

**LAW COLLEGE DEHRADUN, FACULTY OF UTTARANCHAL UNIVERSITY
NATIONAL MOOT COURT COMPETITION- 2017**

BEFORE THE HON'BLE SUPREME COURT OF INDISTAN

NGO PEW- Participation and Emancipation of Women..... (PETITIONER 1)

Mr. Hobart..... (PETITIONER 2)

Mr. Ozan..... (PETITIONER 3)

v.

State of Anga Pradesh..... (RESPONDENT)

**PETITION INVOKED UNDER ART. 32 & 136 OF THE
CONSTITUTION OF INDISTAN**

**UPON SUBMISSION TO THE HON'BLE CHIEF JUSTICE AND HIS LORDSHIP'S
COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA**

MEMORANDUM ON BEHALF OF THE PETITIONERS

TABLE OF CONTENTS

List of Abbreviations.....3

Index of Authorities.....5

Statement of Jurisdiction.....12

Statement of Facts.....13

Statement of Issues.....16

Summary of Arguments.....17

Arguments Advanced.....19

Prayer.....34

LIST OF ABBREVIATIONS

Abbreviation	Full Form
&	And
@	Alias
Anr.	Another
Apl.	Appeal
Art.	Article
AIR	All India Reporter
A.P.	Anga Pradesh
Cr.	Criminal
CrPC	The Code of Criminal Procedure
Co.	Company
Corp.	Corporation
FIR	First Information Report
Govt.	Government
HC	High Court
Hon'ble	Honourable
ISP	Internet Service Provider
IT Act 2008	The Information Technology Act
IT	Information Technology
JAC	Joint Action Committee
LJ	Law Journal
NGO	Non-Government Organisation
No.	Number
Ors.	Others
PEW	Participation and Emancipation of Women

PIL	Public Interest Litigation
PUCL	People's Union for Civil Liberties
PUDR	People's Union for Democratic Rights
R/W	Read with
Rs.	Indian Rupees
SC	Supreme Court
SCC	Supreme Court Cases
Sec.	Section
Sd.	Signed
SLP	Special Leave Petition
UOI	Union of India
v.	Versus

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3.	The Code of Criminal Procedure	1973
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6.	The Nagaland Village and Area Councils Act	1978
7.	The Constitution (Seventy-fourth Amendment) Act	1992
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3	Mumbai Kamgar Sabha v. M/S. Abdulbhai Faizullabhai & Ors	AIR 1976 SC 1455	14
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5	<i>Ratlam Municipality v Vardichan</i>	AIR 1980 SC 1622	14
6	Sheela Barse v. Union of India	AIR 1986 SC 1773	14
7	D.S. Nakhara v. Union of India	AIR 1983 SC 130	14
8	Dr. D.C. Wadhwa v. State of Bihar	AIR 1987 SC 579	14
9	Sachidanand Pandey v. State of West Bengal	AIR 1987 SC 1109	14
10	M.C. Mehta v. Union of India	AIR 1987 SC 1086	14
11	Charan Lal Sahu v. UOI	AIR 1990 SC 1480	15
12	Centre for PIL v. UOI	AIR 2011 SC 1267	15
13	Hussainara Khatoon v. UOI,	AIR 1979 SC 1369	15
14	Assam Public Works v. UOI	AIR 2015 SC 783	15
15	K.K. Kochuni v. State of Madras	AIR 1960 SC 1080	15
16	Ramesh Thappar v. State of Madras	AIR 1950 SC 124	15
17	Maneka Gandhi v. UOI	AIR 1978 SC 597	15
18	Life Insurance Corporation of India v. Prof. Manubhai D. Shah	AIR 1993 SC 171	16
19	Brij Bhushan & Anr. v. State of Delhi	AIR 1950 SC 129	16
20	Printers (Mysore) Ltd. v. Assistant Commercial Tax Officer,	(1994) 2 SCC 434	16
21	Bennett Coleman & Co. v. UOI,	AIR 1963 SC 106	16
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24	Sakal Papers v. UOI	AIR 1962 SC 305	16
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31	Sahib Singh Mehra v. State of Uttar Pradesh,	AIR 1965 SC 1951	17
32	Asst. Collector v. N.T. Co. of India	AIR 1972 SC 2563	17
33	B.C. Goswami v. Delhi Administration	AIR 1973 SC 1457	17
34	Vishakha v. State of Rajasthan	AIR 1997 SC 3011	18
35	Kesavananda Bharti v. State of Kerala	AIR 1973 SC 1461	18
36	Indra Swahney v. UOI	AIR 2000 SC 498	18
37	M.G. Badappanavar v. State of Karnataka	AIR 2001 SC 260	18
38	Sri Srinivasa Theatre v. Govt. of Tamil Nadu	AIR 1992 SC 1004	18
39	Dattatraya v. Motiram More	AIR 1953 Bom 311	18
40	Govt. of Andhra Pradesh v. P.B. Vijay kumar	AIR 1995 SC 1648	18
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61	Raja Ram Pal v Hon'ble Speaker	(2007) 3 SCC 184	21, 27
62	M.S.M Sharma v. Sri Krishna Sinha	AIR 1959 SC 395	21
63	Tej Kiran Jain v Sanjeeva Reddy	AIR 1970 SC 1573	21
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72	Maneka Gandhi v. UOI,	AIR 1978 SC 597	22
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	of Bengal		
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101	State of Rajasthan v. Leela Jain,	(1965) 1 SCR 276	28
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STATEMENT OF JURISDICTION

The Petitioner No. 1 and Petitioner No. 2 humbly submit to the jurisdiction of the Honourable Supreme Court of Indistan invoked under Art. 32 of the Constitution of Indistan.

Article 32: Remedies for enforcement of rights conferred by this Part

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

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

The Petitioner No. 3 humbly submits to the jurisdiction of the Honourable Supreme Court of Indistan under Art. 136 of the Constitution of Indistan.

Article 136: Special leave to appeal by the Supreme Court

(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.

STATEMENT OF FACTS

1. The Constitution of Indistan establishes Indistan as a 'Union of States' and guarantees several fundamental rights, broadly corresponding to those recognised in International Human Rights instruments. It guarantees direct access to its Supreme Court for the enforcement of those rights. The Constitutional, legal and policy framework of Republic of Indistan are in pari material to the Republic of India.
2. Under Art. 371A of the Constitution, the state of Anga Pradesh (hereinafter referred to as 'state of A.P.')

I

1. After the victory in the general election of the State of A.P., Mr. Yohanan was sworn-in as the Chief Minister of the State of A.P. The cabinet as chaired by him approved an ordinance to be promulgated by the Governor of A.P. seeking immediate implementation of the women reservation to the tune of 33% in the Municipalities.
2. Responding to this development, the male tribal leaders, from all the 13 tribes, under the banner of Joint Action Committee (JAC) made a representation to the Governor asking him to refrain from giving his assent to the aforementioned ordinance.
3. The JAC claimed that passing the ordinance was a serious interference with the tribal customary law and procedure. They claimed that the Constitution (Seventy-fourth Amendment) Act, 1992, being an Act of the Parliament of Indistan, has no application to the (a) religious or social practices of tribes (b) Tribal Customary law and Procedure.
4. The JAC called for bandhs and complete blockade of the road connectivity. The protests continued for several weeks and seriously affected the 'law & order' in the state. The Governor, therefore, did not give his assent to the ordinance.
5. An NGO named Participation & Emancipation of Women (PEW), working for providing political justice to tribal women, filed a Writ Petition against the Governor of A.P. in the

Supreme Court of Indistan, seeking a direction for enforcement of the Constitutional provision of Art. 243T.

II

1. Mr. Hobart, a veteran legislator, made a speech on the floor of the House pitching for reform on women's participation and representation in tune with the constitutional objectives & the need for its balance with traditions and customs. While making the speech, his smartphone got activated and unintentionally the speech became 'Live' through the social media platform Facebook.
2. Based on a complaint from the Leader of Opposition, the Hon'ble Speaker of the Legislative Assembly got this incident examined by the Ethics Committee of the House. Acting upon its recommendations, the Hon'ble Speaker suspended him for six weeks.
3. Mr. Hobart submitted that firstly, he had no knowledge of the speech getting telecast and secondly, this unintentional act of his was within the ambit of 'freedom of speech and expression' as laid down in the Constitution and furthermore, enhances open and responsive democracy.
4. In the light of the aforementioned causes, Mr. Hobart sought a review of the decision of suspension. The Hon'ble Speaker disposed of the review petition and upheld his previous decision.
5. Mr. Hobart challenged the decision as violative of Fundamental Rights and Constitutional norms in a Writ Petition before the Supreme Court of Indistan and also sought the writ declaring the rules which prohibit 'Live Telecast' of proceedings of the House as unconstitutional and violative of the basic feature of the Constitution i.e., Democracy.

III

1. Two Ministers of the Legislative Assembly, Mr. Ozan and Mr. Savadi, were caught watching a child pornographic film on the mobile phone during the assembly proceedings. The phone belonged to Mr. Savadi and Mr. Ozan was peeping into it.
2. The Hon'ble Speaker of the Legislative Assembly received a complaint from the Leader of Opposition, seeking an investigation into the aforementioned matter. It was also demanded that an FIR be registered against the two ministers since The Hon'ble SC of Indistan had

banned all websites containing child pornographic movies. The Hon'ble Speaker suspended the membership of the two ministers.

3. The Hon'ble Speaker referred the matter to the Ethics Committee. Based on its recommendations, the Hon'ble Speaker expelled Mr. Savadi. However, Mr. Ozan was suspended for six weeks taking into consideration the indirect nature of his involvement. The Hon'ble Speaker also directed the Secretary General of the Assembly to get an FIR registered against Mr. Savadi. Pursuant to the FIR, the Police initiated an investigation.
4. The Superintendent of Police sought the permission of the Hon'ble Speaker to search the offices of Mr. Savadi as well as Mr. Ozan, access their computers and other internet based services. The Hon'ble Speaker categorically authorised the police to conduct the physical search & seizure of the two offices.
5. Upon conducting the search & seizure, the police found that the official computer of Mr. Ozan had been used to access and store child pornographic films. However, Mr. Ozan stated that the police obtained the information from the ISP prior to the incident without judicial authorisation and was therefore, unconstitutional. He challenged the entire proceedings of 'Search and Seizure' in a Writ Petition under Art. 226 of the Constitution.
6. The High Court dismissed the writ petition stating that due permission had been sought by the Police, obtaining information from the ISP does not constitute a 'search' and the seizure is not protected by the scheme of 'legislative privileges'. Mr. Ozan filed a Special Leave Petition (SLP) in the Hon'ble Supreme Court of Indistan against the judgment of the Hon'ble High Court of A.P.

IV

1. The Hon'ble Supreme Court of Indistan has clubbed the following three petitions and posted the same for hearing:
 - i. The PIL filed by the NGO PEW seeking enforcement of Art. 243T of the Constitution of Indistan;
 - ii. The Writ Petition filed by Mr. Hobart;
 - iii. The Special Leave Petition filed by Mr. Ozan.

STATEMENT OF ISSUES

I

WHETHER THE PRESENT PETITIONS ARE MAINTAINABLE IN THIS HON'BLE COURT OR NOT?

II

WHETHER THIS HON'BLE COURT CAN PASS AN APPROPRIATE WRIT TO THE 'STATE' SEEKING THE ENFORCEMENT OF ART.243T OR NOT?

III

WHETHER THE RULES WHICH PROHIBIT THE 'LIVE TELECAST' OF THE PROCEEDINGS OF THE HOUSE ARE CONSTITUTIONAL & THE IMPUGNED ACTIVITY IS A PART OF ART. 19 OF THE CONSTITUTION OR NOT?

IV

WHETHER THE 'SEARCH & SEIZURE' CONDUCTED BY THE POLICE IS CONSTITUTIONAL AND WITHIN THE PROCEDURE PRESCRIBED BY LAW OR NOT?

SUMMARY OF ARGUMENTS

I. WHETHER THE PRESENT PETITIONS ARE MAINTAINABLE IN THIS HON'BLE COURT OR NOT?

The Petitioners humbly submit that the Hon'ble Supreme Court of Indistan has jurisdiction over the present petitions in the light of the following arguments:

- a) The PIL filed by NGO PEW seeks for the enforcement of the fundamental right to equality under Art.14 & Art. 15(3) read in the light of Art. 243T of the Constitution, which provides for reservation of seats in Municipality for women. Under Art. 32 of the Constitution, the PIL is maintainable in this Hon'ble Court.
- b) The Writ Petition filed by Mr. Hobart is maintainable under Art. 32 since it seeks the enforcement of a fundamental right which has been violated by an act of the State. His fundamental right to freedom of speech and expression guaranteed under Art. 19(1) (a) was violated by the decision of suspension by the Hon'ble Speaker.
- c) The SLP filed by Mr. Ozan is maintainable since it raises a substantial question of law relating to the procedure of 'search & seizure' and the ambit of the legislative privileges guaranteed under Art. 194 of the Constitution. The SLP is maintainable under Art. 136 of the Constitution.

II. WHETHER THIS HON'BLE COURT CAN PASS AN APPROPRIATE WRIT TO THE 'STATE' SEEKING THE ENFORCEMENT OF ART. 243T OR NOT?

The Petitioner humbly submits that this Hon'ble Court can pass an appropriate writ to the 'State' in the light of the following arguments:

- a) The tribal women have a fundamental right to equality under Art. 14 and further, a constitutional right to reservation for the purpose of proper representation under Art. 243T r/w Art. 15(3) of the Constitution.
- b) The decision of the Governor, even though under Art. 371A, is subject to judicial review by the Hon'ble Court since it is in contravention to the fundamental and constitutional rights of the citizens.

- c) The Hon'ble Court may pass an appropriate writ to the State for enforcement of the fundamental & constitutional rights of the citizens.

III. WHETHER THE RULES WHICH PROHIBIT THE 'LIVE TELECAST' OF THE PROCEEDINGS OF THE HOUSE ARE CONSTITUTIONAL & THE IMPUGNED ACTIVITY IS A PART OF ART. 19 OF THE CONSTITUTION OR NOT?

The Petitioner humbly submits that the rules which prohibit the 'live telecast' of the proceedings are unconstitutional and the impugned activity is within the ambit of Art.19 of the Constitution in the light of the following arguments:

- a) The Petitioner had an absolute privilege under Art. 194 & the ground of suspension is invalid.
- b) The fundamental right to freedom of speech & expression under Art. 19 (1)(a) was violated by the order of suspension.
- c) This Hon'ble Court may pass an appropriate writ invalidating the aforementioned rules and enforcing the fundamental right of the Petitioner.

IV. WHETHER THE 'SEARCH & SEIZURE' CONDUCTED BY THE POLICE IS CONSTITUTIONAL AND WITHIN THE PROCEDURE PRESCRIBED BY LAW OR NOT?

The Petitioner humbly submits that the 'search & seizure' conducted by the police is not in accordance with the procedure prescribed by law & therefore, unconstitutional in the light of the following arguments:

- a) The Petitioner's right to privacy under Art. 21 of the Constitution and the legislative privilege under Art. 194 were violated by the illegal search & seizure conducted by the police.
- b) The 'search & seizure' was not conducted in accordance with the procedure established by law.
- c) This Hon'ble Court may pass an appropriate order to enforce the Petitioner's fundamental right of right to privacy under Art. 21 and set aside the previous judgment of the Hon'ble High Court of the state of A.P.

ARGUMENTS ADVANCED

I. WHETHER THE PRESENT PETITIONS ARE MAINTAINABLE IN THIS HON'BLE COURT OR NOT?

The Petitioners humbly submit that the Hon'ble Supreme Court of Indistan has jurisdiction over the PIL filed by NGO PEW under Art. 32, the Writ Petition filed by Mr. Hobart under Art. 32 and the SLP filed by Mr. Ozan under Art. 136. The aforementioned petitions are maintainable in this Hon'ble Court in the light of the following arguments:

A) THE PIL IS MAINTAINABLE UNDER ART. 32 OF THE CONSTITUTION.

The Petitioner humbly submits that Art. 32(1) of the Constitution confers the right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by Part III¹. The present petition seeks the enforcement of the fundamental rights guaranteed by Art.14² and Art. 15 (3)³ read in the light of Art.243T⁴ of the Constitution.

The Hon'ble Supreme Court held in the cases of *Akhil Bhartiya Shoshit Karamchari Sangh (Railway) v. UOI*⁵ and *Fertilizer Corporation Kamgar v. UOI*⁶ that the strict rule of *Locus Standi* must be relaxed to embrace the interest of the public. In *Mumbai Kamgar Sabha v. M/S. Abdulbhai Faizullabhai & Ors*⁷, *S.F. Gupta and Ors. v. UOI*⁸ and *Ratlam Municipality v Vardichan*⁹ it was held that public interest is promoted by a spacious construction of *locus*

¹ Ibid, at 5.

² Art. 14: "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

³ Art. 15(3): "Nothing in this Article shall prevent the State from making any special provision for women and children."

⁴ Art. 243T (2): "Not less than one-third of the total number of seats reserved under clause(1) shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes."

⁵ (AIR 1981 SC 149)

⁶ (AIR 1981 SC 344)

⁷ (AIR 1976 SC 1455)

⁸ (AIR 1982 SC 1490)

⁹ (AIR 1980 SC 1622)

standi. A similar contention in favor of PIL was upheld by the court in a number of cases¹⁰. Therefore, the strict rule of *locus standi* must be relaxed in the present case involving the rights and interest of the tribal women.

In the case of *Charan Lal Sahu v. UOI*¹¹ it was held that “Our Constitution makes it imperative for the State to secure to all its citizens the rights guaranteed by the Constitution” and the theory of *parens patriae* was emphasized upon. In the present case, the State failed to enforce the right under Art.243T. In *Centre for PIL v. UOI*¹², the Hon’ble SC held “The court in furtherance of public interest may consider it necessary to inquire into the state of affairs and the subject matter of the legislation in the interest of justice, if public duties are to be enforced and rights and interests are to be protected.” In *Hussainara Khatoon v. UOI*¹³, the Hon’ble SC reinstated “The powers of this Court in protection of the Constitutional rights are of the widest amplitude and this Court should adopt an activist approach and issue to the State, directions which may involve taking of positive action.”

In the light of the aforementioned contentions, the present case is maintainable in this Hon’ble Court. The Hon’ble Court may also enquire and issue directions to the State for the enforcement of the rights guaranteed under Art.14, Art.15(3) and Art.243T of the Constitution.

B) THE WRIT PETITION IS MAINTAINABLE UNDER ART. 32 OF THE CONSTITUTION.

The Petitioner humbly submits that Art. 32¹⁴ of the Constitution guarantees the right to move the SC for the enforcement of any of the Fundamental Rights conferred by Part III of the Constitution and therefore, it is itself a fundamental right¹⁵. In the present case, Mr. Hobart’s right to freedom of speech and expression guaranteed by Art. 19(1)(a) was violated.

¹⁰ See, *Sheela Barse v. Union of India* (AIR 1986 SC 1773); *D.S. Nakhara v. Union of India* (AIR 1983 SC 130); *Dr. D.C. Wadhwa v. State of Bihar* (AIR 1987 SC 579); *Sachidanand Pandey v. State of West Bengal* (AIR 1987 SC 1109); *M.C. Mehta v. Union of India* (AIR 1987 SC 1086)

¹¹ (AIR 1990 SC 1480)

¹² (AIR 2011 SC 1267)

¹³ (AIR 1979 SC 1369)

¹⁴ *Ibid*, at 5.

¹⁵ *Assam Public Works v. UOI* (AIR 2015 SC 783); *K.K. Kochuni v. State of Madras* (AIR 1960 SC 1080)

Art. 19(1)(a) provides ‘All citizens shall have the right to freedom of speech and expression.’ In the case of *Ramesh Thappar v. State of Madras*¹⁶ it was held, “Article 19 includes freedom of propagation of ideas and freedom of circulation.” In *Maneka Gandhi v. UOI*¹⁷ the Hon’ble SC held “Democracy ensures every right of general discussion of public matters.” In *Life Insurance Corporation of India v. Prof. Manubhai D. Shah*¹⁸ it was held “State cannot prohibit criticism of executive action. This includes freedom to circulate and propagate views through electronic media.” Furthermore, in *Brij Bhushan & Anr. v. State of Delhi*¹⁹ it was held “Freedom of speech and expression as declared under Art. 19 (1) (a) includes propagation and circulation.” The Hon’ble SC reiterated the principle that freedom of speech includes publication and circulation in the cases of *Printers (Mysore) Ltd. v. Assistant Commercial Tax Officer*²⁰, *Bennett Coleman & Co. v. UOI*²¹, *Indian Express newspapers v. UOI*.²² In the present case, therefore, the live telecast of the speech was within the ambit of Art. 19 (1)(a).

The aforementioned right of Mr. Hobart was violated by the State action when the Hon’ble Speaker suspended him for six weeks. In *Narinderjit Singh Sahni v. UOI*²³ it was held “One whose right is violated can move to court for enforcement of fundamental right.” The Hon’ble SC held in the case of *Sakal Papers v. UOI*²⁴: “Even indirect impediment of freedom of speech is not permitted.” It was held in *Daryao v. State of U.P.*²⁵ that “It is the solemn duty to protect the fundamental rights zealously and vigilantly.” Therefore, in the light of the aforementioned judgments, the present petition is maintainable in this Hon’ble Court.

¹⁶ AIR 1950 SC 124

¹⁷ AIR 1978 SC 597

¹⁸ AIR 1993 SC 171

¹⁹ AIR 1950 SC 129

²⁰ (1994) 2 SCC 434

²¹ AIR 1963 SC 106

²² AIR 1986 SC 515

²³ AIR 2001 SC 3810

²⁴ AIR 1962 SC 305

²⁵ AIR 1961 SC 1457

C) THE SPECIAL LEAVE PETITION IS MAINTAINABLE UNDER ART. 136 OF THE CONSTITUTION.

The Petitioner humbly submits that under Art. 136,²⁶ the Hon'ble SC is vested with the discretionary power to grant special leave to appeal from any judgment passed by any court. In *Pritam Singh v. The State*²⁷ it was reinstated "Supreme Court vested with wide discretionary powers under Art. 136." Art. 136 enables the Supreme Court to interfere with the judgment or order of any court²⁸.

In the present case, the 'search & seizure' conducted by the police was not in accordance with the procedure established by law. Therefore, the findings of such an investigation cannot be held to be valid. The principles governing exercise of power by SC in criminal cases were laid down in the case of *Ganga Kumar v. State of Bihar*.²⁹ The Hon'ble SC held SLP is granted in criminal cases when there are exceptional circumstances and departure from legal procedure³⁰. In *Budhsen v. State of Uttar Pradesh*³¹ it was held "The SC does not interfere with findings unless they are vitiated by errors of law." In the present case, the 'search & seizure' was unconstitutional.

In *Sahib Singh Mehra v. State of Uttar Pradesh*³², *Asst. Collector v. N.T. Co. of India*³³ and *B.C. Goswami v. Delhi Administration*³⁴ it was held, "SLP is allowed when a question of law is involved or a pure point of law is involved." In the present case, the question of whether the 'search & seizure' is within the ambit of legislative privilege under Art.194 is raised. Therefore, the SLP involves a pure point of law and is maintainable in this Hon'ble Court.

In the light of the aforementioned arguments, it is hereby humbly submitted that this Hon'ble Court has the jurisdiction over the present matters. The aforementioned petitions are maintainable in this Hon'ble Supreme Court of Indistan.

²⁶ Ibid, at 5.

²⁷ AIR 1950 SC 169

²⁸ N. Suriyakala v. A. Mohandoss & Ors. ((2007) 9 SCC 196), Tirupati Balaji Cevvelopers Pvt. Ltd. v. State of Bihar (AIR 2004 SC 2351)

²⁹ AIR 2005 SC 3123

³⁰ Supra 2, at 15

³¹ AIR 1970 SC 1321

³² AIR 1965 SC 1951

³³ AIR 1972 SC 2563

³⁴ AIR 1973 SC 1457

II. WHETHER THIS HON'BLE COURT CAN PASS AN APPROPRIATE WRIT TO THE 'STATE' SEEKING THE ENFORCEMENT OF ART. 243T OR NOT?

The Petitioner humbly submits that this Hon'ble Court can pass an appropriate writ to the 'State' seeking the enforcement of Art.243T³⁵ of the Constitution in the light of the following arguments.

