

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

WRIT PETITION (CIVIL) NO.310 OF 1996

PRAKASH SINGH & ORS. Petitioner(s)

VERSUS

U.O.I. & ORS. Respondent(s)

(For directions with office report)

[In Reg.: Formation of Directorate of Prosecution and issue of selection and minimum tenure of DGP in consultation with the State Security Commission]

With Writ Petition (C) No.417 of 2010

Writ Petition No.42 of 2011
(With appln.(s) for ex-parte stay, exemption from filing O.T. and office report)

Date: 11/04/2011 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN

Mr. Raju Ramachandran, Sr. Adv. (A.C.)

For Petitioner(s) Mr. Prashant Bhushan, Adv.
In WP 310/1996: Mr. Rohit Kumar Singh, Adv.
Mr. Pranav Sachdeva, Adv.

In WP 417/2010: Dr. Ashok Dhamija, Adv.
Dr. Kailash Chand, Adv.

In WP 42/2011: Mr. Manohar Lal Sharma, in-Person

Mr. Harish N. Salve, Sr. Adv.

For Respondent(s) Mr. Anis Suhrawardy, Adv. (N/P)

Mr. P. Parmeswaran, Adv.

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Mr. Aruneshwar Gupta, Adv.

Mr. H.K. Puri, Adv.

Ms. Priya Puri, Adv.

Mr. Khwairakpam Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

Mr. K.V. Viswanathan, Sr. Adv.
Mr. V.N. Raghupathy, Adv.

Ms. Kavita Wadia, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Vikrant S. Bais,Adv.
Ms. Vibha Datta Makhiya,Adv.
Mr. Ranjan Mukherjee,Adv.
Mr. Lakshmi Raman Singh,Adv.
Mr. Kamlendra Mishra,Adv.
Ms. Hemantika Wahi,Adv.
Ms. Pinky Behera,Adv.
Mr. Ashwani Kumar,Adv.
Ms. Sumita Hazarika,Adv.
Mr. R. Ayyam Perumal,Adv.
Mr. Riku Sarma,Adv.
Mr. Navnit Kumar,Adv.
for M/s. Corporate Law Group,Adv.
Mr. Ashok Mathur,Adv.
Mr. Mohanprasad Meharia,Adv.
M/s. S. Narain & Co.,Advs.
Mr. Anuvrat Sharma,Adv.

Mr. Gopal Singh,Adv.
Mr. Manish Kumar,Adv.
...3/-

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Mr. Gopal Singh,Adv.
Mr. Rituraj Biswas,Adv.
Mr. Anil Shrivastav,Adv.
Mr. Rituraj Biswas,Adv.
Mr. Gopal Prasad,Adv.
Mr. Rajesh Srivastava,Adv.
Mr. Pragyan P. Sharma,Adv.
Mr. P.V. Yogeswaran,Adv.

Mr. Gopal Subramaniam,SG.
Mr. Mohan Jain,ASG.
Mr. S.W.A. Qadri,Adv.
Mr. Devansh Mohta,Adv.
Mr. Anand Varma,Adv.
Mr. D.K. Thakur,Adv.
Ms. Sushma Manchanda,Adv.
Mr. R.S. Nagar,Adv.
Ms. Anil Katiyar,Adv.
Mr. S.N. Terdal,Adv.
Mr. H.S. Sachdewa,Adv.
Ms. Sadhana Sandhu,Adv.
Mr. Sudarshan Singh Rawat,Adv.
Mr. D.S. Mahra,Adv.

Ms. Anitha Shenoy,Adv.
Mr. Atul Jha,Adv.
Mr. Dharmendra Kumar Sinha,Adv.
Mr. T.V. George,Adv.

Mr. Radha Shyam Jena,Adv.

Ms. Rachana Srivastava,Adv.

Mr. Ashoka Kumar Thakur,Adv.

Mr. M.P. Jha,Adv.

Mr. R.E. Roy,Adv.

Ms. A. Subhashini,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.

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Mr. Tara Chandra Sharma,Adv.

Ms. Neelam Sharma,Adv.

Mr. L.N. Rao,Sr.Adv.

Ms. Binu Tamta,Adv.

Ms. Sushma Suri,Adv.

Mr. U.U. Lalit,Sr.Adv.

Mr. Shail Kumar Dwivedi,Addl.Adv.Genl.

Mr. Ardhendumouli K. Prasad,Adv.

Mr. Manoj Dwivedi,Adv.

Mr. Aviral,Adv.

Mr. Gunnam Venkateswara Rao,Adv.

Mr. T.R. Andhyarujina,Sr.Adv.

Mr. T. Harish Kumar,Adv.

Mr. Jana Kalyan Das,Adv.

Mr. V.G. Pragasam,Adv.

Mr. S.J. Aristotle,Adv.

Mr. S. Prabu Ramasubramanian,Adv.

Mr. Manjit Singh,Addl.AG.

Ms. Vivekta Singh,Adv.

Mr. Kamal Mohan Gupta,Adv.

Mr. Naresh K. Sharma,Adv.

Mr. Edward Belho,Adv.

Ms. K. Enatoli Sema,Adv.

Mr. Sanjay V. Kharde,Adv.

Ms. Asha Gopalan Nair,Adv.

Dr. Manish Singhvi,AAG, Rajasthan

Mr. Milind Kumar,Adv.

Mr. D. Mahesh Babu,Adv.

Mr. Ramesh Allanki,Adv.

Mr. A. Mariarputham,AG.

Ms. Aruna Mathur,Adv.

Mr. Yusuf Khan,Adv.

Mr. Avneesh Arputham,Adv.

Ms. Megha Gaur,Adv.

for M/s. Arputham, Aruna & Co.,Advs.

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Mr. Sunil Fernandes,Adv.

Mr. Suhaas Joshi, Adv.
Ms. Astha Sharma, Adv.

Mr. P.V. Dinesh, Adv.

Mr. Sanjay Parikh, Adv.

Mr. Kuldip Singh, Adv.
Mr. R.K. Pandey, Adv.
Mr. H.S. Sandhu, Adv.
Mr. K.K. Pandey, Adv.
Mr. Mohit Mudgil, Adv.
for Mr. Ajay Pal, Adv. (N/P)

Mr. R. Sathish, Adv.

Mr. G.N. Reddy, Adv.
Mr. V. Pattabhiram, Adv.
Mr. Hemal Seth, Adv.

Mr. Ambhoj Kumar Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

With regard to the implementation of Direction No.4 under the Heading Separation of Investigation , given in the case of Prakash Singh vs. Union of India [2006 (8) SCC 1], learned Solicitor General seeks time to take instructions on the question of functional segregation of the Investigative Wing from the Law and Order Wing of the Police. Today, as the situation stands, there is no such segregation. Briefly, the suggestion is that the Investigation Police should be separated from the Law and Order Police and the former should be insulated from any extraneous influence which is the paramount need today to sustain the principle of rule of law. Similarly, with regard to Direction Nos.2 and 3 under the headings Selection
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and minimum tenure of DGP and Minimum tenure of IG of police and other officers respectively, one week's time is sought by the learned Solicitor General to take instructions. Accordingly, the matter shall stand over for one week.

Place this matter on 18th April, 2011.

I.A. No. of 2011 (filed on behalf of State of Karnataka) in W.P. (C) No.310 of 1996:

The interlocutory application is dismissed as withdrawn.

We have made it clear to the learned counsel for the State of Karnataka that the subject-matter of this interlocutory application has nothing to do with the implementation of the Direction given by this Court in the case of Prakash Singh vs. Union of India [2006 (8) SCC 1].

[T.I. Rajput][Madhu Saxena]
A.R.-cum-P.S. Assistant Registrar