

ITEM NO.1

COURT NO.1

SECTION PIL-W

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). 754/2016

TEHSEEN S. POONAWALLA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(and IA No.61832/2017-DELETING THE NAME OF RESPONDENT)

WITH

W.P. (C) No. 764/2016 (PIL-W)

(FOR EXEMPTION FROM FILING O.T. ON IA 1/2016 and IA
No.81347/2017-DELETING THE NAME OF RESPONDENT)

W.P. (C) No. 768/2016 (PIL-W)

(and IA No.61828/2017-DELETING THE NAME OF RESPONDENT)

W.P. (C) No. 732/2017 (PIL-W)

(FOR ADMISSION

TO BE LISTED A/W W.P. (C) NO. 754/2016)

Date : 06-09-2017 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Fuzail Ahmad Ayyubi, AOR
Mr. Abdul Qadir, Adv.
Mr. Pushkar Sharma, Adv.

Ms. Indira Jaishing, Sr. Adv.
Mr. Shadan Farasat, AOR
Mr. Wasisha Farasat, Adv.
Ms. Rudrakshi Deo, Adv.
Mr. Ahmed Saib, Adv.
Mr. shashi Pratap Singh, Adv.
Mr. Suhail Rashid Bhat, Adv.

For Respondent(s) Mr. V.N. Raghupathy, AOR
Mr. Lagnesh Mishra, Adv.
Mr. Parikshit P. Angadi, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Tushar Mehta, ASG

Mr. Shiv Mangal Sharma, AAG
Mr. Puneet Parihar, Adv.
Mr. Rohit K. Singh, AOR

Tapesh Kumar Singh, AOR
Mr. Mohd. Waquas, Adv.

B. Krishna Prasad, AOR

Ms. Hemantika Wahi, AOR
Ms. Jeasl Wahi, Adv.
Ms. Puja Singh, Adv.
Ms. Mamta Singh, Adv.
Ms. Shodhika Sharma, Adv.

Mr. Shreekant N. Terdal, AOR

Mr. Subodh S. Patil, AOR

Mr. D.K. Singh, AAG
Mr. Kamendra Mishra, AOR
Mr. Rajeev Kumar Dubey, Adv.
Ms. Komal Mundhra, Adv.
Mr. Saurav Agrawal, Adv.
Mr. Vinay Garg, Adv.

Dr. (Mrs.) Anil Katiyar, AOR

Mr. S.S. Shamsbery, AAG, Rajasthan
Mr. Amit Sharma, Adv.
Mr. Ankit Raj, Adv.
Mr. Rohit K. Singh, Adv.

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

Writ Petition (C) No.732 of 2017

Issue notice fixing a returnable date within four weeks.

Dasti, in addition, is permitted.

It is submitted by Ms. Indira Jaising, learned senior counsel appearing for the petitioner that the learned Solicitor General, in Writ Petition No.754 of 2016, on 21.7.2017 had made a statement to the following effect :-

"As far as the first prayer is concerned, on being asked, it is submitted by Mr. Ranjit Kumar, learned Solicitor General appearing for the Union of India that the controversy relates to the States, law and order being a State subject. He further submits that the Union of India does not support the activities of the vigilants."

After referring to the same, it is urged by her that the law and order enforcing agencies of the States have great responsibility not only to register the First Information Report (FIR) after the incident takes place but also see to it that groups or a class of people do not take the law into their hands and indulge in vigilantism. Additionally, it is her submission that under Article 256 of the Constitution of India, it is the obligation of the Central Government to issue directions to the States so that the concept of cooperative federalism is sustained and remains stable.

Mr. Tushar Mehta, learned Additional Solicitor General appearing for the Union of India shall take instructions with regard to the role of the Union of India.

When we are going to pass an ad interim order, Mr. Tushar Mehta, learned Additional Solicitor General appearing for the States of Haryana, Gujarat, Maharashtra and Rajasthan submitted that these States will nominate a senior police officer of the Police Department as the Nodal Officer in each District, who shall ensure that these vigilantes do not take law unto themselves or behave in a manner that they are the law in themselves. If any kind of deviancy takes place, the said Nodal Officer shall take action and such vigilantes are booked in accordance with law with quite promptitude.

An issue has been raised by Ms. Indira Jaising, learned senior counsel with regard to patrolling on the highways so that such crimes are stopped. Mr. Tushar Mehta, appearing for the States of Gujarat, Haryana, Maharashtra and Rajasthan

shall obtain instructions in this regard and also apprise what steps have been taken by the said four States. As far as Highway patrolling is concerned, the Chief Secretary of each State, in consultation with the Director General of Police shall take steps and file affidavits by the next date of hearing.

As far as the other States are concerned, it is directed that each of them shall nominate a senior Police Officer qua each District as Nodal Officer, who shall see to it that these vigilantes do not take law unto themselves and the deviants in law are booked quite promptly.

A copy of the order be sent to the Chief Secretary of all the States.

List the matter on 22.9.2017.

Writ Petition (C) Nos. 754, 764 and 768 of 2016

Let these matters be listed on 22.9.2017.

Reply by the States shall be filed by that date.

(Gulshan Kumar Arora)
Court Master

(Shakti Parkash Sharma)
Assistant Registrar