

ITEM NO.18

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 943/2021

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AS ITEM NO. 9.])

WITH

W.P. (C) No. 956/2020 (PIL-W)

IA No. 91135/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 93533/2020 - CLARIFICATION/DIRECTION
 IA No. 96666/2020 - EARLY HEARING APPLICATION
 IA No. 91136/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 105261/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 94614/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 91134/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 94600/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 94685/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 98416/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 90944/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 93535/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 94668/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 92913/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 91171/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 92885/2020 - INITIATING CONTEMPT PROCEEDINGS
 IA No. 95675/2020 - INTERVENTION APPLICATION
 IA No. 95066/2020 - INTERVENTION APPLICATION
 IA No. 96664/2020 - INTERVENTION APPLICATION
 IA No. 94643/2020 - INTERVENTION APPLICATION
 IA No. 96369/2020 - INTERVENTION APPLICATION
 IA No. 94633/2020 - INTERVENTION APPLICATION
 IA No. 95678/2020 - INTERVENTION APPLICATION
 IA No. 108087/2020 - INTERVENTION APPLICATION
 IA No. 94621/2020 - INTERVENTION/IMPLEADMENT
 IA No. 94683/2020 - INTERVENTION/IMPLEADMENT
 IA No. 98414/2020 - INTERVENTION/IMPLEADMENT
 IA No. 94667/2020 - INTERVENTION/IMPLEADMENT
 IA No. 105260/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 6913/2021 (XII-A)

(FOR ADMISSION and I.R. and IA No.61254/2021-EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT and IA No.61346/2021-EXEMPTION FROM
 FILING AFFIDAVIT and IA No.61255/2021-EXEMPTION FROM FILING
 AFFIDAVIT and IA No.61345/2021-INTERVENTION/IMPLEADMENT and IA

No.61253/2021-PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P. (C) No. 80/2022 (PIL-W)

(FOR ADMISSION and IA No.17397/2022-EXEMPTION FROM FILING O.T.)

W.P. (C) No. 477/2020 (PIL-W)

IA No. 48986/2020 - EX-PARTE STAY

IA No. 48987/2020 - EXEMPTION FROM FILING O.T.

IA No. 51005/2020 - INTERVENTION/IMPLEADMENT)

W.P. (C) No. 788/2020 (PIL-W)

IA No. 50785/2020 - INTERVENTION/IMPLEADMENT

IA No. 48329/2020 - INTERVENTION/IMPLEADMENT

IA No. 72236/2020 - STAY APPLICATION)

W.P. (C) No. 789/2020 (PIL-W)

IA No. 50786/2020 - INTERVENTION/IMPLEADMENT

IA No. 48338/2020 - INTERVENTION/IMPLEADMENT

IA No. 72228/2020 - STAY APPLICATION)

W.P. (Crl.) No. 391/2021 (X)

(FOR ADMISSION and IA No.118374/2021-EX-PARTE AD-INTERIM RELIEF and IA No.118376/2021-EXEMPTION FROM FILING O.T. and IA No.118377/2021-EXEMPTION FROM FILING AFFIDAVIT)

W.P. (C) No. 907/2021 (PIL-W)

(FOR ADMISSION and IA No.100429/2021-EXEMPTION FROM FILING AFFIDAVIT)

IA No. 100429/2021 - EXEMPTION FROM FILING AFFIDAVIT)

W.P. (C) No. 1265/2021 (X)

(FOR ADMISSION and IA No.150287/2021-EXEMPTION FROM FILING O.T.)

W.P. (C) No. 24/2022 (PIL-W)

IA No. 18251/2022 - APPLICATION FOR TAKING ON RECORD

IA No. 56876/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 64016/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 61197/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 59757/2022 - EXEMPTION FROM FILING O.T.

IA No. 5583/2022 - EXEMPTION FROM FILING O.T.

IA No. 7452/2022 - INTERVENTION APPLICATION

IA No. 5581/2022 - INTERVENTION APPLICATION

IA No. 9313/2022 - INTERVENTION APPLICATION

IA No. 56873/2022 - INTERVENTION/IMPLEADMENT

IA No. 18250/2022 - INTERVENTION/IMPLEADMENT

IA No. 12769/2022 - INTERVENTION/IMPLEADMENT

IA No. 11469/2022 - INTERVENTION/IMPLEADMENT

IA No. 8935/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 64054/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 21-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Mrigank Prabhakar, AOR

Mr. Adeel Ahmed, AOR

Mr. Shyam Divan, Sr. Adv.
 Mr. Senthil Jagadeesan, AOR
 Mr. Vinayak Bhandari, Adv.
 Ms. Sonakshi Malhan, Adv.
 Mr. Sajal Jain, Adv.
 Ms. Renya Raj, Adv.

Mr. Nizam Pasha, Adv.
 Mr. Rashmi Singh, Adv.
 Ms. Sumita Hazarika, AOR

Ms. Meenakshi Arora, Sr. Adv.
 Mr. M. R. Shamshad, AOR
 Mr. Arijit Sarkar, Adv.
 Ms. Nabeela Jamil, Adv.
 Mr. Chandratana Chaurbe, Adv.
 Mr. Ganesh A. Khemka, Adv.

Mr. Huzefa A. Ahmadi, Sr. Adv.
 Ms. Shahrukh Alam, Adv.
 Mr. Talha Abdul Rahman, AOR
 Mr. Harsh Vardha Kediya, Adv.
 Mr. Mohd. Shaz Khan, Adv.

Mr. Gopal Sankaranarayan, Adv.
 Mr. Ashwini Kumar Upadhyay, Adv.
 Mr. Ashwani Kumar Dubey, AOR

Mr. Vikas Singh, Sr. Adv.
 Mr. Ashwani Kumar Upadhyay, adv.
 Mr. Kapish Seth, Adv.
 Mr. Ashwani Kumar Dubey, AOR

Mr. V. Elanchezhian, AOR

Petitioner-in-person

For Respondent(s)

Mr. P. Venkat Reddy, Adv.
 Mr. Prashant Kr. Tyagi, Adv.
 Mr. P.R. Srinivas Reddy, Adv.
 M/S. Venkat Palwai Law Associates, AOR

Ms. Garima Prasad, Sr. Adv.
 Ms. Ruchira Goel, AOR
 Mr. Adit Jayeshbhai Shah, Adv.

Mr. Tushar Mehta Ld SG
 Mr. K. M. Nataraj Ld. ASG

Mr. Rajat Nair, Adv.
 Mr. Mayank Pandey , Adv
 Mr. O.P. Shukla, Adv.
 Ms. Sanskriti Pathak, Adv.
 Ms. Kanu Agrawal, Adv.
 Mr. Rajan Kr. Chourasia, adv.
 Mr. Amit Sharma B, Adv.
 Mr. Varun Chugh, Adv
 Mr. S K Tyagi, Adv
 Mr. Udai Khanna, Adv
 Mr. Amrish Kumar, AOR
 Mr. Gurmeet Singh Makker, AOR
 Mr. Arvind Kumar Sharma, AOR

Mr. Jatinder Kumar Sethi, Dy. AG
 Mr. Abhishek Atrey, AOR
 Ms. Ambika Atrey, Adv.
 Mr. Ashutosh Sharma, Adv.
 Mr. Aakash Giri, Adv.

Mr. V. N. Raghupathy, AOR
 Md. Apzal Ansari, Adv.

Mr. Anshuman Ashok, AOR

Ms. Nisha Bhambhani, Adv.
 Mr. Rahul Bhatia, AOR

Mr. Sri Hari Shankar Jain, Adv.
 Mr. Vishnu Shankar Jain, AOR

Ms. Manju Jetley, AOR

Mr. Anas Tanwir, AOR

Mr. Mohammed Sadique T.a., AOR

Mr. Harsh Kaushik, AOR

Mr. Firoz Iqbal, Adv.
 Mr. Shahrukh Alam, Adv.
 Ms. Liz Mathew, AOR
 Mr. Navneet R., Adv.
 Ms. Vasudha Jain, Adv.

Mr. Divyansh Tiwari, Adv.
 Mr. Sunil Fernandes, AOR

Mr. Shadan Farasat, AOR
 Mr. Bharat Gupta, Adv.
 Mr. Shourya Das Gupta, Adv.
 Mr. Dhruv Bhatnagar, Adv.
 Ms. Tanvi Tuhina, Adv.

Ms. Hrishika Jain, Adv.
 Ms. Warisha Farasat, Adv.
 Mr. Aman Naqvi, Adv.

Mr. Kaleeswaran Raj, Adv.
 Mr. Nishe Rajen Shonker, AOR
 Mrs. Anu K. Joy, Adv.
 Mr. Alim Anvar, Adv.
 Mr. Thulasi K. Raj, Adv.

Mr. Kaleeswaran Raj, Adv.
 Mr. Mohammed Sidique T.A., AOR
 Mrs. Anu K. Joy, Adv.
 Mr. Alim Anvar, Adv.
 Mr. Thulasi K. Raj, Adv.

Mr. Pratik R. Bombarde, AOR

Mr. Aditya Vijay Kumar, Adv.
 Mr. Chitranshul A. Sinha, AOR
 Ms. Akshita, Adv.
 Mr. Jaskaran Singh Bhalia, Adv.

Ms. Ranjeeta Rohatgi, AOR
 Ms. Samten Doma, Adv.

Mr. Ravi Sharma, AOR

Mr. Ashutosh Dubey, AOR

Mr. Mrigank Prabhakar, AOR
 Mr. C. George Thomas, Adv.

Mr. Devendra Singh, AOR

Mr. T. Sai Deepak, Adv.
 Mr. Savidutt M.S., AOR
 Mr. Aman Khullar, Adv.
 Mr. Rishesh Sikarwar, Adv.
 Ms. Vijayalakshmi Raju, Adv.
 Mr. Lokendra Malik, Adv.

Mr. B.K. Sinha, Adv.
 Ms. Pratibha Sinha, Adv.
 Mr. Mudit Kaul, Adv.
 Mr. Abhishek, AOR

Mr. Ilinsaraswat, Adv.
 Ms. Swati Jain, Adv.
 Ms. Ilma Saifi, Adv.
 Ms. Rohini Wagh, Adv.
 Mr. Abhishek Yadav, AOR

Ms. Deepti s. Rana, Adv.
 Mr. Hitesh Kumar Sharma, Adv.
 Mr. Akhileswar Jha, Adv.
 Ms. Kavita K. Mare, Adv.
 Mr. Amit Sharma, AOR
 Mr. Dipesh Sinha, Adv.
 Ms. Pallani Barua, Adv.

Mr. B.A. Wadhmare, Adv.
 Mr. Hitesh Kumar sharma, Adv.
 Mr. Akhileshwar Jha, Adv.
 Mr. Subhash S. Kadam, Adv.

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

We have heard learned counsel for the parties.

Considering the nature of issues involved and in the backdrop of directions issued by this Court in *Shakti Vahini Vs. Union of India & Ors.*¹, *Tehseen S. Poonawalla Vs. Union of India & Ors.*² and *Kodungallur Film Society and Anr. Vs. Union of India & Ors.*³, we request the Secretary, Home Affairs, Government of India to collate relevant information from the respective States/Union Territories in respect of matters referred in the common chart to be made over by the learned counsel for the petitioners to the learned Additional Solicitor General. The petitioners shall handover the format of the chart to the learned Additional Solicitor General within one week from today.

¹ (2018) 7 SCC 192 (paragraph 55)

² (2018) 9 SCC 501 (paragraphs 40 and 41)

³ (2018) 10 SCC 713 (Paragraphs 20 and 21)

The information essentially should be in respect of matters as to the status of compliance by the respective States/Union Territories in relation to directions/observations in the aforesaid decisions of this Court to provide for preventive, corrective and remedial measures for dealing with the occurrence of untoward situations referred to in the respective writ petitions.

The Secretary, Home Affairs may collate necessary information by corresponding directly with the Secretary, Home Department of the respective States/Union Territories within three weeks from today and compile the information in the form of a booklet containing State-wise comments to be presented to this Court within six weeks from today.

We request the concerned Secretaries of the respective States/Union Territories to furnish the requisite information upon receipt of communication from the Secretary, Home Affairs, Government of India within two weeks to enable the Secretary, Home Affairs, Government of India to compile the necessary information and present it before this Court within the time specified above.

In the meantime, the respondents-Union of India/States/Union Territories/Election Commission of India to file response in the respective writ petitions within three weeks from today.

The petitioners are free to file rejoinder thereto within one week thereafter.

List these matters on 14.09.2022 (NMD) .

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR