

ITEM NO.502

COURT NO.4

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)(Criminal) No(s). 113/2016

KAUSHAL KISHOR

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH GOVT. OF U.P. HOME
SECRETARY Respondent(s)

FOR [AD-INTERIM ORDER AND DIRECTIONS] ON IA 14656/2016
IA No.107414/2017-INTERVENTION/IMPLEADMENT
IA No. 14656/2016 - AD-INTERIM ORDER AND DIRECTIONS
IA No. 107414/2017 - INTERVENTION/IMPLEADMENT)

WITH

Diary No(s). 34629/2017 (XI-A)

Date : 24-10-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Amicus Curiae Mr. Harish Salve, Sr. Adv.
(Assisted by Mr. Aditya P. Khanna, Adv.)

Counsel for the
parties

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Mr. Kamlesh Anand, Adv.
Mr. Rajesh Kumar, Adv.
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Mr. Pradeep Misra, AOR
Mr. Abhishek, AOR
Mr. Lakshmi Raman Singh, AOR
Mr. Ajay Vikram Singh, AOR
Mr. Mukesh Kumar Maroria, AOR

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

Having heard Sh. K. K. Venugopal, learned Attorney General for India and Mr. Harish Salve, learned senior counsel and Amicus Curiae, we formulate the following questions to be decided in the matter :-

1) Are the grounds specified in Article 19(2) in relation to which reasonable restrictions on the right to free speech can be imposed by law, exhaustive, or can restrictions on the right to free speech be imposed on grounds not found in Article 19(2) by invoking other fundamental rights?

2) Can a fundamental right under Article 19 or 21 of the Constitution of India be claimed other than against the 'State' or its instrumentalities?

3) Whether the State is under a duty to affirmatively protect the rights of a citizen under Article 21 of the Constitution of India even against a threat to the liberty of a citizen by the acts or omissions of another citizen or private agency?

4) Can a statement made by a Minister, traceable to any affairs of State or for protecting the Government, be attributed vicariously to the Government itself, especially in view of the principle of Collective Responsibility?

5) Whether a statement by a Minister, inconsistent with the rights of a citizen under Part Three of the Constitution, constitutes a violation of such constitutional rights and is actionable as 'Constitutional Tort'?

Ms. Aparajita Singh, learned senior counsel, is appointed as a co-Amicus Curiae to assist the court in the matter.

List on 06.11.2019.

(JAYANT KUMAR ARORA)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER