

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 intervention and office  
report)

With

W.P.(C)No.446/2013

(With appln.(s) for directions and office report)

SUO MOTU W.P.(C)NO.286/2013

SUO MOTU W.P.(C)NO.335/2013

(With appln.(s) for impleadment)

Date: 31/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE V.GOPALA GOWDA

BY COURTS MOTION

For the appearing parties Mr.G.E.Vahanvati, Attorney General

Mr.Prakash Singh (A.C.)

For State of T.N. Mr.L.Nageswara Rao, Sr.Adv.  
Mr.A.L.Somaiyaji, AG  
Mr.Subramaniam Prasad, AAG  
Mr. B.Balaji, Adv.

For State of Andhra Pradesh Mr.Altaf Ahmed, Sr.Adv.  
Mr.A.Sudarshan Reddy, AG  
Mr. G.N.Reddy, Adv.  
Mr.B.Debojit, Adv.  
Mr.Bala Shivudu M., Adv.  
Mr.Aadithya, Adv.

For State of Maharashtra Mr.Shekhar Naphade, Sr.Adv.  
Mr.Sanjay Kharde, Adv.  
Ms.Shubhangi Tuli, Adv.  
Ms.Asha Gopalan Nair, Adv.

For UOI Mr.Siddharth Luthra, ASG  
Ms.Sunita Sharma, Adv.  
Mr.Satya Siddiqui, Adv.  
Mr.Sarfaraz A.Siddiqui, Adv.  
Mr.S.K.Mishra, Adv.  
Mr.D.S.Mahra, A.O.R.

For State of Punjab Mr.Siddharth Luthra, ASG  
Mr.Ajay Bansal, AAG  
Mr.Kuldip Singh, Adv.  
Mr.Pradaman Singh, Adv.  
Mr.Mohit Mudgil, Adv.  
Mr.Gaurav Yadav, Adv.

For RR Nos.2-7 in Mr.Mukul Gupta, Sr.Adv.

WP(C)446/13 Ms.Anjali Chauhan, Adv.  
Mr.Rishab Kaushik, Adv.

For Govt. of Mr.R.Venkataramani, Sr.Adv.  
Puducherry Mr.V.G.Pragasam, Adv.  
Mr.S.J.Aristotle, Adv.  
Mr.S.Prabu Ramasubramanian, Adv.  
Ms.Neelam Singh, Adv.  
Mr.Shodhan Babu, Adv.

For State of Kerala Mr.C.S.Rajan, Sr.Adv.  
Mr. M.T. George, Adv.  
Ms.Kavita K.T., Adv.

In WP(C)446/13 Mr.Prashant Bhushan, Adv.  
Mr.Rohit Kr.Singh, Adv.

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

For Andaman & Mr.Balasubramaniam, Adv.  
Nicobar Admn. Mr.K.V.Jagdishvaran, Adv.  
Mrs.G.Indira, Adv.

For State of W.B. Mr.Anip Sachthey, Adv.  
Ms.Shagun Matta, Adv.  
Mr.Saakaar Sardana, Adv.

For State of U.P. Mr.Gaurav Bhatia, AAG  
Mr.Ravi P.Mehrotra, Adv.  
Mr.Abhinav Malik, Adv.  
Mr.Vibhu Tiwari, Adv.

For State of Sikkim Mr.A.Mariarputham, AG  
Ms.Aruna Mathur, Adv.  
Mr.Yusuf Khan, Adv.

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

For State of Goa Mr.Pratap Venugopal, Adv.  
Mr.Gaurav Nair, Adv.  
Mr.Debarshi Bhuyan, Adv.

For State of Mr.Ranjan Mukherjee, Adv.  
Meghalaya Mr.Subhro Sanyal, Adv.

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

For State of Mr.Pragyan Sharma, Adv.  
Mizoram Mr.Heshu Kayina, Adv.  
Mr.P.V.Yogeshwaran, Adv.

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

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Mr.Manish Kumar, Adv.

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

For State of Manipur Mr.Sapam Biswajit Meitei, Adv.  
Mr.Khwairakpam Nobin Singh, Adv.

For State of Assam Mr.Navnit Kumar, Adv.  
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For State of Haryana Mr.Manjit Singh, AAG  
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Mr.Vinay Kuhar, Adv.

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

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

For State of Raj. Mr.Jasbir Singh Malik, AAG

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

For State of Gujarat Ms.Hemantika Wahi, Adv.  
Ms.Shubhada Deshpande, Adv.

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

Mr. Radha Shyam Jena, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. Milind Kumar, Adv.

Mr.Subhro Sanyal,Adv.

Mr.Anil K.Chopra, Adv.

Mr.Abhinav Mukerji, Adv.

Mr.E.C.Vidyasagar, Adv.

Mr.Shadan Farasat, Adv.

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

SUO MOTU W.P.(C)No.139/2013

In compliance of the Court's order dated 16.07.2013, Smt.Sheela Balakrishnan, Chief Secretary, Government of Tamil Nadu and S/Shri Dr.P.K.Mohanty, Chief Secretary, Government of Andhra Pradesh; Jawed Usmani, Chief Secretary, Government of Uttar Pradesh and Mr.Jayant Kr.Banthia, Chief Secretary, Government of Maharashtra made themselves available in person. Each one of them expressed regret for the delay in responding to the directions issued by the Court and assured that in future, they will take the issue of implementation of the judgment in Prakash Singh vs. Union of India (2006) 8 SCC 1 very seriously.

We have heard learned Attorney General, Shri Prakash Singh, Shri Prashant Bhushan and the learned counsel appearing for the States and Union Territories.

In our view, a direction needs to be given to all the State Governments and Union Territories to fully implement the directions contained in the judgment in Prakash Singh's case (supra).

Shri Shekhar Naphade, learned senior counsel appearing for the State of Maharashtra and some other learned counsel pointed out that there may be some difficulty in implementing one or the other direction because they are in conflict with the law enacted by the competent legislature.

With a view to consider the submission of the learned counsel,

we allow seven days' time to all the States and Union Territories to point out in writing the difficulty, if any, faced by them in implementing the particular direction in the judgment. However, it is made clear that any so-called conflict between the directions given by this Court and the rules framed under proviso to Article 309 of the Constitution or any other legislation shall not be considered as a ground for non-compliance of the directions contained in the judgment.

List the case on 13.08.2013.

The Chief Secretaries of the four States need not appear in person on the future dates of hearing.

W.P.(C)No.446/2013

Segregate this matter and list the same on 10.09.2013.

Issue fresh notice. Dasti, in addition, is permitted.

SUO MOTU W.P.(C)NO.286/2013

Segregate this matter and list the same on 10.09.2013.

SUO MOTU W.P.(C)NO.335/2013

Segregate this matter and list the same on 10.09.2013.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master