

ITEM No.32

Court No. 1

SECTION PIL

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(Crl.) No. 109/2003( For Preliminary Hearing )

NATIONAL HUMAN RIGHTS COMMISSION

Petitioner (s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent (s)

( With Appln(s). for intervention. and exemption from filing O.T. and intervention and with office report)

With

T.P.(Crl.) No.194-202/2003 (for prel. hearing) (National Human Rights Commission vs. State of Gujarat & ors.) (with appln.(s) for stay and exemption from filing copies of FIR and impleading party and office report),  
W.P(Crl.)No.D17953/2003 (for prel. hearing) (Umed Singh Gulia vs. Union of India & Anr.) (with office report) and  
SLP(Crl.)No.3770/2003 (for prel. hearing) (Citizens for Justice & Peace & Ors. vs. State of Gujarat & Ors.) (with appln.(s) for filing addl. facts and documents and directions and permission to place addl. documents on record),  
WP(C) No. 221/2002 (Mallika Sarabhai & Ors. vs. Union of India & Ors.) (with appln.(s) for amendment of the petition and interim relief),  
SLP(C) No. 7951/2002 (Viraj Tra Desai vs. State of Gujarat & Ors.) (with appln.(s) for exemption from filing c/cof the impugned judgment and permission to place addl. documents on record),  
WP(Crl.) Nos. 37-52/2002 (Devendrabhai N. Pathak & Ors. vs. State of Gujarat & Ors.) (with appln.(s) for amendment of the petition and permission to submit addl. documents and exemption from filing O.T. and interim directions and office report),  
WP(C) No. 530/2002 (Mahashweta Devi & Ors. vs. Union of India & Ors.) (with appln.(s) for directions and office report) and  
WP(Crl.) Nos. 11-15 (Aleque Padamsee & Ors. vs. Union of India & Ors.) (with appln.(s) for permission to submit additional documents and directions and office report)

Date : 09/10/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)

in WP 109 & Mr. P P Rao, Sr. Adv.

TP 194-202

Mr. T R Andhyarujina, Sr. Adv.

Mr. S. Muralidhar, Adv.

Mr. Somiran Sharma, Adv.

Mr. Rajat Khosla, Adv.

in WPD17953 In person.

in SLP 3770, Mr. Shanti Bhushan, Sr. Adv. (in SLP 3770)

WP(Crl.)37-52 Mr. Anil B Divan, Sr. Adv. (in WP 37-52)

Mr. Colin Gonsalves, Adv.

Mr. Mihir Desai, Adv.

Ms. Aparna Bhat, Adv.

Mr. P Ramesh Kumar, Adv.

in WP 221Ms. Indira Jaisingh, Sr. Adv.  
Mr. E C Agrawala, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawal, Adv.  
Mr. Manu Krishnan, Adv.

in SLP 7951Ms. Jayshree Wad, Adv.  
Mr. Ashish Wad, Adv.  
Ms. Rani Bora, Adv.  
Mr. Anshu Bhanot, Adv.  
for M/s. J S Wad & Co., Advs.

In WP 530Dr. Rajeev Dhavan, Sr. Adv.  
Mr. Lakshmi Raman Singh, Adv.

in WP(Crl.) 11-15Ms. Aparna Bhat, Adv.

For Respondent (s)  
Union of IndiaMr. Soli J Sorabjee, Attorney General  
Mr. A Mariarputham, Adv.  
Mr. Prateek Jalan, Adv.  
Ms. Sushma Suri, Adv.  
Ms. Aruna Mathur, Adv.

State of GujaratMr. Mukul Rohtagi, ASG  
Mr. P S Mishra, Sr. Adv.  
Mr. Kamal Trivedi, Addl. Adv. Genl.  
Ms. Hemantika Wahi, Adv.  
Mr. Manu Shanker Mishra, Adv.  
Ms. Swarupa Reddy, Adv.  
Mr. Vishnu Sharma, Adv.  
Mr. Amitesh C Mishra, Adv.  
Mr. Dhruv Kumar Jha, Adv.

