

ITEM NO.301

COURT NO.3

SECTION PIL

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Writ Petition(s)(Civil) No(s). 310/1996

PRAKASH SINGH & ORS

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

(With appln.(s) for C/delay in filing Affidavit and
Directions and exemption from filing O.T. and extension of
time and impleadment and office report)

WITH

CONMT.PET.(C) No. 92/2007 In W.P.(C) No. 310/1996

CONMT.PET.(C) No. 240/2007 In W.P.(C) No. 310/1996

(With appln.(s) for exemption from filing o.t.)

W.P.(C) No. 417/2010

W.P.(C) No. 42/2011

(With appln.(s) for ex-parte stay and exemption from filing
o.t. and Office Report)

W.P.(C) No. 286/2013

W.P.(C) No. 335/2013

(With appln.(s) for deletion of respondents and
impleadment)

SLP(C) No. 7708/2013

(With appln.(s) for directions and Interim Relief and
Office Report)Date : 29/08/2014 These matters were called on for hearing
today.

Signature Not Verified

Digitally signed by

CORAM :

Shashi Sareen

Date: 2014.12.02

09:38:58 ALMT

Reason:

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)
(WP(C) 286/2013)Mr. Harish N. Salve, Sr. Adv. (A.C.)
For M/s. Legal Options

2

(WP(C) 310/1996, Mr. Prashant Bhushan, Adv.
Conmt.P.(C)92/2007) Mr. Rohit Kumar Singh, Adv.
Mr. Prakash Singh
(In-person)

(Conmt.P.(C)240/07) Mr. Ambhoj Kumar Sinha, Adv.

(W.P.(C) 417/10) Dr. Ashok Dhamija, Adv.
Ms. Sonia Dhamija, Adv.
Dr. Kailash Chand, Adv.

(W.P.(C) 42/11) Mr. Manohar Lal Sharma, Adv.
(Petitioner-in-person)

(W.P.(C) 335/13) Mr. Prakash Kumar Singh, Adv. (A.C.)

(SLP(C) 7708/13) Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. Ranjit Kumar, S.G.
Mr. Gopal Singh, Adv.
Mr. Dhruv Tamta, Adv.
Ms. Binu Tamta, Adv.
Mr. B. V. Balaram Das, Adv.

Mr. Tushar Mehta, ASG
Ms. Hemantika Wahi, Adv.
Ms. Preeti Bhardwaj, Adv.

Mr. P.S. Patwalia, ASG
Ms. Anjani Aiyagari, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. S.A. Hasib, Adv.
Mr. Zaid Ali, Adv.
Mr. D.S. Mahra, Adv.
Ms. Sushma Suri, Adv.

(St. of Tamil Nadu) Mr. L. Nageswara Rao, ASG
Mr. Subramonium Prasad, AAG
Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. S. Anand, Adv.

(St. of Uttar Pradesh) Mr. Gaurav Bhatia, AAG
Mr. Rajeev K. Dubey, Adv.
Mr. Ravi Prakash Mehrotra, Adv.

(St. of Assam) Mr. Navnit Kumar, Adv.
For Corporate Law Group

(St. of Arunachal Pradesh) Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

(St. of Haryana) Mr. Manjit Singh, AAG
Ms. Vivekta Singh, Adv.
Ms. Nupur Choudhary, Adv.

(St. of Jharkhand) Mr. Gopal Prasad, Adv.
Mr. Jayesh G., Adv.

(St. of Chhatisgarh) Mr. C.D. Singh, Adv.
Mr. Apoorv Kurup, Adv.
Ms. Sakshi Kakkar, Adv.

(St. of Rajasthan) Mr. S.S. Shamsbery, Adv.
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Milind Kumar, Adv.

(St. of Manipur) Mr. Sapam Biswajit M., Adv.
Mr. Ashok Kr. Singh, Adv.

(St. of Punjab) Mr. Ajay Bansal, AAG

	Mr. Gaurav Yadav,Adv. Mr. Kuldip Singh,Adv.
(St. of West Bengal)	Mr. Anip Sachthey,Adv. Mr. Saakaar Sardana,Adv.
(St. of Goa)	Mr. Siddharth Bhatnagar,Adv. Mr. T. Mahipal,Adv.
(St. of Kerala)	Mr. M.T. George,Adv. Ms. Kavita K.T.,Adv.
(St. of Nagaland)	Ms. K. Enatoli Sema,Adv. Mr. Amit Kumar Singh,Adv.
(St. of Uttarakhand)	Ms. Rachana Srivastava,Adv. Mr. Ashutosh Kr. Sharma,Adv.
(St. of Sikkim)	Ms. Aruna Mathur,Adv. For Arputham Aruna & Co.
(St. of Maharashtra)	Mr. Aniruddha P. Mayee,Adv. Mr. Charudatta,Adv. Mr. A. S.Raja,Adv.
(St. of Telangana)	Mr. P. Venkat Reddy,Adv. For M/s. Venkat Palwai Associates 4
(St. of Mizoram)	Mr. Pragyan Sharma,Adv. Mr. Heshu Kayine,Adv. Mr. P.V. Yogeswaran,Adv.
(State of Meghalaya)	Mr. Ranjan Mukherjee ,Adv.
(Govt. of Puducherry)	Mr. V. G. Pragasam,Adv. Mr. S.J. Aristotle,Adv. Mr. Praburama Subramanian,Adv.
(Andaman & Nicobar Admn.)	Mr. K.V. Jagdishvaran,Adv. Ms. G. Indira,Adv.
(U.T. of Chandigarh)	Mr. Chandra Prakash,Adv. Mr. Gopal Singh,Adv. Mr. Rituraj Biswas,Adv. Mr. Vivek Singh,Adv. Mr. Dharmendra Kumar Sinha,Adv. Mr. Gunnam Venkateswara Rao,Adv. Mr. Kamlendra Mishra,Adv. Mr. Khwairakpam Nobin Singh ,Adv. Mr. Lakshmi Raman Singh,Adv. Mr. Anuvrat Sharma ,Adv. Mr. Aruneshwar Gupta ,Adv. Mr. Mohanprasad Meharia ,Adv. Mr. M. P. Jha ,Adv.

Mr. P. Parmeswaran ,Adv.
Mr. P. V. Dinesh ,Adv.
Mr. Radha Shyam Jena ,Adv.
Mr. Rajesh Srivastava ,Adv.
Mr. Ravindra Keshavrao Adsure,Adv.
Mrs. Anil Katiyar ,Adv.
Mr. Sanjay R. Hegde ,Adv.

5

Mr. Tara Chandra Sharma ,Adv.
Mr. T. Harish Kumar ,Adv.
Mr. V. N. Raghupathy ,Adv.
Ms. Anitha Shenoy ,Adv.
Ms. Kaveeta Wadia ,Adv.
Ms. Sumita Hazarika ,Adv.
M/s. S. Narain & Co. ,Adv.
Mr. B. Krishna Prasad ,Adv.

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

Mr. Harish Salve, learned senior counsel has today given us a broad over view of the issues that fall for determination in these petitions. He has drawn our attention to the direction issued by this Court in Prakash Singh and Ors. Vs. Union of India and Ors. 2006 (8) SCC 1 and the purported compliance reported by the respondent-States of those directions. It was suggested by Mr. Salve that of all the issues that arise for examination the issues relating to separation of policing law and order from investigation could be picked up as the first issue for examination in the context of developments that have taken place since the pronouncement of the judgment aforementioned.

There was a broad consensus regarding that course of action. It was also suggested by Mr. Salve that constitutional validity of the Bihar Act could be first examined with liberty to learned counsel for the other

6

States to intervene and make their submissions. We see no reason to decline that suggestion.

Most of the respondent-States have filed their counter affidavits to the Writ Petition 286 of 2013. Some of the States who have not done so can do the needful within six weeks. Rejoinder affidavit, if any, may be filed by the petitioner within two weeks thereafter.

We reserve liberty to the petitioner to file an application for transfer of certain writ petitions said to be pending before the High Court of Patna challenging the Bihar Act. In case any such applications are filed, the same be listed before an appropriate Bench for orders.

Post for final hearing on 03.11.2014 at 2 P.M. The Registry shall furnish to Mr. Salve, Amicus Curiae copies of the counter affidavits already filed by the State Government. Learned counsel appearing for the remaining respondent-State who may file their counter affidavit shall serve copies of such counter affidavits on Mr. Salve.

SLP(C) No. 7708 of 2013:

De-linked from the Batch. To be listed separately before an appropriate Bench.

(SHASHI SAREEN)
COURT MASTER

(VEENA KHERA)
COURT MASTER