaning or interpretation of any Rule.
- (6) To sign papers or letters on behalf of the Society.
- (7) To direct auditing of accounts of the Society by qualified auditor (appointed by GB).
- (8) To direct submission of annual list of the Executive Committee in the office of the Registrar of the Societies, Delhi every year.
- (9) To delegate power to Vice-President or General Secretary, if necessary.
- (10) To acquire, hold and dispose of property or properties of the Society in accordance with the Rules of the Society subject to the prior approval of the Executive Committee as per Societies Registration Act, 1860.

- (11) To appropriate and transfer funds in between heads of accounts as approved in annual budget and inform regarding the same to the Executive Committee in its earliest meeting.
- (12) To spend an amount authorized by the Executive Committee from time to time over and above the sanctioned budget and obtain approval from the Executive Committee in its meeting held immediately after such expenditure and secure sanction in Annual General Body Meeting.
- (13) When the President is of the opinion that a matter has arisen which requires sanction of General Body or Executive Committee, but it is not feasible to call a meeting, he may direct the General Secretary to invite written opinion, of Members concerned on such matter through post. Members would be requested to send their opinion in writing by a specified date. The decision in such a case shall be according to Rules as applicable.

RULE 16 FILLING UP VACANCIES IN EC:

- 1 Any vacancy in Executive Committee caused by death, resignation or otherwise shall be filled (within two months) by election through postal ballot.

- 2 In the event of the post of the President falling vacant, the Senior Vice-President shall perform the functions of the President until President may be elected.
- 3 If the post of a central office bearer, other than president, falls vacant, the President will nominate for that post, a suitable member from the EC.

RULE 17 POWERS AND FUNCTIONS OF VICE-PRESIDENT:

There shall be two Vice-Presidents of the Society to assist the President in his work. In the absence of President, the senior Vice-President will act in the capacity of the President and preside over the meetings of the Executive Committee and/or General Body.

RULE 18 POWERS AND FUNCTIONS OF THE GENERAL SECRETARY:

(A) The General Secretary shall be main functionary to look after financial, administrative and other day-to-day affairs of the Society. His functions will be:

- (1) To carry out day-to-day work of the Society in conformity with the aims and objects of the Society and to execute the resolutions of Executive Committee/General Body.
- (2) To call the meetings of the Society with the permission of the President and circulate the notice to the concerned members.

- (3) To prepare and maintain the membership register as well as the proceedings book to record regularly the minutes of all meetings and have them duly signed by members who attended the meetings and be the custodian of all the records of the Society.
- (4) To spend for purpose of the society, an amount fixed by Executive Committee from time to time.
- (5) To ensure that all Rules & Regulations of the Society are duly followed and its objectives fulfilled.
- (6) To do all such other acts as may be deemed necessary for the achievement of aims and objects of the Society.
- (7) To collect contribution, accept donations, grants, sale proceeds or other income(s) in accordance with Rules & Regulations that may be framed from time to time.
- (8) To deposit all such money or moneys in such bank or banks as the Executive Committee may decide.
- (9) To prepare and present annual budget in the name and on behalf of the Society, coordinate with the Treasurer to present annual accounts for audit and

to prepare and present Annual Report in the General Body meeting.

- (10) To grant pecuniary benefits to the employees as decided by the Executive Committee.
- (11) To appoint, suspend, dismiss paid employees, on behalf of the Society and to grant leave, allowance, and increment to them, as per rules and regulations.
- (12) To file, execute, defend, compromise, withdraw, refer to arbitration lodged on behalf of or against the Society, engage counsel, sign and verify complaints and/or written statements, make statements before the statutory body, trial courts, courts of appeal on behalf of the Society, enter into agreements, etc., in the best interest of the Society in accordance with decisions of the Executive Committee or General Body.
- (13) To advise the President on matters related to appointment of State Presidents.

RULE 19 POWERS AND FUNCTIONS OF SECRETARY AND JOINT SECRETARY:

- (A) There shall be a Secretary to assist the General Secretary in his duties.

- (B) In absence of the General Secretary, the Secretary shall look after the duties of General Secretary.
- (C) In the absence of Secretary, the senior Joint Secretary shall look after the duties of the Secretary.
- (D) All secretaries, viz., General Secretary, Secretary, or Joint Secretary shall look after any special assignment assigned by the General Body/Executive Committee or President of the Society.
- (E) The Secretary and Joint Secretary can spend for purposes of society, amounts fixed by Executive Committee.

RULE 20 POWERS AND FUNCTIONS OF THE TREASURER;

- (A) All funds of the society shall remain under the care and management of the Treasurer of the Society. He will maintain proper accounts of the Society.
- (B) The Treasurer shall maintain the accounts of all money which is received and/or paid by him on behalf of the Society. Treasurer will get accounts audited by auditor appointed by GB.
- (C) He will submit for audit all accounts, Registers, Vouchers, Receipts and other papers necessary for audit to the auditor.

- (D) Treasurer shall receive all bills for payment duly sanctioned by proper authorities of the society and make payments thereof after due checking and verification.
- (E) Treasurer will prepare (in coordination with General Secretary) annual statement of accounts and draft budget to be presented to EC and GB.

RULE 21 POWERS AND FUNCTIONS OF EXECUTIVE MEMBERS;

An executive member is an important part of the Executive Committee. All executive members are expected to attend Executive Committee Meetings and General Body Meetings.

RULE 22 SOURCES OF INCOME AND UTILIZATION OF FUNDS:

- (A) Sources of income of the Society shall be as under:
 - (1) Subscription from members and well wishers.
 - (2) Voluntary donations and special contributions by members of the Society or any other person(s).
 - (3) Grants by the State or Central Government and other governmental or nongovernmental organizations in accordance with aims and objects of the society.
 - (4) Residual money from programs and workshops.
 - (5) Any other income, in consonance with rules and regulations and aims.

- (B) Funds available to the Society shall be utilized with all sincerity towards fulfilling the aims and objects of the Society.
- (C) All funds of the Society shall be deposited in scheduled bank or banks, as soon as possible.
- (D) No part of the income and property of the Society shall be paid or transferred, directly or indirectly, by way of dividends or otherwise whatsoever or by way of profits or in any other manner to any present or past member of the Society or to any person claiming to be present or past member. No member of the Society shall have any personal claim on any movable or immovable property of the Society or make any profits whatsoever, by virtue of his membership of the society.
- (E) Contributions and donations, etc. received for the Society shall be duly acknowledged by receipt signed by the Treasurer or a person authorized by him. The amounts shall be entered in the Cash Book.

RULE 23 AUDIT OF ACCOUNTS:

The accounts of the Society shall be maintained properly and annual statement of accounts including the Balance Sheet shall be audited every year by auditor by the GB.

RULE 24 FINANCIAL YEAR:

The financial year of the Society will begin on 1st April and end on 31st March of the following year.

RULE 25 OPERATION OF BANK ACCOUNT(S):

All funds of the Society will be kept in a Scheduled Bank in the name of Society, operated by four authorized persons as decided by EC. Two out of those four will jointly sign on behalf of the society. The Executive Committee shall pass a resolution to that effect and intimate the bankers accordingly.

RULE 26 ELECTION:

The General Body in its Meeting called for that purpose will elect the President and Executive Members in accordance with Rule 14.

RULE 27 LEGAL PROCEDURES:

The Society may sue or be sued in the name of the President/General Secretary as per Provisions laid down under Section 6 of the Societies Registration Act, 1860 as applicable to Delhi. For the purposes of territorial, jurisdiction, any litigation against the Society may be done only in Courts of Delhi.

RULE 28 ANNUAL LIST OF EXECUTIVE COMMITTEE:

List of Executive members shall be updated regularly and shall be filed with the Registrar of Societies, Delhi every year as required under Section 4 of the Societies Registration Act, 1860.

RULE 29 AMENDMENTS:

- (A) Any amendment in the Memorandum will be carried out in accordance with procedure laid down under Section 12 and 12-A of the Societies Registration Act, 1860.
- (B) The Rules & Regulations of the Society may be amended, altered or substituted at any time through resolution(s) passed by two thirds of the attendance at any General Body Meeting.

RULE 30 DISSOLUTION:

The Society can be dissolved as per provisions under Section 13 and 14 of the Societies Registration Act, 1860. If upon the dissolution there shall remain after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Society but shall be given or transferred to some other society/organization having similar aims and objects like this Society to be determined by the members of the Society at or before the time of dissolution.

RULE 31 APPLICABILITY OF THE ACT:

All the provisions under various sections of the Societies Registration Act, 1860 as applicable to Delhi shall apply to the Society.

RULE 32 INTERPRETATION OF RULES:

In any matter of dispute over the interpretation of any of the provisions of these Rules & Regulations, the decision of the

President of the Society, in a meeting of the Executive Committee, shall be final as per Rule 15 (5).

RULE 33 ESSENTIAL CERTIFICATE:

We, the undersigned members of the Executive Committee of the ASSOCIATION FOR PROTECTION OF CIVIL RIGHTS do hereby certify that the above is the correct and true copy of the Rules and Regulations of the Society.

Date: 03.08.2006

Sd/-
President

Sd/-
General Secretary

Sd/-
Treasurer

// TRUE COPY //

ANNEXURE P – 2

**CERTIFICATE OF REGISTRATION
UNDER SOCIETIES REGISTRATION ACT XXI OF 1860**

NO. S- 56654 of 2006

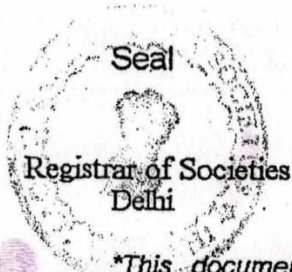
I hereby certify that "ASSOCIATION FOR PROTECTION OF
CIVIL RIGHTS"
at: E-20, Abul Fazl Enclave Okhla, Jarnai
Nagar, New Delhi-110025.

has this day been registered* under the Societies Registration Act, XXI of 1860.

Given under my hand at Delhi on this 15th day of September

Two Thousand Six.

Fee of Rs. 50/- paid.



Rakesh Singh
**REGISTRAR OF SOCIETIES
GOVT. OF NCT OF DELHI
DELHI**

*This document certifies registration under the Society Registration Act, 1860. However, any Govt. department or any other association / person may kindly make necessary verifications (on their own) of the assets and liabilities of the society before entering into any contract / assignment with them.



// TRUE COPY //

 **ಭಾರತ ಸರ್ಕಾರ**
Government of India



ರಫೀಖ್ ಅಹ್ಮದ್
Rafeek Ahmed
ಜನ ದಿನಾಂಕ/DOB: 08/12/1945
ಪುರುಷ/ MALE



5220 2265 6816
VID : 9113 0806 8528 6711

ನನ್ನ ಆಧಾರ್, ನನ್ನ ಗುರುತು

 **ಭಾರತೀಯ ವಿಶಿಷ್ಟ ಗುರುತು ಪ್ರಾಧಿಕಾರ**
Unique Identification Authority of India

ವಿಳಾಸ:
S/O: ಅಬ್ದುಲ್ ವಹಾಬ್, ನಂ 302/1 1ನೇ ಮಹಡಿ,
ತಿಮ್ಮಯ್ಯ ಆಡ್ಡರಸ್ತ್, ಶಿವಾಜಿನಗರ, ಬೆಂಗಳೂರು ಉತ್ತರ,
ಕರ್ನಾಟಕ - 560051

Address:
S/O: Abdul Wahab, NO 302/1 1ST FLOOR,
THIMMAIAH ROAD CROSS, SHIVAJINAGAR,
Bangalore North, Bangalore,
Karnataka - 560051



QR Code with Photograph

5220 2265 6816
VID : 9113 0806 8528 6711





help@uidai.gov.in
www.uidai.gov.in

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ANNEXURE P – 4



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ANNEXURE P – 5

 **भारत सरकार**
Government of India



शोएब कलीम इनामदार
Shoeb Kalim Inamdar
जन्म तारीख/DOB: 21/06/1990
पुरुष/ MALE



8079 8824 0440

VID : 9149 9905 2851 8937

माझे **आधार**, माझी ओळख

 **भारतीय विशिष्ट ओळख प्राधिकरण**
Unique Identification Authority of India

पत्ता:
हाजी नगर, बिहाइंड रझा मस्जिद, अकोट फाइल, अकोला,
अखात्वाडा, अकोला,
महाराष्ट्र - 444003

Address:
Haji Nagar, Behind Raza Masjid, Akot
File, Akola, Akhatwada, Akola,
Maharashtra - 444003



QR Code with Photograph

8079 8824 0440

VID : 9149 9905 2851 8937

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रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—19

REGISTERED NO. DL—(N)04/0007/2003—19

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 71] नई दिल्ली, बृहस्पतिवार, दिसम्बर 12, 2019/अग्रहायण 21, 1941 (शक)
No. 71] NEW DELHI, THURSDAY, DECEMBER 12, 2019/AGRAHAYANA 21, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th December, 2019/Agrahayana 21, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 12th December, 2019, and is hereby published for general information:—

THE CITIZENSHIP (AMENDMENT) ACT, 2019
No. 47 OF 2019

[12th December, 2019.]

An Act further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2019.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

Amendment of section 2. 2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, 57 of 1955.
in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the 34 of 1920.
Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as 31 of 1946.
illegal migrant for the purposes of this Act;"

Insertion of new section 6B. 3. After section 6A of the principal Act, the following section shall be inserted, namely:—

Special provisions as to citizenship of person covered by proviso to clause (b) of sub-section (1) of section 2.

'6B. (1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person referred to in the proviso to clause (b) of sub-section (1) of section 2.

(2) Subject to fulfilment of the conditions specified in section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

(4) Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873.'

Reg. 5 of 1873.

Amendment of section 7D.

4. In section 7D of the principal Act,—

(i) after clause (d), the following clause shall be inserted, namely:—

"(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; or";

(ii) after clause (f), the following proviso shall be inserted, namely:—

"Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard."

Amendment of section 18.

5. In section 18 of the principal Act, in sub-section (2), after clause (ee), the following clause shall be inserted, namely:—

"(eei) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of section 6B;";

6. In the Third Schedule to the principal Act, in clause (d), the following proviso shall be inserted, namely:—

'Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as "not less than five years" in place of "not less than eleven years".'

Amendment
of Third
Schedule.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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ITEM NO.38 to 38.6 + RE-REVISED SECTION PIL-W
 44 to 44.12 + 48 to 48.39 COURT NO.1

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1470/2019

INDIAN UNION OF MUSLIM LEAGUE & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
 (FOR ADMISSION and IA No.193004/2019-STAY APPLICATION)

WITH W.P.(C) No. 1466/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1471/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1481/2019 (PIL-W)
 (FOR ADMISSION and IA No.193820/2019-EX-PARTE STAY)
 W.P.(C) No. 1480/2019 (PIL-W)
 (FOR ADMISSION and I.R. and IA No.193790/2019-STAY APPLICATION)
 W.P.(C) No. 1478/2019 (PIL-W)
 (FOR ADMISSION and IA No.193681/2019-STAY APPLICATION)
 W.P.(C) No. 1487/2019 (PIL-W)
 (FOR ADMISSION and IA No.194008/2019-EX-PARTE STAY and IA
 No.194007/2019-PERMISSION TO FILE LENGTHY LIST OF DATES)

W.P.(C) No(s).1473/2019
 (FOR ADMISSION and IA No.194592/2019-GRANT OF INTERIM RELIEF and IA
 No.194590/2019-AMENDMENT OF THE PETITION and IA No.194078/2019-
 PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)
 W.P.(C) No. 1492/2019 (PIL-W)
 (FOR ADMISSION and IA No.194102/2019-STAY APPLICATION)
 W.P.(C) No. 1497/2019 (PIL-W)
 (FOR ADMISSION and I.R. and IA No.194138/2019-STAY APPLICATION)
 W.P.(C) No. 1476/2019 (X)
 (FOR ADMISSION and IA No.193489/2019-STAY APPLICATION)
 W.P.(C) No. 1482/2019 (PIL-W)
 (FOR ADMISSION and IA No.193821/2019-APPROPRIATE ORDERS/DIRECTIONS)
 W.P.(C) No. 1495/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1485/2019 (PIL-W) (FOR ADMISSION)
 W.P.(C) No. 1488/2019 (PIL-W)
 (FOR ADMISSION and IA No.194066/2019-EX-PARTE STAY)
 W.P.(C) No. 1509/2019 (PIL-W) (FOR ADMISSION)
 W.P.(C) No. 1508/2019 (PIL-W)
 (FOR ADMISSION and IA No.194533/2019-STAY APPLICATION)
 W.P.(C) No. 1510/2019 (X) (FOR ADMISSION)
 W.P.(C) No. 1513/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1498/2019 (PIL-W) (FOR ADMISSION)

Signature Not Verified
 Digitally signed by
 SANDY KUMAR
 Date: 2019.02.19
 23:58:01 +05'30'
 Reason: I am the author of this
 digital signature

WP(C) No.1517/2019
 (FOR ADMISSION and IA No.194770/2019-EX-PARTE STAY)
 W.P.(C) No. 1479/2019 (PIL-W)
 (FOR ADMISSION and IA No.193685/2019-PERMISSION TO APPEAR AND ARGUE
 IN PERSON)
 W.P.(C) No. 1534/2019 (PIL-W) (FOR ADMISSION)
 W.P.(C) No. 1474/2019 (PIL-W) (FOR ADMISSION)
 W.P.(C) No. 1491/2019 (PIL-W)(FOR ADMISSION)
 W.P.(C) No. 1484/2019 (X)(FOR ADMISSION)
 W.P.(C) No. 1486/2019 (PIL-W)(FOR ADMISSION)
 W.P.(C) No. 1493/2019 (PIL-W)
 (FOR ADMISSION and IA No.194109/2019-GRANT OF INTERIM RELIEF and IA
 No.194110/2019-EXEMPTION FROM FILING O.T.)
 W.P.(C) No. 1499/2019 (PIL-W)
 W.P.(C) No. 1506/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1514/2019 (X)
 (FOR ADMISSION and IA No.194651/2019-EX-PARTE STAY)
 W.P.(C) No. 1505/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1503/2019 (PIL-W)
 (FOR ADMISSION and IA No.194513/2019-STAY APPLICATION)
 W.P.(C) No. 1504/2019 (X)
 (FOR ADMISSION and IA No.194517/2019-STAY APPLICATION and IA
 No.194519/2019-PERMISSION TO FILE LENGTHY LIST OF DATES)
 W.P.(C) No. 1500/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1522/2019 (PIL-W)
 (FOR ADMISSION and IA No.194906/2019-STAY APPLICATION)
 W.P.(C) No. 1515/2019 (PIL-W)
 (FOR ADMISSION and I.R.)
 W.P.(C) No. 1521/2019 (PIL-W)
 (FOR STAY APPLICATION ON IA 194830/2019)
 W.P.(C) No. 1507/2019 (PIL-W)
 (FOR ADMISSION and IA No.194520/2019-APPROPRIATE ORDERS/DIRECTIONS)
 W.P.(C) No. 1518/2019 (PIL-W)
 (FOR ADMISSION and IA No.194785/2019-APPROPRIATE ORDERS/DIRECTIONS)
 W.P.(C) No. 1527/2019 (PIL-W)
 (FOR ADMISSION and IA No.194984/2019-STAY APPLICATION)
 W.P.(C) No. 1511/2019 (X)
 (FOR ADMISSION and IA No.194611/2019-EX-PARTE STAY)
 W.P.(C) No. 1526/2019 (PIL-W)
 W.P.(C) No. 1524/2019 (PIL-W)
 (FOR ADMISSION)
 W.P.(C) No. 1528/2019 (X)
 (FOR ADMISSION and IA No.195046/2019-STAY APPLICATION and IA
 No.195045/2019-PERMISSION TO FILE LENGTHY LIST OF DATES)
 W.P.(C) No. 1523/2019 (X)
 (FOR ADMISSION and IA No.194911/2019-EX-PARTE STAY and IA
 No.194917/2019-PERMISSION TO FILE LENGTHY LIST OF DATES)
 W.P.(C) No. 1531/2019 (PIL-W)
 (FOR ADMISSION and IA No.195038/2019-APPROPRIATE ORDERS/DIRECTIONS)

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
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Mr. Mohd. Raiz, Adv.
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Mr. Usman Ghani Khan, Adv.
Mr. Azhar Assees, Adv.
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Mr. Syed Burhanur Rahman, Adv.
Mr. Shankar, Adv.
Mr. Ejaz M. Qureshi, Adv.
Mr. Anand Dharshan, Adv.
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Ms. Pyoli, AOR

Mr. Aditya Bhat, Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahman, Adv.
Mr. Ali Asghar Rahim, Adv.
Mr./Ms. Simran Jeet Singh, Adv.
Mr. Gautam Talukdar, AOR

Mr. Md. Izhar Azam, Adv.
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Mr. Salman Khurshid, Sr. Adv.

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Mr. Imroz Alam, Adv.

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Mr. Javed Khan, Adv.
Dr. Zulfiqar Khan, Adv.
Mr. Athar Alam, Adv.
Mr. Md. Shahid Anwar, AOR

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 Mr. Mojahid Karim Khan, Adv.

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 Mr. Ali Mushaque, Adv.
 Mr. Iftikhar Ahmad, Adv.
 Mr. Emamuddin Aazmi, Adv.
 Mr. Md. Shahid Anwar, AOR

Mr. Md. Shahid Anwar, AOR
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 Mr. Ansari Feroz, Adv.
 Mr. G.S. Chahl, Adv.
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 Mr. Towseef Ahmad Dar, Adv.

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 Mr. Mrigank Prabhakar, AOR
 Mr. Anas Tanwir, Adv.
 Mr. AS Tapadar, Adv.
 Mr. Dilshad Bohra, Adv.

Mr. M. R. Shamshad, AOR
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 Ms. Jayshree Barauah, Adv.
 Ms./Mr. Sami P., Adv.
 Ms./Mr. Nihonda Nair, Adv.

Ms. Menaka Gurusamy, Sr. Adv.
 Ms. Deepali Dwivedi, Adv.
 Mr. Ibad Mushtaq, Adv.
 Ms. Aditi, Adv.
 Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Salman Khurshid, Sr. Adv.
 Mr. Fuzail Ahmad Ayyubi, AOR
 Mr. Abdul Qadir, Adv.
 Mr. Ibad Mushtaq, Adv.
 Ms. Lubna Naaz, Adv.
 Ms. Disha Wadekar, Adv.
 Ms. Aditi Gupta, Adv.

Mr. Kapil Sibal, Sr. Adv.

Mr. Fuzail Ahmad Ayyubi, AOR
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Mr. Abdul Qadir, Adv.
Mr. Ibad Mushtaq, Adv.
Mr. Paras Nath Singh, Adv.
Ms. Aditi Gupta, Adv.
Mr. Kunal Vajani, Adv.

Mr. Mrigank Prabhakar, AOR

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Mr. Suvidutt M.s., AOR
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Ms./Ms. Anu B., Adv.
Mr. Vibhor Ahlawat, Adv.
Ms. Smita Pandey, Adv.
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Mr. Abhijeet, Adv.

Mr. Imtiaz Ahmed, Adv.
Mrs. Naghma Imtiaz, Adv.
Mr. Ahmed Zargham, Adv.
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Ms. Yogamaya M.G., Adv.
Ms. Lekha Sudhakaran, Adv.
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Mr. Nizam Pasha, Adv.
Mr. Paras Nath Singh, Adv.
Mr. Shadan Farasat, AOR
Ms. Jahnavi Sindhu, Adv.
Mr. Bharat Gupta, Adv.
Mr. Abhinav Sekhri, Adv.

Mr. Talha Abdul Rahman, AOR
Mr. Shyam Nandan, Adv.
Mr. Mohd. Shaz Khan, Adv.

Mr. Prashant Bhushan, AOR
Ms. Cheryl Dsouza, Adv.
Mr. Hemanth Pothula, Adv.

Mr. Rahul Gupta, Adv.
Mr. Shashank Sharma, Adv.
Mr. Pawan Pathak, Adv.
Mr. Kausar Raza Faridi, AOR

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Mr. Piyo Harold Jaimon, Adv.
Mr. Sandeep Thakur, Adv.
Mr. Naresh Kumar, AOR

Mr. Jugul Kishore Gupta, Adv.
Mr./Ms. Ilin Saraswat, Adv.
Mr. Kausar Raza Faridi, AOR
Ms. Swati Jain, Adv.

Mr. Rameshwar Prasad Goyal, AOR

Petitioner-in-person

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Ms. Indira Jaising, Sr. Adv.
Mr. Rizwan Ahmad, Adv.
Mr. Mujahid Ahmad, Adv.
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Mr. Sheik Moulali Basha, Adv.
Mr. Aarif Ali, Adv.

Mr. Sureshan P., AOR
Mr. Utkarsh Singh, Adv.
Mr. Md. Ziauddin, Adv.

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For Respondent(s)	Mr. K.K. Venugopal, Ld. Attorney General Mr. Tushar Mehta, Ld. SG Mr. K.M. Natraj, ASG Mr. B.V. Balram Das, AOR Mr. Ankur Talwar, Adv. Mr. Rajat Nair, Adv. Mr. Kanu Agrawal, Adv. Ms. Chinmayee Chandra, Adv. Mr. Adit Khorana, Adv. Ms. Ramya Khanna, Adv. Mr. Manan Popli, Adv. Mr. Rajeev Ranjan, Adv. Mr. Shantanu Sharma, Adv. Mr. Varun Chugh, Adv. Mr. Bhuvan Kapoor, Adv. Mr. Debasis Misra, AOR Mr. Vishaal S. Jogdand, Adv. Mr. Narender Kumar Sharma, Adv. Mr./Ms. Jignaben J. Shah, Adv. Ms. Alpana Sharma, Adv. Mr. Arindam Ganguly, Adv. Mr. R.C. Paul Kanakraj, Adv. Mr. Jagdev, Adv.
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Dr. Sunil Kumar, Adv.
Mr. Pradeep Kumar Kaushik, Adv.
Mr. A.K. Dey, Adv.
Ms. Sangeeta Joshi, Adv.
Mr. Debasis Misra, AOR

UPON hearing the counsel the Court made the following
O R D E R

Issue notice to the respondents as also to the learned
Attorney General for India, returnable on 22.01.2020.

Waive service on the respondent-Caveator since Mr. Debasis
Misra, learned counsel, is appearing on behalf of the Caveator.

Let notice be issued to other respondents.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

// TRUE COPY //

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I. A. NO. _____ OF 2020

IN

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

Association for Protection
of Civil Rights (APCR) & Ors.

... Applicants/Petitioners

-VERSUS-

Union of India & Ors.

... Respondents

APPLICATION FOR INTERIM EX-PARTE STAY

To,

Hon'ble the Chief Justice of India
and his companion judges of the
Supreme Court of India

The humble application of the above
named Applicants/Petitioners:

MOST RESPECTFULLY SHEWETH :

1. That the present Writ Petition is being filed by the Petitioners herein under Article 32 in the nature of a public interest litigation to challenge the following as unconstitutional:

- (i) Citizenship Amendment Act, 2019 (hereinafter referred to as the "Impugned Act")
- (ii) Section 3(1) of the Citizenship Act, 1955,
- (iii) Third Schedule of the Citizenship Act, 1955,
- (iv) The Passport (Entry into India) Amendment Rules, 2015 [Notification No. G.S.R 685(E) dated 7.9.2015 ("First Impugned Notification")]

- along with the Foreigners (Amendment) Order, 2015 [Order No. G.S.R 686(E) dated 7.9.2015 (“Second Impugned Notification”)]; and
- (v) The Passport (Entry into India) Amendment Rules, 2016 [Notification No. G.S.R 702 (E) dated 18.7.2016 (“Third Impugned Notification”)] along with the Foreigners (Amendment) Order, 2016 [Order No. G.S.R 703(E) dated 18.7.2016 (“Fourth Impugned Notification”)- all the four impugned notifications have been collectively referred to as the “Impugned Notifications”].

The Petitioners are further filing the present petition seeking a direction against the Respondent Union, refraining them from preparing the National Register of Indian Citizens (NRC).

2. That the Applicants/ Petitioners submit that the grounds of the accompanying Writ Petition be taken to be a part of the present application and the said grounds are not being repeated herein for the sake of brevity.
3. It is submitted that if the Impugned Act and Impugned Notifications are not stayed then it will lead to irreversible consequences as the citizenship once granted cannot be reversed and such a person cannot be rendered stateless retrospectively, even if the Impugned Act and Impugned Notifications are declared unconstitutional subsequently. In such situations, the persons who would have availed the benefit of the Impugned Act and would have been naturalized as citizens of India, would on declaration of the Impugned Act as unconstitutional be rendered stateless, which will create a huge human rights issue in the country.

4. That for the same reasons as mentioned above, the exercise of preparation of nationwide National Register of Indian Citizens (NRC) ought to be stayed pending the proceedings of the present Writ Petition. Further there are several undocumented Indians who will become stateless and the said exercise ought to be stayed unless this Hon'ble Court hears the present petition and lays down guidelines protecting the rights of such undocumented Indians.

5. That the present application is being filed *bonafide* and in the interests of justice.

6. That the Applicants/Petitioners therefore, most respectfully pray that:-

PRAYER

- a) The enforcement of the Citizenship (Amendment) Act, 2019 be stayed during the pendency of the present Writ Petition; and/or
- b) The Notification No. G.S.R 685(E) dated 7.9.2015 be stayed during the pendency of the present Writ Petition; and/or
- c) The Order No. G.S.R 686(E) dated 7.9.2015 be stayed during the pendency of the present Writ Petition; and/or
- d) The Notification No. G.S.R 702 (E) dated 18.7.2016 be stayed during the pendency off the present Writ Petition; and/or
- e) The Order No. G.S.R 703(E) dated 18.7.2016 be stayed during the pendency of the present Writ Petition; and/or

- f) The preparation of nationwide National Register of Indian Citizens (NRC) be stayed during the pendency of the present Writ Petition; and/or
- g) Pass such other / further order as it may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS/PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

Filed by:-

EJAZ MAQBOOL

Advocate for the Applicants/Petitioners

New Delhi

Dated: 03.01.2020