

ITEM NO.301

COURT NO.2

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

PRAKASH SINGH &amp; ORS

Petitioner(s)

VERSUS

U O I &amp; 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)

Conmt.Pet.(C) No.235 in W.P.(C) NO.310 of 1996

Date: 03/11/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MRS. JUSTICE R. BANUMATHI

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

(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.)

(Conmt.Pet.235/14) Mr. Prashant Bhushan,Adv.

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

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

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Mr. Navnit Kumar,Adv.  
For M/s. Corporate Law Group

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

(St.of Himachal Pradesh) Mr. Suryanaryana Singh,AAG  
Ms. Pragati Neekhra,Adv.

(St. of Madhya Pradesh)	Mr. C.D. Singh, Adv. Mr. Apurva Kurup, Adv. Ms. Damini Hajela, Adv.
(St. of Jharkhand)	Mr. Gopal Prasad, Adv. Mr. Jayesh G., Adv.
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(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, Adv. Mr. Ashok Kr. Singh, Adv. Mr. Z.H. Isaac Haiding, 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. Mohit Paul, Adv.
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Mr. Sumanth Nookela, Adv.  
For M/s. Venkat Palwai Associates

(St. of Mizoram) Mr. Pragyan Sharma, Adv.  
Mr. Heshu Kayine, Adv.  
Mr. P.V. Yogeswaran, Adv.

(State of Meghalaya) Mr. Ranjan Mukherjee , Adv.  
Mr. Subhro Sanyal, Adv.

(Govt. of Puducherry) Mr. V. G. Pragasam, Adv.  
Mr. S.J. Aristotle, Adv.

(Andaman & Nicobar Admn.) Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, Adv.

(U.T. of Chandigarh) Mr. Chandra Prakash, Adv.

(St. of Tripura) Mr. Gopal Singh, Adv.  
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Mr. Gunnam Venkateswara Rao, Adv.  
  
Mr. Kamlendra Mishra, Adv.  
  
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Mr. Lakshmi Raman Singh, Adv.  
  
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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.

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.

Mr. B. Subrahmanya Prasad,Adv.

Mr. R. Ayyam Perumal,Adv.

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

Heard.

When this matter came up for hearing before us on 29<sup>th</sup> August, 2014, we were told that two writ petitions challenging the Bihar Police Act, 2007 have been filed and are pending before the High Court at Patna. Keeping in view the fact that issues arising in those writ petitions are identical to those raised in W.P.(C) No.286 of 2013 filed by the Amicus in this Court, we had reserved liberty to the amicus, to file applications for transfer of the said writ petitions to this Court for being heard and disposed of with these matters. Mr. Salve today submits that he has already filed two transfer petition, seeking transfer of writ petitions, CWJC NO.11565 of 2009 and CWJC No.10494 of 2010 from the High Court of Patna to this Court. T.P.(C) Nos.1489-1490 of 2014 are taken on Board. Since the writ petitions in-question have been filed in public interest and since the State of Bihar is a party to W.P.(C) No.286 of 2013, already pending in this Court, Mr. Ranjit Kumar, learned Solicitor General, appearing for the State of Bihar can have no serious objection to the transfer of those

writ petitions to this Court. We therefore order transfer of CWJC NO.11565 of 2009 and CWJC No.10494 of 2010 pending in the High Court at Patna to this Court. We are conscious of the fact that we are directing transfer of the writ petitions without issuing notice to the petitioners in those writ petitions. We are however doing so as the power of transfer is available to this Court under Article 139A can be exercised suo motu. We all the same reserve liberty to the writ petitioners in the said writ petitions to appear before this Court to support that writ petitions and to argue the matter or in the alternative request for detagging of those cases for transfer back to the High Court of Patna, if so advised.

State of Bihar has already filed a counter affidavit in Writ Petition (C) No.286 of 2013. We are informed that some other States have also filed their counter affidavits to the said writ petition. We had as a matter of fact granted six weeks further time to the other States to do the needful, if they have not already done so. We permit the State of Bihar and other States appearing in Writ Petition (c) No.286 of 2013 to file any additional affidavit dealing specifically with the question of seperation of policing law and order from investigation. The needful shall be done within four weeks. Rejoinder, if any, be filed by the writ petitioners within four weeks thereafter. Needless to say that Union of India shall also be free to file a counter affidavit or an additional affidavit as may be advised.

In the transferred writ petitions, the State of Bihar shall have the liberty to file its counter affidavit, if not already filed before the High Court. Rejoinder in those cases shall also be filed by the writ petitioners including learned amicus within four weeks.

The Registry is directed to furnish to Mr. Salve, learned amicus, copies of all the counter affidavits that have been received so far in W.P.(C) No.286 of 2013 and a complete set of papers relevant to the transferred cases within six weeks from today.

Keeping in view the magnitude of work involved, we are of the view that Mr. Salve may require the assistance of an advocate-on-record. Mr. L.R.Singh, Advocate, has agreed to perform that part. We accordingly appoint Mr. L.R.Singh, Advocate, as a co-amicus to assist Mr. Salve.

Post for final disposal on 13<sup>th</sup> January, 2015.

W.P.(C) No.417 of 2010:

Heard.

Issue rule.

Counter affidavit be filed by the respondents-UOI/States within six weeks. Rejoinder, if any, be filed within two weeks thereafter.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER