

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(PIL) No. 6547 of 2022**

Danyaal Danish ..... Petitioner

**Versus**

The State of Jharkhand and Ors. .... Respondents

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Petitioner : Mr. Rajeev Kumar, Advocate  
Mr. Rajendra Krishna, Advocate  
Mrs. Niteshwari Kumari, Advocate  
For the Resp.-State : Mr. Rajiv Ranjan, Advocate General  
Mr. Piyush Chitresh, AC to AG  
For the Resp.-U.O.I. : Mr. Anil Kumar, A.S.G.I.  
Ms. Chandan Kumari, AC to A.S.G.I.  
Mr. Prashant Pallav, D.S.G.I.  
Ms. Shivani Jaluka, A.C. to D.S.G.I.  
For the Resp.-ECI : Mr. Rajiv Sinha, Advocate  
Mrs. Richa Sanchita, Advocate  
For the N.I.A. : Mr. Amit Kumar Das, Advocate  
Mr. Saurav Kumar, Advocate

**17/Dated: 22<sup>nd</sup> August, 2024**

1. Reference may be made to the order dated 08.08.2024.
2. This Court has passed the aforesaid order in the backdrop of the issue of illegal immigrants leading to change in the demography of the country as a whole including the State of Jharkhand.
3. This Court has taken note of the judgment passed by the Hon'ble Apex Court in *Sarbananda Sonowal V. Union of India and Anr. [(2005) 5 SCC 665]* followed in the case of *Assam Sanmilita Mahasangha and Ors. V. Union of India and Ors. [(2015) 3 SCC 1]*.
4. The parties have consented considering the nature of the issue for impleadment of the following respondents as has been taken note in paragraph-28 of the order dated 08.08.2024:
  - (i) The Director General, Border Security Force, New Delhi.

- (ii) The Director General, Unique Identification Authority of India.
- (iii) The Election Commission of India through the Chief Election Commissioner.
- (iv) The Director General, Intelligence Bureau, New Delhi.
- (v) National Investigation Agency through the Director, New Delhi.

5. This Court is now proceeding to deal with the two interlocutory applications filed on behalf of the B.S.F. and U.I.D.A.I.

**I.A. No. 8878 of 2024:**

- 6. The instant interlocutory application has been filed on behalf of B.S.F., i.e., respondent no.7.
- 7. The statement has been made while seeking four weeks' time in the instant interlocutory application as would appear from paragraph-3 that the BSF Headquarter requires compilation of huge amount of data which is to be obtained from various filed formations and further, the same is required to be approved by the DG BSF before filing the counter affidavit.

It is for the aforesaid reason, the extension of time for four weeks has been sought for.

- 8. This Court, considering the nature of relief sought for which pertains to change in the demography and the remarkable decrease in the population of the schedule tribes due to illegal immigrants which has been considered by the Hon'ble Apex Court as external aggression, is of the view that seeking six weeks' time is not just and proper.
- 9. Accordingly, the instant interlocutory application is hereby rejected, as such, disposed of.

**I.A. No. 8877 of 2024:**

10. The instant interlocutory application has been filed on behalf of U.I.D.A.I., i.e., respondent no.8 for extension of time for six weeks by assigning the reason that the various statistical data and graphs (with respect to year wise Aadhaar enrolment in the districts such as Godda, Jamtara, Pakur, Dumka, Sahibganj and Deoghar) are to be sought from sources at Technology Centre at Bengaluru/Data Centre at Manesar.
11. This Court fails to understand that the U.I.D.A.I. is having its own online network and all the data, while preparing the Aadhaar Card of one or the others who are entitled to get it, is already there in the system then where is the occasion to seek six weeks' time for seeking data from the Technology Centre at Bengaluru/Data Centre at Manesar.
12. The affidavit which has been filed for extension of six weeks' time, considering the nature of issue which is the subject matter of the present public interest litigation as has been referred hereinabove, therefore, cannot be said to be just and proper.
13. Accordingly, the instant interlocutory application is also hereby rejected, as such, disposed of.
14. The affidavit has not been filed by the U.I.D.A.I. and the B.S.F., as such, let the same be filed on or before the next date of hearing.

**W.P.(PIL) No. 6547 of 2022:**

15. The Deputy Commissioner and SPs of the respective districts, i.e., Godda, Jamtata, Pakur, Dumka, Sahibganj and Deoghar have filed affidavits. Copy of the same has been served upon the learned counsel for the petitioner.
16. Mr. Piyush Chitresh, learned AC to learned Advocate General undertakes to supply the copy of the aforesaid affidavit to all the learned counsel for the newly impleaded respondents.

17. This Court has gone through the contents of the affidavit filed on behalf of the Deputy Commissioner of the respective districts wherein it has been stated that there is no infiltration of the Bangladeshi immigrants but there is no reference with respect to the reason of reducing number of schedule tribes in the respective areas.
18. Further, there is no disclosure that as to on what basis the Aadhaar Card are being prepared whether it is on the basis of the record of rights as also there is no disclosure that on what basis the Voter Card are being prepared.
19. The question, therefore, is that the data has been placed showing reduction in the population of the schedule tribes in the area from 44.67% in the year 1951 to 28.11% in the year 2011 as has been taken note in the order dated 08.08.2024 but very surprisingly, there is no reply on that point by not producing any relevant data with respect to reduction in population of the tribal in the respective areas which needs to be responded by the respondent-State.
20. This Court fails to understand that how such affidavit has been filed without explaining the position that when for protecting the right of the tribal people of the Santhal Pargana Region, a tenancy law is there, known as Santhal Pargana Tenancy Act since the year 1872 and supplemented in the year 1949 wherein specific provision has been made putting embargo in transferring of the land.
21. The same is to be answered by the concerned department of the State by filing a specific affidavit in this regard so as to reach to this Court on or before the next date of hearing.
22. Mr. Rajendra Krishna, learned counsel has sought for leave of this Court to accept the interlocutory application for intervention in the instant writ petition, copy of which has already been served upon the learned counsel for the respective parties.
23. Leave, as sought for, is allowed. Office is directed to institute the aforesaid interlocutory application.

24. Mr. Rajiv Sinha, learned counsel for the Election Commission of India has submitted that by the next date of hearing, the required affidavit will be filed.
25. Learned counsel for the petitioner has also submitted that by the next date of hearing, he will file response to the affidavit filed on behalf of the Deputy Commissioner and SPs of the respective districts, i.e., Godda, Jamtara, Pakur, Dumka, Sahibganj and Deoghar.
26. Learned Advocate General has submitted that before the next date of hearing, the response, if required, will be filed of the intervention application.
27. The affidavits, as directed, have not been filed.

However, affidavit has been filed by the Deputy Commissioner and SPs of the concerned districts.

28. The matter is being adjourned to be listed on 05.09.2024 and by that time, the affidavits as directed by this Court vide order dated 08.08.2024 on behalf of Ministry of Home Affairs and Election Commission of India, be filed positively.
29. Let the report by the Intelligence Bureau (IB), as directed vide order dated 08.08.2024, be filed.
30. Accordingly, let this case be listed on **05.09.2024 as first case.**

**(Sujit Narayan Prasad, A.C.J.)**

**(Arun Kumar Rai, J.)**

*Saurabh/-*