

ITEM NO.1

COURT NO.2

SECTION PIL

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

I.A. NO.7 OF 2011 IN WRIT PETITION (C) NO.250 OF 2007

NANDINI SUNDAR & ORS.

Petitioner(s)

VERSUS

STATE OF CHATTISGARH

Respondent(s)

(With appln(s) for extension of time and office report)

Date: 18/11/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Ashok Desai, Sr. Adv.
Mr. Nitya Rama Kirishnan, Adv.
Ms. Suhasani Sen, Adv.
Mr. Rahul Kripalani, Adv.
Ms. Sumita Hazarika, AOR
Mr. Kielie Nakhro, Adv.

For Respondent(s) Mr. R.F. Nariman, S.G.
Mr. H.P. Raval, A.S.G.
Mr. Nakul Dewan, Adv.
Ms. Sunita Sharma, Adv.
Mr. Sidharth Dave, Adv.
Ms. Anuradha Sharma, Adv.
Mr. Sandeep Kumar, Adv.

Mr. R. Nariman, S.G.
Mr. Gopal Subramaniam, Sr. Adv. (NP)
Mr. Siddhartha Dave, Sr. Adv.
Mr. Anurudh Sharma, Adv.
Ms. Sunita Sharma, Adv.
Mr. P.K. Dey, Adv.
Mr. Sudhir Dave, Adv.
Mr. S.N. Terdal, Adv.
Mr. Arvind Kumar Sharma, AOR

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Mr. Naveen R. Nath, AOR

Ms. Anitha Shenoy, AOR

Mr. Harish N. Salve, Sr. Adv.
Mr. Ravindra Srivastava, Sr. Adv.
Dr. Manish Singh, Adv.
Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

UPON hearing counsel the Court made the following

O R D E R

I.A. No.6 of 2011, has been filed by the Union of India, for clarification of the directions contained in paragraph 75(ii) of the order dated 5th July, 2011, made in the writ petition.

By the said order, while directing the State of Chhattisgarh to take several measures, the Union of India was also directed to cease and desist, forthwith, from using any of its funds in supporting, directly or indirectly, the recruitment of SPOs for the purposes of engaging in any form of counter-insurgency activities against Maoist/Naxalite groups. Mr. R.F. Nariman, learned Solicitor General, has submitted that the order was passed in the context of the writ petition filed, which was confined to the State of Chhattisgarh and, accordingly, the said portion of the order should also be read as being confined to the State of Chhattisgarh only. The learned Solicitor General has also indicated that there are Special Police Officers in other States as well, wherein in view of special circumstances grave and serious law and order problems could arise, in the event this order is to be interpreted to cover the rest of

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the country as well. The learned Solicitor General submitted that S.P.Os were deployed in other parts of the country where there were threats other than threats from Maoists and Naxalites.

We have heard learned counsel for the petitioners, as well as for the State of Chhattisgarh, who agree that the order was passed in regard to the conditions in Chhattisgarh and have stated that the order may be confined to the State of Chhattisgarh. Accordingly, on such consensus, we allow I.A. No.6 of 2011, and clarify that the order of 5th July, 2011, shall, in regard to paragraph 75(ii), be confined to the State of Chhattisgarh alone. This disposes of I.A. No.6 of 2011.

A second interlocutory application, being I.A. No.7 of 2011, has also been filed on behalf of the State of Chhattisgarh, for extension of time to vacate the school buildings, educational institutions and hostels, occupied by the security forces in Chhattisgarh.

Upon hearing learned counsel for the respective parties, we also allow the same. The State of Chhattisgarh is given a further period of two months to vacate the said premises. While extending the period, we also make it clear that no further extension of time should be prayed for on behalf of the State of Chhattisgarh for the aforesaid purpose.

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(Chetan Kumar) (Juginder Kaur)
Court Master Assistant Registrar