

ITEM NO.16 Court No.1 (Video Conferencing) SECTION X

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

Writ Petition(s)(Civil) No(s). 1122/2020

ARNAB RANJAN GOSWAMI

Petitioner(s)

VERSUS

THE MAHARASHTRA STATE LEGISLATIVE ASSEMBLY & ORS. Respondent(s)

(With IA No. 111329/2020 - APPLICATION FOR PERMISSION and IA No. 107480/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 111330/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 107481/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 105533/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 98977/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 98975/2020 - EXEMPTION FROM FILING O.T. and IA No. 98974/2020 - STAY APPLICATION)

Date : 06-11-2020 The matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Harish Salve, Sr. Adv.
Dr. Milind Sathe, Sr. Adv.
Mr. Siddharth Bhatnagar, Sr. Adv.
Ms. Malvika Trivedi, Adv.
Mr. Saket Shukla, Adv.
Mr. Vasanth Rajasekaran, Adv.
Mr. Mrinal Ojha, Adv.
Mr. Debarshi Dutta, Adv.
Mr. Rajat Pradhan, Adv.
Ms. Madhavi Doshi, Adv.
Mr. Siddhant Kumar, Adv.
Ms. Chetna N. Rai, Adv.
Ms. Sheena Iype, Adv.
Mr. Nirnimesh Dube, AOR

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Amit Bhandari, Adv.
Mr. Geo Joseph, Adv.

Mr. Tushar Mehta, SGI
Mr. Kanu Agrawal, Adv.
Mr. Saurabh Mishra, Adv.
Mr. B. V. Balaram Das, AOR

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

At the hearing of this case today, Mr. Harish Salve, learned Senior Counsel appearing for the petitioner invited our attention to a letter No.14223/M.V.S./D-10 dated 13.10.2020 sent by the Office of the Respondent No.2 viz., the Secretary, Maharashtra Legislative Assembly Secretariat to the Writ Petitioner.

Though the said letter has been sent from the Office of the Secretary, Maharashtra Vidhan Sabha Sachivalaya, who is the respondent no.2 herein, it has been signed by Mr. Vilas Athawale, Assistant Secretary, Maharashtra Vidhan Mandal Sachivalaya. He has stated in the letter as follows :

“You were informed that the proceedings of the House are confidential.....

....despite this, it has been observed that you have presented the proceedings of the House before the Supreme Court on October 8, 2020. No prior permission was taken from the Speaker of the Maharashtra Assembly before presenting such proceedings in court. You have knowingly breached the orders of the Speaker of Maharashtra Assembly and your actions amount to breach of confidentiality. This is definitely a serious matter and amounts to contempt,.....”

The above statements made by Mr. Vilas Athawale, Assistant Secretary, Maharashtra Vidhan Mandal Sachivalaya, are unprecedented and tend to interfere in the course of administration of justice. The intention of the author of the said letter viz., Mr. Vilas Athawale, Assistant Secretary, Maharashtra Vidhan Mandal

Sachivalaya, seems to be to intimidate the petitioner because the petitioner approached this Court and to threaten him with a penalty for seeking legal remedy.

The office of the respondent no.2 would have been well advised to understand that the right to approach this Court under Article 32 of the Constitution of India is itself a fundamental right. Article 32(1) of the Constitution of India reads as under :

"32(1). The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."

There is no doubt that if a citizen of India is deterred in any case from approaching this Court in exercise of his right under Article 32 of the Constitution of India, it would amount to a serious and direct interference in the administration of justice in the country.

Though the respondent nos.1 to 3 have been served apparently on 05.10.2020 vide Affidavit of Service dated 13.10.2020, instead of entering appearance, the office of the respondent no.2 has issued a letter in question on 13.10.2020 to the petitioner.

During the course of hearing, we requested Dr. Abhishek Manu Singhvi, learned Senior Counsel appearing for the State of Maharashtra, to respond to this letter. But he expressed his inability to explain or justify the contents of the aforesaid letter in question since the letter is written by the office of the respondent no.2 and the learned Senior Counsel is appearing only for respondent no.4 - State of Maharashtra.

We, therefore, issue notice returnable on 23.11.2020 to Mr. Vilas Athawale, Assistant Secretary, Maharashtra Vidhan Mandal Sachivalaya, to show cause why he should not be proceeded against for contempt of this Court in exercise of our powers under Article 129 of the Constitution of India.

In the meantime, the petitioner shall not be arrested in pursuance of the present proceedings impugned in the instant writ petition.

We appoint Mr. Arvind Datar, learned Senior Counsel, as Amicus Curiae to assist the Court in the present matter.

As prayed for, the petitioner is allowed to implead the Union of India as party respondent.

Issue notice to the learned Attorney General for India returnable on 23.11.2020.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR