

ITEM NO.1

COURT NO.17

SECTION X

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).439/2020

SHIVRAJ SINGH CHOUHAN & ORS.

Petitioner(s)

VERSUS

SPEAKER MADHYA PRADESH LEGISLATIVE ASSEMBLY & ORS. Respondent(s)

(WITH APPLN.(S) FOR EXEMPTION FROM FILING O.T., APPROPRIATE DIRECTIONS, IMPLEADMENT)

WITH

W.P.(C) No. 449/2020 (X)

(WITH APPLN.(s) FOR EXEMPTION FROM FILING O.T.)

Date : 19-03-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mishra Saurabh, AOR
Mr. D.S. Parmar, Adv.
Ms. Vanshaja Shukla, Adv.
Ms. Anuja Pethia, Adv.
Ms. Anuradha Mishra, Adv.

Mr. Dushyant Dave, Sr. Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahman, Adv.
Mr. Pai Amit, AOR
Mr. Ali Asghar Rahim, Adv.
Mr. Nishanth Patil, Adv.
Mr. Rahat Bansal, Adv.
Ms. Jessica Khan, Adv.

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
R-1 Mr. Sunil Fernandes, AOR
Mr. Amit Bhandari, Adv.
Mr. Varun K. Chopra, Adv.
Mr. Avishkar Singhvi, Adv.
Mr. Muhammad Ali Khan, Adv.
Mr. Sailesh Gopal Mhaske, Adv.
Ms. Nupur Kumar, Adv.
Mr. Prastut Dalvi, Adv.
Ms. Anju Thomas, Adv.

- R-2 Mr. Kapil Sibal, Sr. Adv.
Mr. Vivek Tankha, Sr. Adv.
Mr. K.C. Kaushik, Adv.
Mr. Rahul Kaushik, AOR
Mr. Vaibhav Srivastava, Adv.
Ms. Bhuvneshwari Pathak, Adv.
Ms. Shilpi Satya Priya Satyam, Adv.
Mr. Ujjwal Prasad Sharma, Adv.
Mr. Prashant Shivrajan, Adv.
- R-3 Mr. Harin P Raval, Sr. Adv.
Mr. Prashant Kumar, AAG
Ms. Prachi Mishra, Dy AG
Mr. Vaibhav Srivastava, Dy AG
Mr. Chaitanya, Adv.
Mr. Aditya Kashyap, Adv.
- R-4 Mr. Vivek Tankha, Sr. Adv.
Mr. Prashant Kumar, AAG
Ms. Prachi Mishra, Dy AG
Ms. Suman Rani, DAG
Mr. Chanakya Sharma, Adv.
Ms. Tanvi Bhatnagar, Adv.
Mr. Harsh Parashar, AOR
Mr. Shashank Shekhar, Adv.
- R-5 Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Rajeev Ranjan, Adv.
Mr. Sarath Nambiar, Adv.
Mr. Shantanu Sharma, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Digvijay Dam, Adv.
Mr. Rajesh Srivastava, AOR
- State of Karnataka
Mr. K.M. Nataraj, ASG
Mr. Shubhranshu Padhi, Adv.
Mr. Manindra Pal Gupta, Adv.
Mr. Sharath, Adv.
- applicant
Mr. Maninder Singh, Sr. Adv.
Mr. Arjun Garg, AOR
Mr. S. Mahesh Sahasranaman, Adv.
Mr. M. Vinod Kr., Adv.
Ms. Rati Tandon, Adv.
Mr. Devansh, Adv.
Mr. Aakash Nandolia, Adv.
Mr. Mahesh S., Adv.

applicant Mr. Gurtej Pal Singh, Adv.
 Mr. Shubham Sharma, Adv.
 Mr. Rahul Khatri, Adv.
 M/S. Vkc Law Offices, AOR

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

Submissions extending over two days were addressed before the Court by learned counsel appearing on behalf of the contesting parties in the two writ petitions instituted under Article 32 of the Constitution.

We have heard Mr Dushyant Dave, Dr A M Singhvi, Mr Kapil Sibal, Mr Vivek Tankha and Mr Harin Raval, learned senior counsel, on one side and Mr Tushar Mehta, learned Solicitor General, Mr Mukul Rohatgi and Mr Maninder Singh, learned senior counsel, on the other.

The former set of counsel have assailed the communication of the Governor to convene a floor test. The latter set of counsel have supported the communication of the Governor.

The submissions which have been urged before the Court would necessitate a judgment which would take some time to be delivered. The state of uncertainty in the State of Madhya Pradesh must be effectively resolved by issuing a direction for convening a floor test, bearing in mind the principles which have been enunciated in the decision of the nine-Judge Bench of this Court in **S R Bommai v Union of India**¹ and in the

1 (1994) 3 SCC 1

decision of the Constitution Bench in **Nabam Rebia v Deputy Speaker, Arunachal Pradesh Legislative Assembly**². These principles have been consistently reiterated in several subsequent decisions of this Court which would be adverted to in the course of the reasons which will follow.

We accordingly issue the following directions:

(i) The session of the Madhya Pradesh Legislative Assembly which has been deferred to 26 March 2020 shall be reconvened on 20 March 2020;

(ii) The meeting to be convened in pursuance of (i) above shall be confined to a single agenda, namely, whether the government of the incumbent Chief Minister continues to enjoy the confidence of the House;

(iii) Voting on agenda (ii) above shall take place by show of hands (the Governor having clarified by his letter dated 15 March 2020 that there is no provision for recording the division by 'press of button');

(iv) The proceedings before the Legislative Assembly shall be videographed and, if a provision exists for live telecast of the proceedings, this shall in addition be ensured;

(v) All authorities, including the Legislative Secretary, shall ensure that there is no breach of law and order in the course of the proceedings and that the floor test is conducted in a peaceful manner;

(vi) The floor test in pursuance of the above directions shall be concluded by 5.00 pm on 20 March 2020; and

(vii) The Director General of Police, Karnataka as well as the Director General of Police, Madhya Pradesh shall ensure that there shall be no restraint or hindrance whatsoever on any of the sixteen MLAs taking recourse to their rights and liberties as citizens. In the event that they or any of them opt to attend the session of the Legislative Assembly, arrangements for their security shall be provided by all the concerned authorities.

Reasons shall follow.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER