

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SUO MOTU WRIT PETITION (CIVIL) NO(s). 139 OF 2013

IN RE: "PUNJAB COPS BEAT UP WOMAN IN PUBLIC" AND "POLICE LATHI-CHARGE  
PROTESTING CONTRACTUAL TEACHERS IN PATNA" PUBLISHED IN VARIOUS NEWSPAPERS  
OF THE COUNTRY DATED 5.3.2013 & 6.3.2013

(With appln.(s) for exemption from filing O.T. and office report)

With

W.P.(C)No.169/2013

(With appln.(s) for directions and permission to bring additional facts and  
documents on record and impleadment and office report)

Date: 25/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MRS.JUSTICE RANJANA PRAKASH DESAI  
HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For the appearing parties Mr.Harish N.Salve, Sr.Adv.(A.C.)  
Mr.U.U.Lalit, Sr.Adv.(A.C.)  
Mr.Prakash Singh (A.C.)

For State of T.N. Mr.L.Nageswara Rao, Sr.Adv.  
Mr. B.Balaji, Adv.  
Mr. R.Rakesh Sharma, Adv.

For State of Bihar Mr.L.Nageswara Rao, Sr.Adv.  
Mr.Abhinav Mukerji, Adv.  
Mr.Angad Kochhar, Adv.

For State of U.P. Mr.Gaurav Bhatia, AAG  
Mr.Anuvrat Sharma, Adv.  
Mr.Piyush Vashistha, Adv.

For State of Punjab Mr.Sidharth Luthra, ASG  
Mr.Ashok Aggarwal, Advocate General, Punjab  
Mr.Ajay Bansal, AAG  
Mr.Kuldip Singh, Adv.  
Mr.Pardaman Singh, Adv.  
Mr.Gaurav Yadav, Adv.

For U.O.I. Mr.Gourab Banerji, ASG  
Ms.Satya Siddiqui, Adv.  
Mr.S.W.A.Qadri, Adv.  
Mr.D.S.Mahra, Adv.  
Mr.D.L.Chidananda, Adv.  
Mr.S.A.Haseeb, Adv.  
Mr. B. Krishna Prasad, Adv.

For State of Andhra Pradesh Mr.R.Venkataramani, Sr.Adv.  
Mr. G.N.Reddy, Adv.  
Mr.Debojit, Adv.  
Mr.Sodhan Babu, Adv.

For UT of Puducherry Mr.R.Venkataramani, Sr.Adv.  
Mr.V.G.Pragasam, Adv.  
Mr.S.J.Aristotle, Adv.

Mr.Prabu Ramasubramanain, Adv.

For States of M.P. and Chhattisgarh Mr.C.D.Singh, Adv.  
Mr.Sunny Choudhary, Adv.  
Mr.Anshuman Srivastava, Adv.

For State of Haryana Mr.Manjit Singh, AAG  
Mr.Tarjit Singh, Adv.  
Mr.Kamal Mohann Gupta, Adv.

For State of Kerala Mr. M.T. George, Adv.

For State of Jharkhand Mr. Tapesk Kumar Singh, Adv.

For State of Raj. Mr.Jasbir Singh Malik, AAG  
Mr.Varun Punia, Adv.

For State of H.P. Mr.Suryanaryana Singh, AAG  
Ms.Pragati Neekhara, Adv.

For State of Meghalaya Mr.Subhro Sanyal, Adv.

For State of Sikkim Ms.Aruna Mathur, Adv.

For State of Uttarakhand Mr.Ashutosh Kr.Sharma, Adv.  
Mr.J.K.Bhatia, Adv.

For State of Assam Mr.Riku Sarma, Adv.  
Mr.Navnit Kumar, Adv.

For State of Arunachal Pradesh Mr.Anil Shrivastav, Adv.  
Mr.Rituraj Biswas, Adv.

For State of Nagaland Ms.K.Enatoli Sema, Adv.  
Mr.Amit Kr. Singh, Adv.

For State of Tripura Mr.Gopal Singh, Adv.  
Mr.Rituraj Biswas, Adv.

For State of J & K Mr. Sunil Fernandes, Adv.  
Ms.Astha Sharma, Adv.  
Ms.Insha Mir, Adv.  
Ms. Snigdha Pandey, Adv.

For State of Manipur Mr.Khwairakpam Nobin Singh, Adv.

For State of Gujarat Ms.Hemantika Wahi, Adv.  
Ms. Jesal, Adv.

For State of Karnataka Mr.V.N.Raghupathy, Adv.

For State of W.B. Mr.Bikas Kar Gupta, Adv.  
Mr.Avijit Bhattacharjee, Adv.  
Mrs.Sarbani Kar, Adv.

For U.T., Chandigarh Mr.Ashok Thakur, Adv.  
Mr.Imran K.Burney, Adv.  
Mr. Anil K. Chopra, Adv.

In I.A.Nos.4,5 & 6 Mr.Yatish Mohan, Adv.  
IN WP 139/2013

In WP(C)169/2013 Mr.Prashant Bhushan, Adv.  
Mr.Sunil J.Mathews, Adv.  
Mr.Aditya Shukla, Adv.

Mr.Rajeev Singh, Adv.

Mr.B.P.Nahar, Adv.

Mr.Sanjay V.Kharde, Adv.  
Ms. Asha Gopalan Nair, Adv.

Mr. Radha Shyam Jena, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. Milind Kumar, Adv.

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

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At the commencement of arguments we asked Shri Gaurav Bhatia, learned standing counsel for the State of Uttar Pradesh to explain the incident which took place in Aligarh when an official of the rank of Deputy Superintendent of Police behaved in a manner totally unbecoming of an official of that rank and violently pushed a 65 years old unarmed woman without any rhyme or reason.

Shri Bhatia could not offer any satisfactory explanation.

We, therefore, direct the Chief Secretary of the Government of Uttar Pradesh to file an affidavit and explain the stand of the State in relation to the incident which occurred in Aligarh.

Shri Gaurav Bhatia says that the Chief Secretary is out of the country. In view of this, we direct the Additional Chief Secretary to file the required affidavit within 7 days from today. The Commissioner of Police, Delhi should also file his affidavit and explain the rationale of using unwarranted force against the young girls who participated in the demonstration organised to protest against the rape of a minor. It must be clearly indicated in the affidavit as to why the policeman gave beating to an unarmed young girl who started bleeding from her ear.

Shri Harish N.Salve and Shri U.U.Lalit, learned amicus, complained that some of the States have not filed affidavits in compliance of the direction given by this Court on 11.4.2013. They also submitted that most of the State Security Commissions constituted in 24 States and some of the Union Territories are not in consonance with direction No.1 contained in the judgment of this Court in Prakash Singh and others vs. Union of India and others (2006) 8 SCC 1. According to Shri Salve, majority of the State Security Commissions represent a mixture of the three modules to which a reference has been made in the direction given by this Court. He also pointed out that in almost all the States, the role of the State Security Commission is only recommendatory and this is clearly contrary to the order of this Court.

Shri L.Nageswara Rao, learned senior counsel representing the State of Bihar and Tamil Nadu, Shri Ashok Aggarwal, learned Advocate General for the State of Punjab and Shri C.D.Singh, learned counsel representing the State of Chhattisgarh informed the Court that their respective States have enacted separate legislations and the State Security Commissions/Boards have been set up in accordance with such legislations. However, they could not give satisfactory explanation about the meeting conducted by the State Security Commissions/Boards and the action taken by the State Government(s) on the recommendations made by such Commissions/Boards.

For deciding whether the State Governments and the Union Territories have complied with direction No.1 contained in the judgment in Prakash Singh's case we, in the first instance, direct the Chief Secretaries of the States of Rajasthan, Haryana, Uttar Pradesh, Andhra Pradesh, Maharashtra and Goa file their affidavits on the issue of total compliance of direction No.1 contained in Prakash Singh's Judgment. It should be indicated in the affidavits whether the State has constituted the

State Security Commission in conformity with either of the modules indicated in the Court's order and if the State Security Commissions have been so constituted, how many times they have met and made recommendations. The minutes of the meetings of the State Security Commissions should be annexed with the affidavits of the Chief Secretaries. The required affidavits should be filed positively by 3.5.2013 after supplying copies to the learned Attorney General, the learned amicus and Shri Prakash Singh.

List the case on 06.05.2013.

On the next date of hearing, the Court will consider the desirability of issuing further directions to make the State Security Commission effective and functional. The Court will also examine the desirability of asking the High Courts to monitor the functioning of the State Security Commissions and implementation of other directions given in Prakash Singh's case.

The learned counsel representing the States which have enacted the laws in light of the observations made in Prakash Singh's case are requested to make available copies of the statutes to the learned amicus within three days from today.

I.A.Nos.5 and 6 are rejected.

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Ms.Aruna Mathur, learned counsel, accepts notice on behalf of respondent Nos.1 and 4. Notice of the remaining respondents be given dasti.

Reply affidavit be filed within four weeks.

Rejoinder affidavit, if any, be filed within next four weeks.

List the case in the first week of July, 2013.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master