

ITEM NO.304

COURT NO.4

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

I.A. 3/2016 in Writ Petition(s) (Civil) No(s). 373/2006

INDIAN YOUNG LAWYERS ASSOCIATION & ORS.

Petitioner(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(for directions and office report)

Date : 18/01/2016 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. R.P. Gupta, AOR

For Respondent(s) Mr. V. giri, Sr. Adv.
Ms. Liz Mathew, Adv.
Mr. M.F. Philip, Adv.
Mr. Mohammed Siddiqui T.A., Adv.
Ms. Swetha Shankar, Adv.
Mr. Manav Vohra, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Shrinjan Khosla, Adv.
Ms. Swati Vellodi, Adv.
M/s. Lawyer S Knit & Co, Adv.

Mr. R. Sathish, AOR

Ms. Nisha Mohandas, Adv. Mr. K. V. Mohan, AOR
Mr. K.V. Balakrishnan, Adv.

Mr. K. Ramamoorthy, Sr. Adv.
Ms. N. Shoba, AOR
Mr. Sri Ram J., Thalapathy, Adv.
Mr. V. Adhimoolam, Adv.
Mr. Shilp Vinod, Adv.

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

The present interlocutory application exposits and asserts

such facts, if they are true, would definitely have the strength to create a dent in the fundamental concept of Rule of Law which is sacrosanct in a democratic body polity. It has been asserted that there have been innumerable threats inclusive of death threats to the President of the Petitioner-Association, namely, Indian Young Lawyers' Association for agitating the grievance in this writ petition preferred under Article 32 of the Constitution of India which is basically a public interest litigation.

Access to justice cannot be denied by any authority or any person. It can only be controlled by a court of law within the parameters of law. Individual whim or fancy or perception has no room. However, to have the complete picture, we think it apt to reproduce four paragraphs from the application which read as follows :

"3. That on news flashed in media about its hearing on 11th Jan, 2016, the President of petitioner's association has received about five hundred local, STD & ISD calls both from India and abroad. Some of these calls were of threatening in nature. Since he happened to be a Muslim and hence they have tried to give it a communal colour when he has nothing to do with this PIL except that he happened to be President of this association. Since some women advocates were also members this association and were not happy with this practice in Sabarimala Temple, and hence, these women lawyers have decided to file this PIL through one Bhakti Pasrija -the General Secretary of this association. Apart from this association, other petitioners are Dr Lakshmi Shastri, Sudha Pal, Prerna Kumari, Alka Sharma.

4. That the President of this association has neither executed the Vakalatnama nor has filed any affidavit in support of the writ petition. He has never given any instructions to his advocate-on-record regarding this matter.

5. That on 13th Jan., 2016, the advocate-on-record namely Ravi Prakash Guta has also received a threatening call stated to be from Kerala. There were two more non-threatening calls to him - one was stated to be from Kerala

and another from Delhi.

6. That these calls specially to advocate-on-record are the direct interference in matters of administration of justice as the matter is still sub-judice before the Hon'ble Supreme Court."

These paragraphs are basically an explanation by the President of the Association that the Association has proceeded to file the petition and he as a person, has no role in the same. The said explanation, if we allow ourselves to say so, is absolutely unnecessary. The affidavit has been sworn by one Ms. Bhakti Pasrija, who is the General Secretary of the Association. It is a public interest litigation meant for canvassing the cause for gender equality, that is perception of Mr. Gupta, learned counsel appearing for the Association. The thrust of the matter is whether women within the age group of 10 to 50 should be allowed to enter into Sabarimala temple or not has to be debated in due course when the matter is taken up for hearing by this Court. Hearing in a court of law is not dependent, especially in a public interest litigation by any person. Once the public interest litigation is entertained by this Court taking the *lis* into consideration, even if the President of the Association desires to withdraw the same, this Court may decline to grant that permission. That apart, as we find, there are other petitioners.

On a perusal of the averments made in the application, we find that a complaint has been lodged with the police which has been brought on record as Annexure-II. Regard being had to the gravity of the matter, we issue notice to the Commissioner of Police of New Delhi and require him to file the response as regards the steps have been taken on the basis of the said first information report. We are absolutely conscious that the FIR has been lodged at a particular police station but we would like the Commissioner of Police to file the response. We direct the Commissioner of Police to see that the attempts of this nature are crippled in the beginning.

As far as the prayer for security is concerned, we have been apprised that the President of the Association has been given some security and that should continue. The Commissioner of Police shall take stock of the situation and see to it that no harm is caused to the grieved person.

We will be failing in our duty if we do not mention that Mr. Venugopal, learned senior counsel appearing for the Travancore Devaswom Board and Mr. V. Giri, learned senior counsel appearing for the State of Kerala, submitted that such kind of threats given to any litigant is absolutely obnoxious and the State and the Board unhesitatingly condemn the same. Needless to say, they have assisted us in passing the order today.

List the matter on 08.02.2016.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master