

2.

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Ms. H Wahi, adv.
Ms. Anu Sawhney, adv.

Mr. Sunil Kumar Jain, adv.
Mr. Vijay Hansaria, adv.
for M/s. Jain Hansaria & Co.

....3/-

3.

Mr. S.V. Deshpande, adv.

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Ms. G K Das, adv.

Ms. Gitanjali Malviya, adv.

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Mr. R S Jena, adv.

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Mr. J S Attri, adv.

Mr. K B Rohtagi, adv.

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Mr. Jaipal, adv.

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Mr. S.R. Sharma, adv.

Mr. K Ram Kumar, adv.

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Mr. K R Nagaraja, adv.

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Mr. D M Nargolkar, adv.

Mr. K S Bhati, adv.

Mr. Prem Malhotra, adv.

Mr. K K Rai, adv.

Mr. K. Kiran, adv.

Mr. N Ganpathy, adv.

Ms. Rachna Srivastava, adv.

Mr. A Mariarputham, adv.

Ms. Aruna Mathur, adv.

Mr. Anurag D. Mathur, adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Delay in filing of affidavits by the States of Madhya Pradesh, Haryana, Assam, Tamil Nadu, Meghalaya, Jharkhand, Uttar Pradesh, Himachal Pradesh, Manipur, Chhattisgarh and NCT of Delhi, is condoned.

...4/-

4.

After noticing the lapse, rather continuing lapse of some of the States, in our order dated 20th March, 2001, we had directed the defaulting States to pay a sum of Rs. 5,000/- each by way of costs in the

Registry for the lapse committed by them in not furnishing information within the prescribed time. We had also indicated that 'if the information is not furnished within the next five weeks, as directed above, on the next date of hearing the Home Secretaries of each of the State Governments and the Union Territories, who remain in default, shall be personally present to explain the conduct of their Government.'

Despite this direction, the State of Jammu & Kashmir has neither filed the affidavit nor deposited the costs. The Home Secretary is also not present. Mr. Ashok Mathur, learned counsel for the State submits that he had conveyed the orders of this Court to the State Government well in time. We take a serious note of this attitude on the part of the State of Jammu & Kashmir and express our concern. We direct a notice to be issued to the Home Secretary, Jammu & Kashmir, to show cause why action be not initiated against him for disobeying directions of the Court. The Home Secretary shall remain personally present on the next date of hearing.

...5/-

5.

Since, the case concerns liberty of citizens and rights of females and children, we would not like to shut out receiving of information from the State of Jammu & Kashmir. We, therefore, direct learned counsel appearing for the State of Jammu & Kashmir to furnish requisite information within three weeks and besides depositing the costs of Rs. 5,000/- as directed in the last order, to deposit a further sum of Rs. 10,000/- by way of costs for its default as noticed above. The needful, i.e. filing of the affidavit and deposit of costs, shall be done within six weeks.

The States of Maharashtra and Uttranchal have not filed affidavits so far. These States were not noticed as 'the defaulting States' on 20th March, 2001. Learned counsel appearing for these two States pray for and are granted six weeks' time to file affidavit furnishing requisite information.

Some of the States have filed the affidavits but have not paid the costs as per the office report. They shall also deposit the costs within six weeks.

Learned Amicus shall prepare, in a tabular form, a chart co-relating information, as furnished by various State Governments and Union Territories, with reference to I.A. Nos. 1 and 7 within eight weeks.

...6/-

6.

Out of the costs so far deposited, a sum of Rs. 15,000/- shall be paid to Ms. Binu Tamta, learned counsel assisting Mr. Ranjit Kumar, Amicus Curiae.

List the matter on 26th July, 2001 for directions.

.SP1

(Kanchan Jain)
AR-cum-PS

(Prem Prakash)
Court Master