R.Nos.2-22 in Mr. K T S Tulasi, Sr. Adv.  
SLP 3770Mr. P H Parekh, Adv.  
Mr. E R Kumar, Adv.  
Mr. Lalit Chauhan, Adv.  
Mr. Vijay H Patel, Adv.

in WP 221Mr. P H Parekh, Adv.

Ms. Neeru Vaid, Adv.

Mr. L Nageswara Rao, ASG  
Mr. Rajeev Sharma, Adv.  
Mr. Amit Mahajan, Adv.  
Ms. Sushma Suri, Adv.  
Mr. Pawan, Adv.

Mr. P S Mishra, Sr. Adv.  
Mr. A V Sawant, Sr. Adv.  
Mr. C D Singh, Adv.  
Mr. Tathagat Harshwardhan, Adv.  
Dr. Indra Pratap Singh, Adv.

Mr. Rajan Narain, Adv.

Ms. Sheela Goel, Adv.  
Mr. Nikhil Goel, Adv.  
Ms. Sarita Gupta, Adv.

Mr. V N Raghupathy, Adv.

Dr. Nafis A Siddiqui, Adv.

in WP 530Mr. R Venkataramani, Sr. Adv.  
Mr. Nikhil Nayyar, Adv.

in WP(Crl.)11-15  
Mr. V N Raghupathy, Adv.

For Petitioner (s)  
in intervention/  
impleadment petns  
in WP 109.Mr. P S Mishra, Sr. Adv.  
Mr. Arvind Sawant, Sr. Adv.  
Mr. Tathagat H Vardhan, Adv.  
Mr. Amitesh C Mishra, Adv.  
Dr. Indra Pratap Singh, Adv.  
Mr. C D Singh, Adv.  
Mr. R K Singh, Adv.  
Dr. Indra Pratap Singh, Adv.

Dr. Nafis A Siddiqui, Adv.  
Dr. K S Chauhan, Adv.

in TP 194-202Mr. Colin Gonsalves, Adv.  
Mr. Mihir Desai, Adv.  
Ms. Aparna Bhat, Adv.  
Mr. P Ramesh Kumar, Adv.

(Mr. Harish N Salve, Sr. Adv. and Mr. B V Desai, Adv. also appeared)

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

WP(Crl.) No. 109/2003

An affidavit has been filed by the Chief Secretary to the Government of Gujarat on 7th October, 2003. The said affidavit discloses that the State has moved to the High Court for amending the criminal appeal filed against the judgment passed by the Sessions Court acquitting the accused and the Court has permitted the appeal to be amended. In the aforesaid view of the matter, we feel that in this case an Amicus Curiae is required to be appointed. We request Shri Harish N. Salve, Sr. Advocate to appear in this case as Amicus Curiae which he has accepted. Mr. Bhargava V. Desai, Advocate-on-Record is also appointed as Amicus Curiae to assist Mr. Harish N. Salve, Sr. Adv.

List this matter as also TP(Crl.) Nos. 194-202/2003, WP(Crl.) No. D17953/2003, SLP(Crl.) No. 3770/2003, SLP(C) No. 7951/2002 and WP(Crl.) Nos. 11-15/2003 on 17th October, 2003. Counter affidavit filed today in Court on behalf of Respondents Nos. 2 to 22 in SLP(C) No. 3770/2003 be taken on record.

Let a complete set of paperbooks be given to the learned Amicus Curiae within 48 hours by the State of Gujarat.

WP(C) No. 221/2002, WP(Crl.) Nos. 37-52/2002 and WP(C) No.530/2002.

Mr. Mukul Rohtagi, learned Additional Solicitor General who appears for the State of Gujarat, prays for and is allowed six weeks' time to file counter affidavit in these matters. Rejoinder, if any, be filed within two weeks thereafter.  
List these matters after eight weeks.

(D.P. WALIA) (JANKI BHATIA)  
COURT MASTERCOURT MASTER