

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 (Civil) No.310/1996

PRAKASH SINGH & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln.(s) for modification of Court's order)

Date : 12-12-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Rohit Kumar Singh, Adv.
Mr. Shakti Vardhan, Adv.
Mr. Omanakuttam K.K., Adv.

For Respondent(s) Mr. K.K. Venugopal, AG
Ms. V. Mohana, Sr. Adv.
Ms. Binu Tamta, Adv.
Mr. W.A. Qadri, Adv.
Ms. Prerna Priyadarshini, Adv.

Mr. P. Chidambaram, Sr. Adv.
Mr. Kapil Sibal, Sr. Adv.
Mr. Atul Nanda, Adv. Gen.
Ms. Uttara Babbar, AOR
Ms. Anusha Nagrajan, Adv.
Ms. Bhavana Duhoon, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Ajay Bansal, AAG
Mr. Anil Grover, AAG
Ms. Veena Bansal, Adv.
Ms. Noopur Singhal, Adv.
Mr. Gaurav Yadava, Adv.
Mr. Satish Kumar, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. M. Shoeb Alam, AOR

Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. M. Yogesh Kanna, AOR

Ms. Kaveeta Wadia, AOR

Mr. P. V. Dinesh, AOR

Mrs. Anil Katiyar, AOR

Mr. Gunnam Venkateswara Rao, AOR

Mr. P. Parmeswaran, AOR

M/s. S. Narain & Co.

Ms. Rachana Srivastava, AOR
Ms. Monika, Adv.

Mr. Kamendra Mishra, AOR

Mr. Pragyan Sharma, Adv.
Mr. Nudit Makhijani, Adv.
Mr. Shikhar Garg, Adv.
Mr. P. V. Yogeswaran, AOR

Mr. T. V. George, AOR
Mr. Hitesh Kumar Sharma, Adv.
Mr. T. Veera Reddy, Adv.

Ms. Hemantika Wahi, AOR

Mr. Jayesh Gaurav, Adv.
Mr. Gopal Prasad, AOR
Mr. S.K. Singh, Adv.

Mr. Rajesh Srivastava, AOR

Ms. Sumita Hazarika, AOR

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
M/s. Venkat Palwai Law Associates

Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

Mr. Ashok Mathur, AOR

Mr. B. Balaji, AOR

Mr. Tara Chandra Sharma, AOR

Mr. Radha Shyam Jena, AOR

Mr. Mohanprasad Meharia, AOR

Mr. Kuldip Singh, AOR

Mr. Anip Sachthey, AOR

Mr. Anuvrat Sharma, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Ranjan Mukherjee, AOR

Mr. K.V. Kharlyngdoh, Adv.

Mr. Danial Stone Lyngdoh, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Ankit Raj, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Prakash Jadhav, Adv.

Ms. Anitha Shenoy, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. C. K. Sasi, AOR

Ms. Nayantara Roy, Adv.

Mr. T. Harish Kumar, AOR

Mr. Gopal Singh, AOR

Mr. R. Ayyam Perumal, AOR

Mr. Anil Shrivastav, AOR

Mr. Rituraj Biswas, Adv.

Mr. Satyendra Kumar Srivastav, Adv.

Mr. Merusagar Samantaray, AOR

Mr. Salvador Santosh Rebello, Adv.

Leelesh Krishna, Adv.

Ms. Snehapravu Tendulkar, Adv.

Mr. Abhishek, AOR

Mr. Shuvodeep Roy, AOR

Mr. Rituraj Biswas, Adv.

Mr. Anand Grover, Sr. Adv.

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Kajal Dalal, Adv.
Ms. Dimple Nagpal, Adv.
M/s. PLR Chambers And Co.

Mr. Abhinav Mukerji, AOR

Ms. Abha R. Sharma, AOR
Mr. D.S. Parmar, Adv.
Ms. Sujeeta Srivastava, Adv.

Ms. Swarupama Chaturvedi, Adv.
Ms. Stuti Chopra, Adv.

Mr. Gopal Sankaranarayanan, Adv.
Mr. Ashwini Kumar Upadhyay, Adv.
Ms. Gayatri Verma, Adv.
Aishwarya Kane, Adv.
Mr. R.D. Upadhyay, Adv.

Mr. Gopal Sankaranarayanan, Adv.
Aishwarya Kane, Adv.
Ms. Gayatri Verma, Adv.

Ms. Suvarna Ganu, Adv.
Mr. Nishant Katneshwarkar, Adv.

Mr. Abhinav Mukerji, Adv.
Mrs. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.

Mr. Leishangthem Roshmani Kh., Adv.
Ms. Maibam Babina, Adv.
Ms. Anupama Ngangom, Adv.

Mr. Naresh Kaushik, Adv.
Mr. Vardhman Kaushik, Adv.
Mr. Siddhant Manral, Adv.
Mr. Manoj Joshi, Adv.
Mr. Rahul Sharma, Adv.
Ms. Rebecca Dais, Adv.
Mr. Devik Singh, Adv.
Ms. Lalitha Kaushik, Adv.

Mr. K.V. Jagdishvaran, Adv.
Mrs. G. Indira, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S. Prabu Ramasubramanian, Adv.

Mr. S. Manuraj, Adv.

Mrs. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.

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

Insofar as the States of Punjab and Haryana are concerned, the interlocutory applications filed on behalf of the said States seek the following reliefs:-

"I.A. No.144172/2018 (State of Punjab)

(i) Exempt the Applicant State and its legislation The Punjab Police (Second Amendment) Act, 2018, duly assented to by the Governor of Punjab from the ambit and operation of Order dated 03.07.2018.

(ii) Permit the Applicant State of Punjab to implement the Punjab Police Act, 2007, as amended;

(iii) Permit the applicant to appoint its Director General of Police in accordance with the Punjab Police Act, 2007 as amended.

I.A. No.174012/2018 (State of Haryana)

(i) Exempt the Applicant-State and its legislation the Haryana Police Act, 2007 from the ambit and operation of order dated 03.07.2018.

(ii) permit the Applicant-State of Haryana to implement the Haryana Police Act, 2007.

(iii) permit the Applicant-State of Haryana to appoint its Director General of Police in accordance with the Haryana Police Act, 2007."

The matter has been taken up on mentioning made by the learned counsels for the respective two States, wherein the term of the present Director General of Police (DGP) expires on 31st December, 2018. On behalf of the original writ petitioner, objections are required to be filed to the prayers made in the interlocutory applications. We are, therefore, posting the matter at the earliest possible date i.e. 8th January, 2019, by which time objections and the reply thereto may be exchanged by and between the parties.

The present arrangement with regard to the post of Director General of Police may be continued in the aforesaid two States until 31st January, 2019. No specific order is required to be passed in the case of the State of Bihar as Shri Ranjit Kumar, learned senior counsel appearing on behalf of the State has submitted that the term of the incumbent holding the office of Director General of Police continuous till 31st January, 2019.

A mention has been made by Mr. Anand Grover, learned senior counsel on behalf of the State of West Bengal with

regard to some interlocutory application filed on behalf of the State. We are unable to entertain the said request as the said interlocutory application is not before us.

List the interlocutory applications pertaining to the States of Punjab, Haryana and Bihar on 8th January, 2019.

(Chetan Kumar)
A.R. -cum-P.S.

(Anand Prakash)
Court Master