

âLcrl.A.No.1255/99 etc.etc. 1

ITEM NO.102

COURT NO.1

SECTION IIA

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

RECORD OF PROCEEDINGS

Criminal Appeal No(s).1255/1999

PEOPLE'S UNION FOR CIVIL LIBERTIES AND ANR.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA & ORS

Respondent(s)

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

WITH Crl.A. No.1256/1999

(With Office Report)

Crl.A. No.1367/1999

(With Office Report)

W.P.(C) No.316/2008

(With appln.(s) for stay)

T.C.(C) No.27/2011

CONMT.PET.(C) No.47/2011 In W.P.(C) No.316/2008

Date : 07/02/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE N.V. RAMANA

Amicus Curiae (s) Mr.Gopal Sankaranarayanan, Advocate

For Appellant(s) Mr.Prashant Bhushan, Adv.

Mr.K.Raj, Adv.

Mr.Aditya Sharma, Adv.

For M/s. Parekh & Co., Adv.

Mr. P. N. Puri, Adv.

Mr. Vishwajit Singh, Adv.

Dr.Surat Singh, Petitioner-in-person

Mr. Triloki Nath Razdan, Adv.

For Respondent(s) Mr.K.Radhakrishnan, Sr.Adv.

For UOI Ms.Binu Tamta, Adv.

Ms.Sadhana Sandhu, Adv.

Ms.Sunita Sharma, Adv.

Ms.Shruti Srivastava, Adv.

Mr.W.A.Qadri, Adv.

Mr.B.K.Prasad, Adv.

Mr.Mukesh Kumar Maroria, Adv.

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For State of Mr.Ajit Kr.Sinha, Sr.Adv.

Jharkhand Mr. Krishnanand Pandeya, Adv.

Mr.Shashank Singh, Adv.

For Intervenor Mr.Anup Bhambhani, Sr.Adv.

Ms.Sumiya Hazarika, Adv.

Ms.Ipsita Behura, Adv.

For State of M.P. Mr.Purushaindra Kaurav, AAG

Mr.Mishra Saurabh, Adv.

Mr.Sunny Choudhury, Adv.

Mr.Ankit Kr.Lal, Adv.

For State of H.P. Mr.D.K.Thakur, AAG

Mr.Shariq Ahmed, Adv.

Ms.Pragati Neekhara, Adv.

Mr.Varinder Kumar Sharma, Adv.

For NHRC Ms.Shobha, Adv.

Mr.Bonny Mehra, Adv.

Dr. Monika Gusain, Adv.

Dr. Nafis A. Siddiqui, Adv.

Mr. Krishnayan Sen, Adv.

Ms.Asiya Khan, Adv.

For State of Mr. Anil Shrivastav, Adv.

Arunachal Mr.Rituraj Biswas, Adv.

For State of Mr.Rajiv Nanda, Adv.

Uttarakhand

Mr. Anip Sachthey, Adv.

Mr. Balaji Srinivasan, Adv.

For State of Mr. C. D. Singh, Adv.

Chhattisgarh Ms.Sakshi Kakkar, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. D. S. Mahra, Adv.

For State of Tripura Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

Ms. Varsha Poddar, Adv.

For State of Bihar Mr. Gopal Singh, Adv.

Mr. Masnish Kumar, Adv.

Ms. Varsha Poddar, Adv.

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For State of Assam Ms. Diksha Rai, Adv.

For State of Kerala Mr. G. Prakash, Adv.

Mr. Jishnu M.L., Adv.

Mrs. Priyanka Prakash, Adv.

Mrs. Beena Prakash, Adv.

Mr. Manu Srinath, Adv.

Mr. Gunnam Venkateswara Rao, Adv.

Mr. Irshad Ahmad, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. Ashutosh Kumar Sharma, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. Kuldip Singh, Adv.

For State of T.N. Mr. M. Yogesh Kanna, Adv.

Ms. Nithya, Adv.

Mrs. Maha Lakshmi, Adv.

Mr. Nirnimesh Dube, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Mr. P. V. Yogeswaran, Adv.

Mr. Ranjan Mukherjee, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Sanjay Parikh, Adv.

Mr. Sanjay R. Hegde, Adv.

Mrs. D. Bharathi Reddy, Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. S. Thananjayan, Adv.

Mr. Sunil Fernandes, Adv.

Mr. Tara Chandra Sharma, Adv.

Mr. Yash Pal Dhingra, Adv.

Ms. Anitha Shenoy, Adv.

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For State of Ms. Aruna Mathur, Adv.

Sikkim Mr. Yusuf Khan, Adv.

Mr. Avneesh Arputham, Adv.

Ms. Anuradha Arputham, Adv.

Mr. Amit Arora, Adv.

For M/s Arputham Aruna & Co., Adv.

M/s Corporate Law Group, Adv.

For State of Ms. Hemantika Wahi, Adv.

Gujarat Ms. Puja Singh, Adv.

Ms. Mamta Singh, Adv.

For State of A.P. Mr. Guntur Prabhakar, Adv.

Ms. Prerna Singh, Adv.

Ms. Kamini Jaiswal, Adv.

Ms. K. Enatoli Sema, Adv.

Ms. Liz Mathew, Adv.

Ms. Asha Gopalan Nair, Adv.

For State of Mr. Pawan Upadhyay, Adv.

Odisha Mr. Sarvjit Pratap Singh, Adv.

For State of U.P. Mr. Abhishth Kumar, Adv.

Ms. Archana Singh, Adv.

Mr. Abhishek Kumar Singh, Adv.

Ms. Pragati Neekhara, Adv.

Mr. Mukul Singh, Adv.

For State of Mr. Shikhar Garg, Adv.

Mizoram Mr. Ganesh Bapu, Adv.

For State of W.B. Mr. Joydeep Mazumdar, Adv.

Mr.Parijat Sinha, Adv.
Mr.Debojyoti Bhattacharya, Adv.
Mr.Pankaj Pandey, Adv.
Mr.Amit Anand Tiwari, Adv.
Ms.Vishakha, Adv.
Ms.Vagda, Adv.
For UT of Andaman Mrs.G.Indira, Adv.
& Nicobar Mr.K.V.Jagdishvaran, Adv.
Mr.Bhupesh Narula, Adv.

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For NDTV Mr.Sanjeev Kumar, Adv.
Mr.Anshul Sehgal, Adv.
For State of Mr.Sapam Biswajit Meitei, Adv.
Manipur Ms.B.Khushbansi, Adv.
Mr.Ashok Kumar Singh, Adv.
Ms.D.Bharathi Reddy, Adv.
Mr.B.Balaji, Adv.
Mr.E.C.Vidya Sagar, Adv.
Mr.Kamlendra Mishra, Adv.
Mr.Praveen Agarwal, Adv.
Mr.Samir Ali Khan, Adv.
Mr.Sudarshan Rajan, Adv.
Mr.V.K.Verma, Adv.
Ms.Jyogi Mendiratta, Adv.
Mr.V.G.Pragasam, Adv.

Upon hearing the counsel the Court made the following

O R D E R

1. We are informed, that the services of Mr.Gopal Sankaranarayanan, advocate, were sought as an amicus curiae, by this Court on 28.08.2014. He has been appearing in these cases, ever-since. No payment has been released to him as of now. We therefore direct the Registry of this Court, to release the payment to Mr.Gopal Sankaranarayanan, in consonance with the Rules of this Court, within one week from today. In addition thereto, an additional amount of Rs.1,00,000/- (rupees one lakh) be also released to him, for administrative expenses, and for out of pocket expenses, for preparing the compilations and other paper-work, that need to be placed on the record of the case. The instant payment

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shall also be released to the learned amicus curiae, within one week from today.

2. A perusal of the motion bench order dated 03.09.2014 reveals, that this Court had inter alia directed as under:

â- SAs regards the propriety and procedure of media briefing by police personnel, we think it is appropriate if the learned amicus curiae prepares a questionnaire and circulates that to the learned Solicitor General, advocates-on-record appearing for the State Governments, Mr.Surat Singh, petitioner-in-person in Writ Petition No.316 of 2008, within two weeks. Counsel for the Union of India, State Governments and others may submit their response within six weeks of the receipt of the questionnaire and supply copy of the response to learned amicus curiae. Order accordingly.â- \235

3. A questionnaire was accordingly prepared by the learned amicus curiae, and circulated amongst learned counsel for the respondents.

4. In addition to the above, this Court, by its order dated 01.12.2016, also directed as under:

â- SMr.Tushar Mehta, learned ASG appearing for the State of Gujarat proposes to file a short note on the issues involved in these petitions. Mr.Gopal Sankaranarayanan, learned Amicus circulated a questionnaire to which learned counsel for some of the States have responded and some more remain to respond. Mr.K.Radhakrishnan, learned counsel for the

Union of India also seeks time to respond to the questionnaire. Let the needful be done by the Union of India as also the other States who have not responded to the questionnaire within four weeks.

Learned counsel for the Union of India may also respond to the guidelines placed on record by the National Human Rights Commission.â- \235

5. In order to comply with the motion bench order dated 01.12.2016, Mr.Radhakrishnan, learned senior counsel representing the Union of India, and learned counsel representing some of the

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State Governments, seek one further opportunity, to respond to the questionnaire. Prayer is allowed. The Union of India, as also, the State Governments may submit their responses to the questionnaire, within two weeks from today. In case, no such response is submitted within two weeks from today, it will be assumed, that they have nothing to say, in furtherance of the questionnaire.

6. Learned amicus curiae shall prepare a compilation of the responses, and a summary of the proposals made at the hands of the Union of India, as also, the State Governments, and submit the same for consideration of this Court within one week thereafter.

7. Post for hearing on 22.03.2017.

(SATISH KUMAR YADAV)

AR-CUM-PS

(RENUKA SADANA)

ASSISTANT REGISTRAR