

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

W.P.(C)NO.125/1998

A.I.LAWYERS FORUM FOR CIVIL LIBERTS.&ANR

Petitioner(s)

VERSUS

U.O.I. & ORS

Respondent(s)

WITH W.P(C) NO. 418 of 2001  
W.P.(C)NO.664/2004

Date: 15/01/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. O.P. Saxena, Adv.  
Mr. Shyam S. Sharma, Adv.  
For Mr. M.A.Chinnasamy,Adv.

Mr. Vijay Hansaria, Sr. Adv.  
M/s. C.D. Singh, Sunny Chowdhary,  
Vairagya Vardhan Dubey, Aditya Singh,  
Upasana Nath, Sneha Kalita, Adv.

WP(C) 418/01 Mr..... Adv. (proxy)  
Mr.Prashant Bhushan, Adv. (N.P.)

For Respondent(s) Mr. A. Sharan, ASG  
Ms. Purnima Bhat Kak, Adv.  
Mrs.Rekha Pandey, Adv.  
Mr.D.S.Mahra, Adv.

For Mr. P. Parmeswaran,Adv.

Mr. G.E. Vahanvati, SG (N.P.)  
Mr. B. Krishna Prasad, Adv. (N.P.)  
Mr. Gopal Singh ,Adv(NP)

M/s. Pinky,K. Enatoli Sema, Somnath Padhan,  
Mamta, Adv.  
For Ms. Hemantika Wahi ,Adv

Mr.K.K.Venugopal, Sr.Adv.  
Mr.Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
Mr. Gopal, Adv.

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Mr.Shakil Ahmed Syed, Adv.(N.P.)

M/s.Corporate Law Group, Adv.(NP)

Mr.Anil Shrivastava, Adv. (NP)

Mr.Ranjan Mukherjee, Adv.(NP)

Ms. Meenakshi Arora, Adv.

Mr. K.N. Madhusoodhanan, adv.  
Mr. R. Sathish, Adv.

State of Assam

Mr. Ng. J.R. Luwang, Adv.  
Ms. Momota Oinam, Adv.  
Mr. Ranjan Mazumdar, Adv.

UPON hearing counsel the Court made the following  
ORDER

Writ Petition No.418/2001 is de-tagged. Post along with  
connected matter.

In the remaining writ petitions the petitioners high-lighted the  
problem of foreign nationals i.e. the Bangladeshis who are in the Indian Territory  
by crossing our borders which spread 4096 km. over various States. Petitioners  
allege that through our borders large scale of Bangladeshis are coming to Indian  
Territory and cause huge social,law and order problems. Several suggestions  
have been made to solve this problem. The Director, Ministry of Home Affairs on  
behalf of the Union of India has filed an affidavit wherein policy decisions have  
been suggested that adequate number of BSF Battalion would be deployed on  
Indo-Bangladesh border for Guarding the borders and to check illegal activities  
from across the border. It is also suggested that the Union Government is  
contemplating preparation of a National Register of Indian

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Citizens and issue of Multi-purpose National Identity Cards (MNICs) based on this  
register. The main purpose of Multi-purpose National Identity Cards is to provide  
a credible individual identification system and simultaneous use for several  
multifarious socio-economic benefits and transactions within and outside. This  
would form the basis of more efficient e-Government and also provide a  
mechanism for quick identification and act as deterrent for future illegal  
immigration.

As this would be difficult task for the Union to accomplish, but we would  
like that the Government of India can take initiative in this direction so that the  
problem may be solved to a reasonable extent. The Government of India has  
also indicated that steps would be taken to fence the Indo-Bangladesh boarder  
to prevent infiltration and other anti-national activities. The Government of India

has sanctioned the erection of fencing in two phases and we are told that work in Phase-I was already started in 1989 and it is stated that it is in advance stage of completion. But still the same could not be completed and fencing has to be done for fairly good length of border. Urgent steps may be taken by Union of India in this regard. Funds may be allotted and the land acquisition proceeding also should be quickened and pending portion be completed at the earliest.

Setting up of tribunals under the Foreigners Act may also be expedited and sufficient number of tribunals may be constituted so that the pending cases may be disposed of.

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Learned senior counsel appearing for the State of West Bengal stated that some persons who are alleged to be foreign nationals are still in the transit camps and these persons are not being accepted by Bangladesh as its citizens. Government of India may have negotiations with the appropriate authorities regarding this matter.

Government of India to file a status report within a period of eight weeks. List thereafter.

(R.K. Dhawan)  
Court Master

(Veera Verma)  
Court Master