

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO.5 OF 2021

ASHWINI KUMAR UPADHYAY

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

The instant petition under Article 32 of the Constitution of India prays for following reliefs :

(a) direct the Centre & States to publish Draft Legislations prominently on government websites and in the public domain, at least 60 days before introducing in the Parliament and State Assemblies, as the case may be, and comply to the decisions taken in the meeting of the Committee of the Secretaries held on 10.1.2014 under Chairmanship of Cabinet Secretary on Pre-Legislative Consultation Policy, in order to ensure wide public discussion and feedback;

(b) direct the Centre to ensure that all the Draft and Final Legislations are duly published on the government websites and put in the public domain in all regional languages, listed in Eighth Schedule of the Constitution of India;

(c) pass such other order(s)/direction(s) as the Court may deem fit and for strict compliance of the decisions taken in the meeting of the Committee of Secretaries held on 10.1.2014 under Chairmanship of the Cabinet Secretary on the Pre-Legislative Consultation Policy.

We have heard Mr. Gopal Sankaranarayanan, learned Senior Counsel, in support of the petition and perused the record.

It is submitted by Mr. Sankaranarayanan, learned Senior Counsel that if Draft Legislations are put in public domain as suggested in above-mentioned prayer (a), the elected representatives in the Parliament or in State Assemblies would get benefited by inputs coming from the citizens and similar quarters; which ultimately will be furthering public interest.

At this stage, it must be stated that there are certain Legislations which contemplate participation of public at certain levels. For instance, in some town-planning legislations public participation at the stage of finalization of a Draft Development Plan is contemplated and encouraged. The legislative provisions thus do provide for such participation whenever deemed appropriate.

It would not be proper on our part to direct the Government at the Central or State level to publish every Draft Legislation. If the observations in the meeting held on 10.1.2014 should be a pointer or indicator, it must be left to the concerned authorities/bodies at Central or State level to take stock of the situation and act accordingly.

As regards prayer (b), we do see some force in the submission that the people at large must have every facility to make themselves aware of the Legislations that would govern their conduct and day-to-day life and therefore such Legislations must be kept in public domain in all regional languages. At this stage, we only express hope that the abovementioned prayer (b) would be looked into by all the concerned and steps in that behalf shall be

taken.

With these observations, the instant writ petition is disposed of. Pending interlocutory application(s), if any, also stand disposed of.

.....CJI
(UDAY UMESH LALIT)

.....J
(BELA M. TRIVEDI)

NEW DELHI;
NOVEMBER 01, 2022.

ITEM NO.41

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(s)(Civil) No(s). 5/2021

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 01-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Ashwani Kumar Dubey, AOR
Mr. Ashwini Kumar Upadhyay, Adv.
Ms. Tanya Srivastav, Adv.
Ms. Asha Upadhyay, Adv.
Mr. Chandra Shekhar, Adv.

For Respondent(s) Mr. R. Ventakaramani, Ld. AG
Mr. M.K. Maroria, AOR*

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

The instant writ petition is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, also stand disposed of.

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

(VIRENDER SINGH)
BRANCH OFFICER

(Signed Order is placed on the file)

*Appearance slip not submitted by the counsel