A) THE TRIBAL WOMEN HAVE A RIGHT TO RESERVATION OF SEATS UNDER ART. 14, ART. 15(3) AND ART. 243T OF THE CONSTITUTION.

Art. 14³⁶ guarantees the right to equality before the law and equal protection of laws. In *Vishakha v. State of Rajasthan*³⁷ it was held "Right to equality includes right to gender equality." In *Kesavananda Bharti v. State of Kerala*³⁸ and *Indra Swahney v. UOI*³⁹ it was held "neither Parliament nor State legislature can transgress the principle of equality." In *M.G. Badappanavar v. State of Karnataka*⁴⁰ and *Sri Srinivasa Theatre v. Govt. of Tamil Nadu*⁴¹ it was reinstated that "Equality is a basic feature of the constitution and any treatment of equals unequally or of unequals as equals will be a violation of basic structure of the Constitution of India." In the present case, therefore, positive discrimination in favour of women must be permitted to bring about proper representation of women in democracy.

Art. 15(3)⁴² permits the State to make special provisions for women. In *Dattatraya v. Motiram More*⁴³ it was held "The State may discriminate in favor of women under Art. 15(3) without offending Art. 15(1)." In *Govt. of Andhra Pradesh v. P.B. Vijay kumar*⁴⁴ it was stated that "Under Art. 15(3), the State may fix a quota for appointment of women in government services." Furthermore in *E.V. Chinnaiah v. State of Andhra Pradesh*⁴⁵ it was held "Art. 15(3) of Reservation to a backward class is not a constitutional mandate but a prerogative of

³⁵ Supra 4, at 12

³⁶ Supra 2, at 12

³⁷ AIR 1997 SC 3011

³⁸ AIR 1973 SC 1461

³⁹ AIR 2000 SC 498

⁴⁰ AIR 2001 SC 260

⁴¹ AIR 1992 SC 1004

⁴² Supra 3, at 12

⁴³ AIR 1953 Bom 311

⁴⁴ AIR 1995 SC 1648

⁴⁵ AIR 2005 SC 162

the State.” Therefore, provisions providing for reservation of seats for women in local bodies are valid⁴⁶.

In the present case, under Art.243T⁴⁷ of the Constitution read in the light of Art.14 and Art. 15(3), the tribal women have a right to reservation of one-third of the seats in the Municipality.

B) NOTWITHSTANDING ANYTHING CONTAINED IN ART. 371A, THE GOVERNOR’S DECISION IS SUBJECT TO JUDICIAL REVIEW.

Art. 371A declares that notwithstanding anything in the Constitution, no Act of Parliament in respect of (i) religious or social practices and (ii) Naga customary law and procedure shall apply to the State unless the Legislative Assembly by a resolution so decides. A valid custom must be ancient, continuous and reasonable. The Hon’ble SC in the case of *State of Bihar v. Subodh Gopal*,⁴⁸ held that a custom derives its validity from being reasonable. In the present case, a custom which prohibits and impairs the equal participation of women in public governance is not only unreasonable but also unconstitutional.

In the case of *Rosemary Dzuwichu v. State of Nagaland*⁴⁹, a similar situation was adjudged by the Hon’ble Court wherein it was held that “the provision under Art. 371A would not apply since the provision of reservation of seats does not flow from an Act of Parliament but from the provisions contained in the Constitution of India.” In the light of Art. 243T and Sec. 23A of the Nagaland Municipal (First Amendment) Act, 2006, the Hon’ble Court passed an order in favour of the Petitioner enforcing the aforementioned provisions⁵⁰. A similar contention was held in the case of *Sabeituo Mechulho & ors. v. State of Nagaland*⁵¹ stating that “Art. 371A has no role to play or application in the matter providing reservation for woman representative in the Village Council or local body.” Therefore, it is hereby humbly submitted that Art. 371A has no application in the present case.

⁴⁶ P. Sagar v. State of Andhra Pradesh (AIR 1968 AP 165 (174)); Rajesh Kumar Gupta v. State of Uttar Pradesh (AIR 2005 SC 2540); Union of India v. K.P. Prabhakaran ((1997) 11 SCC 638)

⁴⁷ Supra 4, at 12

⁴⁸ AIR 1968 SC 281

⁴⁹ AIR 2012 Gau 6

⁵⁰ Rosemary Dzuwichu v State of Nagaland (AIR 2012 Gau 6)

⁵¹ (2012) 3 Gau LR 754

The Hon'ble SC in the case of *State of Gujarat v. R.A. Mehta*⁵², *Maneka Gandhi v. UOI*⁵³ and *Shamsher Singh v. State of Punjab*⁵⁴ held that "Governor's decisions are subject to judicial review even though, discretionary." Furthermore, in the cases of *Manohar Lal Sharma v. UOI*⁵⁵ and *Prabodh Verma v. State of Uttar Pradesh*⁵⁶ the Hon'ble SC reinstated that where a fundamental right is infringed by an executive order the court may issue an appropriate writ. In the present case, the decision of the Governor of withholding his assent to the Ordinance is in contravention to the fundamental and constitutional rights of the tribal women. In the light of the aforementioned arguments, this decision is subject to judicial review.

C) THIS HON'BLE COURT MAY PASS AN APPROPRIATE WRIT UNDER ART.32 FOR THE ENFORCEMENT OF ART. 243T.

The Hon'ble court held in the cases of *T.C. Basappa v. T. Nagappa*⁵⁷, *Bandhua Mukti Morcha v. UOI*⁵⁸, *Khatri & ors. v. State of Bihar*⁵⁹ and *Nilabati Behara v. State of Orissa*⁶⁰ that "The Courts have not only have power but also an obligation to grant relief in exercise of its power under Art. 32. It is its duty to repair the damage done by officers of the State to the fundamental rights of the citizen." In the cases of *Comptroller and Auditor-general of India v. KS Jagannathan*⁶¹, *State of Rajasthan v. UOI*⁶², *PUDR v. UOI*⁶³ and *State of Himachal Pradesh v. Umed Ram*⁶⁴ that "judicial directions in cases of executive inaction or slow action is permissible within the limits."

In the light of the aforementioned arguments, the Petitioner humbly submits that this Hon'ble Court may be pleased to pass an appropriate writ for the enforcement of the fundamental and constitutional rights of the tribal women.

⁵² AIR 2013 SC 693

⁵³ AIR 1978 SC 597

⁵⁴ AIR 1974 SC 2192

⁵⁵ (2013) 6 SCC 616 (619)

⁵⁶ AIR 1985 SC 167

⁵⁷ AIR 1954 SC 440

⁵⁸ AIR 1984 SC 802

⁵⁹ (1981) 1 SCC 627

⁶⁰ AIR 1993 SC 1960

⁶¹ AIR 1987 SC 537

⁶² AIR 1977 SC 1361

⁶³ AIR 1985 Del 268

⁶⁴ AIR 1986 SC 847

III. WHETHER THE RULES WHICH PROHIBIT THE ‘LIVE TELECAST’ OF THE PROCEEDINGS OF THE HOUSE ARE CONSTITUTIONAL & THE IMPUGNED ACTIVITY IS A PART OF ART. 19 OF THE CONSTITUTION OR NOT?

The Petitioner humbly submits that the right to freedom of speech & expression under Art.19 (1)(a)⁶⁵ was violated by the Hon’ble Speaker’s decision of suspension. The Petitioner also had an absolute privilege under Art.194⁶⁶ of the Constitution. Furthermore, the rules which prohibit the ‘live telecast’ of the proceedings of the House are unconstitutional since it is in contravention with the basic feature of the Constitution, i.e., Democracy.

A) THE PETITIONER HAD AN ABSOLUTE PRIVILEGE UNDER ART. 194 & THE GROUND OF SUSPENSION IS INVALID.

Under Art.194⁶⁷, the Petitioner had an absolute privilege. The Hon’ble Court in *Raja Ram Pal v Hon’ble Speaker*⁶⁸ parliamentary privilege was defined as “A special right, advantage or benefit conferred on a particular person. It is a peculiar advantage or favour granted to one person as against another to do certain acts.” In *M.S.M Sharma v. Sri Krishna Sinha*⁶⁹ it was held that “that according to the Parliamentary Proceedings Act⁷⁰, no person shall be liable to any proceeding civil or criminal in any court with respect of publication of substantially true report of the proceedings of the either house of the parliament unless it is proved that the publication of such proceeding was expressly ordered to be expunged by the speaker.” In *Tej Kiran Jain v Sanjeeva Reddy*⁷¹ a similar contention was held. In the present case, the Hon’ble Speaker did not expressly state that the proceedings were not to be published, before or during the speech. The Court of Queen’s Bench, UK in *Wason v. Walter*, Cockburn, C.J. observed that it was of paramount public and national importance that parliamentary

⁶⁵ Art. 19: “(1) All citizens shall have the right (a) to freedom of speech and expression;”

⁶⁶ Art. 194: “(1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State.(2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings”

⁶⁷ Supra 2, at 19.

⁶⁸ (2007) 3 SCC 184

⁶⁹ AIR 1959 SC 395

⁷⁰ See, Art. 361A of the Constitution inserted vide the Constitution (Forty-fourth Amendment) Act, 1978. Art. 361A: “(1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication of a substantially true report of the proceedings of either House of the Parliament, unless it is proved that the publication is made with malice.”

⁷¹ AIR 1970 SC 1573

proceedings should be communicated to public. The same is the law in India. While the courts would not interfere with the working of the house on the grounds of irregularity of the procedure, they may scrutinize the proceedings of the house on the grounds of illegality or unconstitutionality.⁷² In the present case, the suspension of the Petitioner is illegal & unconstitutional under Art. 194 r/w Art.19(1)(a).

‘Contempt of Parliament’ is defined as “any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, even though there is no precedent of the offence.”⁷³ In *LN Phukan v. Mohendra Mohan*⁷⁴ it was held that “the House has the power to punish a person for its contempt or breach of Privilege”. In the present case, no such obstruction in discharge of duty was present.

Therefore the Petitioner humbly submits that under Art. 194, the petitioner had the parliamentary privilege to make a speech and the decision of the Hon’ble Speaker breached the aforementioned privilege.

B) THE FUNDAMENTAL RIGHT OF THE PETITIONER UNDER ART. 19 (1)(a) WAS VIOLATED.

Art. 19(1)(a) guarantees the Petitioner’s right to freedom of speech and expression. In *Bennett Coleman & co. v. UOI*⁷⁵, it was held that public criticism is essential to the working of democracy and its institutions. In *Maneka Gandhi v. UOI*⁷⁶, it was held that “Democracy ensures every right of general discussion of public matters.” Similarly in *State of UP v. Raj Narain*⁷⁷, the SC held that “Art. 19(1) (a) not only guarantees freedom of speech and expression, it also ensures and comprehends the right of the citizens to know, the right to receive information regarding matters of public concern.” In *The Secretary, Ministry of*

⁷² See, A.J Faridi v. Chairman, UP Legislative Council (AIR 1963 All. 75); Syed Abdul v. State of West Bengal legis. Assembly (AIR 1966 Cal. 368) ; Ram lal Chauhan v. T.S Nagi (ILR 1979 H.P 371);Om prakash Chautala v. State of Haryana (AIR 1998 P&H 80); S. Ramachandran, MLA v. Speaker, T.N Legis. Ass. (AIR 1994 Mad. 332)

⁷³ Thomas Erskine May, PARLIAMENTARY PRACTICE, 109 (7th edn.).

⁷⁴ AIR 1964 A&N 75

⁷⁵ AIR 1973 SC 106

⁷⁶ AIR 1978 SC 597

⁷⁷ AIR 1975 SC 865

*Information and Broadcasting, Govt. of India v. Cricket Association of Bengal*⁷⁸ and *Dinesh Trivedi, MP and ors. v. UOI*⁷⁹ the Hon'ble SC reiterated the proposition that the freedom of Speech and expression guaranteed by Art. 19(1) (a) includes right to acquire information and disseminate the same. Furthermore, in *Romesh Thappar v. State of Madras*⁸⁰, it was held that Freedom of Speech and expression includes freedom of propagation of ideas and that freedom is ensured by the freedom of circulation. In the present case, Mr. Hobart under Art.19(1)(a), had the right to not only express his ideas and opinion but also to circulate the same. Therefore, his unintentional act of telecasting the speech was within the ambit of Art. 19(1)(a) & the rules which prohibit the 'live telecast' of the proceedings are unconstitutional.

In *P.V. Narashimha Rao v. State*⁸¹, the SC said held that the freedom of speech available to a member of parliament under article 105 (1) [as well as Art. 194(1)] is wider in amplitude than the right to freedom of speech and expression guaranteed under Art. 19 (1)(a) since the freedom of speech and expression of the members of the legislature on the floor of the house under art 105(1) and 194(1) is not subjected to the limitations contained in Art 19(2). Similarly, in *Dr. Jatish Chandra Ghose v. Harisadhan Mukherjee And Ors.*⁸² and *Keshav Singh v. Speaker*⁸³; it was held the express constitutional provisions in Art.194(1) and Art.194(2) a complete and conclusive code as respects the privilege of free speech and immunity from liability to proceedings in Court for anything said in the Legislature or for publication of its reports.

In the present case, firstly, the restriction under Art.19(2)⁸⁴ does not apply and secondly, in the light of the aforementioned cases, the speech also falls within the ambit of Art. 194 which is wider than Art.19(1)(a).

⁷⁸ AIR 1995 SC 1236

⁷⁹ (1997) 4 SCC 306

⁸⁰ AIR 1950 SC 124

⁸¹ (1998) 4 SCC 626

⁸² AIR 1956 Cal 433

⁸³ AIR 1965 All 349

⁸⁴ Art. 19(2): "Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence"

C) THE HON'BLE COURT MAY BE PLEASED TO PASS A WRIT FOR THE ENFORCEMENT OF THE FUNDAMENTAL RIGHT TO FREEDOM OF SPEECH & EXPRESSION.

In *Amrinder Singh v. Spl. Committee, Punjab Vidhan*,⁸⁵ the exercise of legislative privileges under Article 194(3)⁸⁶ of the Constitution was not proper since it did not distort, obstruct or threaten the integrity of legislative proceedings in any manner. In *State Of Kerala v. R. Sudarsan Babu & Ors.*⁸⁷ it was held that whenever there is a conflict between the provisions of the latter part of Article 194 (3) and any of the fundamental rights guaranteed by Part III the former must always yield to the latter was noticed by the Court. Similar contention was held in *Jai Singh Rathi & Ors. v. State Of Haryana Through The Chief.*⁸⁸ In the present case, therefore, the provision under Art.19(1)(a) would prevail over Art.194(3)⁸⁹.

In *Gunupati Keshavram Reddy v. Nafisul Hasan and the State of U.P.*⁹⁰, the Hon'ble SC held the exercise of the power of the Hon'ble Speaker cannot be in violation of the fundamental rights under Art. 19. In the present case, the fundamental right to Freedom of Speech & Expression under Art.19 (1)(a) was violated and the Parliamentary Privilege under Art.194 was breached by the decision of the Hon'ble Speaker. Therefore, the Hon'ble Court may be pleased to declare the order of suspension by the Hon'ble Speaker as invalid & arbitrary.

In the light of the foregoing arguments, the Petitioner humbly submits that the Hon'ble Court may be pleased to pass an appropriate writ to enforce the fundamental right under Art. 19(1)(a) and the Parliamentary Privilege under Art. 194 of the Constitution and thereby, declare the order of suspension by the Hon'ble Speaker as arbitrary & invalid. The Hon'ble Court may be pleased to declare the rules which prohibit 'live telecast' of the proceedings of the House as unconstitutional.

⁸⁵ (2010) 6 SCC 113

⁸⁶ Art. 19(3): "In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of Section 26 of the Constitution (forty-fourth Amendment) Act, 1978."

⁸⁷ AIR 1984 Ker 1

⁸⁸ AIR 1970 P&H 379

⁸⁹ Supra 87, at 22.

⁹⁰ AIR 1954 SC 636

IV. WHETHER THE ‘SEARCH & SEIZURE’ CONDUCTED BY THE POLICE IS CONSTITUTIONAL AND WITHIN THE PROCEDURE PRESCRIBED BY LAW OR NOT?

The Petitioner humbly submits that the procedure of the ‘search & seizure’ was illegal and in accordance with the procedures established by the CrPC⁹¹. Therefore, the evidence procured in the course of such illegal search is invalid. The Hon’ble Speaker cannot issue an order of suspension based on the evidence procured from an unconstitutional ‘search & seizure’. Furthermore, the ‘search & seizure’ violated the Petitioner’s Right to Privacy under Art. 21 in the light of the following arguments:

A) THE ‘SEARCH & SEIZURE’ WAS NOT IN ACCORDANCE WITH THE PROCEDURE ESTABLISHED BY LAW & VIOLATED THE PETITIONER’S RIGHT TO PRIVACY.

The Petitioner humbly submits that only an authorized agent of law can issue a warrant of ‘search & seizure’⁹². Under the of the CrPC⁹³ the courts or police officers can call for the production of documents or other things that are “necessary or desirable” for the purpose of “any investigation under the Code” specifically by written order. In the present case, the Hon’ble Speaker was not authorised to present such an order. In *GM Angadi Bros. v. The*

⁹¹ Sec. 100: “(1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place, shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.”

Sec. 165: “(1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place with the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.”

⁹² Supra 91, at 23. See, Sec. 69 of IT Act, 2000: “(1) Where the Central Government or a State Government or any of its officers specially authorised by the Central Government or the State Government, as the case may be, in this behalf may, if satisfied that it is necessary or expedient to do in the interest of the sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence, it may, subject to the provisions of sub-section (2), for reasons to be recorded in writing, by order, direct any agency of the appropriate Government to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted any information generated, transmitted, received or stored in any computer resource.”

⁹³ Sec. 91: “(1) Whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.”

Commercial Tax Officers,⁹⁴ it was held that “if the procedures of the CrPC are not being followed while conducting a search, the consequent search and seizure is illegal.” In the light of the foregoing arguments, the ‘search & seizure’ was unconstitutional.

Right to privacy is guaranteed by Art.21⁹⁵ of the Constitution. In *Narinderjit Singh Sahni v. UOI*,⁹⁶ it was held that “Life in Art.21 does not mean mere animal existence. The extent of the expansion of this article’s multi-dimensional features must be through the interpretative process of the court.” In *R. Rajagopal v. State of Tamil Nadu*⁹⁷, *PUCL v. UOI*⁹⁸ and *Sharda v. Dharmpal*⁹⁹, the Hon’ble Court held “Right to privacy is a part of the fundamental right.” In *Govind v. State of Madhya Pradesh*¹⁰⁰ the Hon’ble Court reinstated that right to privacy is a fundamental right under Art. 21. A similar contention was upheld in *Mr X v. Hospital ‘Z’*¹⁰¹ and *Justice KS Puttaswamy & Anr v. UOI*.¹⁰²

In the light of the aforementioned arguments, it is humbly submitted that the illegal ‘search & seizure’ violated the Petitioner’s Right to Privacy under Art.21 of the Constitution.

B) THE ORDER OF SUSPENSION WAS INVALID SINCE THE ACTS OF THE PETITIONER DO NOT AMOUNT TO ‘CONTEMPT OF PARLIAMENT’.

‘Contempt of Parliament’ is defined as “any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, even though there is no precedent of the offence.”¹⁰³ In the present case, the acts of the Petitioner did not obstruct or impede the functions of the House. In *Gunupati Keshavram Reddy v. Nafisul Hasan and the State of U.P.*¹⁰⁴ it was held that “the exercise of the power of the Speaker cannot be in violation of the

⁹⁴ (1973) 2 MysLJ

⁹⁵ Art. 21: “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

⁹⁶ AIR 2001 SC 2810

⁹⁷ AIR 1995 SC 264

⁹⁸ AIR 2003 SC 2363

⁹⁹ (2003) 4 SCC 493

¹⁰⁰ AIR 1975 SC 1378

¹⁰¹ AIR 1999 SC 495

¹⁰² (2014) 6 SCC 433

¹⁰³ Thomas Erskine May, PARLIAMENTARY PRACTICE, 109 (7th edn.).

¹⁰⁴ .AIR 1954 SC 636

fundamental rights of the citizens under Articles 19 or 21 of the Constitution.” In the present case, the illegal ‘search & seizure’ violated the Petitioner’s Right to Privacy under Art.21. Furthermore, his act did not amount to ‘contempt of parliament.’ In *Balasubramaniam v. State of Tamil Nadu*,¹⁰⁵ it was held that unless the acts amount to ‘contempt of parliament,’ the Speaker cannot impose punishment upon the Member of Legislative Assembly. In *Raja Ram Pal v. Lok Sabha*,¹⁰⁶ *Murugesan v. The Hon’ble Speaker, Tamil Nadu Legislative Assembly*,¹⁰⁷ *Maneka Gandhi v. UOI*¹⁰⁸ and *A. R. Antulay v. R. S. Nayak*¹⁰⁹ it was held that “a decision which violated the basic principles of natural justice i.e., an order passed which was contrary to the ‘procedure established by law’ and violative of Art 21 of the Constitution. ” In the present case, the procedure established by the CrPC was not implemented while conducting the ‘search & seizure.’

In the light of the foregoing arguments, it is humbly submitted that the order of suspension passed by the Hon’ble Speaker against the Petitioner is invalid since the acts of the Petitioner do not amount to ‘Contempt of Parliament.’

C) THE PETITIONER CANNOT BE HELD LIABLE FOR GAINING ACCESS TO THE WEBSITES.

The Hon’ble SC of Indistan had banned all websites containing child pornographic movies¹¹⁰. The ISP is to be held liable since it did not exercise due diligence to restrict access to the websites¹¹¹. In *Google India Pvt. Ltd. v. M/s. Visaka Industries Limited*¹¹² the term ‘intermediary’ was defined & it was held that ISP is an intermediary. In the cases of *Bharat Petroleum Corporation Ltd. v. Precious Finance Investment Pvt. Ltd.*,¹¹³ *Chander Kanta bansal v. Rajinder Singh Anand*,¹¹⁴ *Avinash Bajaj v. State*¹¹⁵, *Religious Technology Centre v.*

¹⁰⁵ AIR 1995 Mad 329

¹⁰⁶ (2007) 3 SCC 184

¹⁰⁷ AIR 1995 Mad 260

¹⁰⁸ (1978) 1 SCC 248

¹⁰⁹ (1988) 2 SCC 602

¹¹⁰ Ibid at 8

¹¹¹ Section 79(3) (b) of IT Act, 2000: “intermediaries would not be entitled to exemption from liability if they failed to “expeditiously” remove or disable access to objectionable material upon receiving actual knowledge, or on being notified by the government or its agency that any information”

¹¹² LNIND 2011 AP 446

¹¹³ 2006 (6) BOM CR 50

¹¹⁴ 2008 (2) GLH 477

¹¹⁵ (2005) 3 COMP LJ 364 (DEL)

Netcom,¹¹⁶ *State of Rajasthan v. Leela Jain*,¹¹⁷ *Sales Tax Officer, Circle I, Jabalpur v. Hanuman Prasad*¹¹⁸, *Dwarka Prasad v. Dwarka Das Saraf*¹¹⁹, *Viacom International Inc. v. Youtube Inc*¹²⁰. and *Barnhart v. Sigmon Co.*¹²¹ It was reinstated that to avoid liability by the intermediaries, the intermediary must exercise due diligence and the explanation as to "due diligence" depends upon the particular circumstances and the relative facts of each case to reach a conclusion one way or the other. In the cases of *Godfrey v. Demon Internet Ltd*,¹²² *Vyakti Vikas Kendra India Public v. Jitendar Bagga and Anr*¹²³, *High Court of Gujarat and Anr. v. Gujarat Kishan Mazdoor Panchayat and Ors.*,¹²⁴ *Nirmaljit Singh Narula v. Indijobs*¹²⁵ *At Hubpages.com & Ors, Sanjay Kumar Kedia v. Narcotics Control Bureau & Anr.*¹²⁶ and *Superintendent of Customs. V. L. Abuthahir*¹²⁷ it was reinstated that even though the intermediary does not have the knowledge of the illegal and infringing activities, the lack of exercise of due diligence on the part of the intermediary would impose liability. In the present case, the lack of exercise of due diligence imposes liability upon the ISP.

In the light of the aforementioned arguments, the Petitioner humbly submits that the 'search & seizure' was illegal and constitutional. Furthermore, the aforementioned search violated the Right to Privacy of the Petitioner. It is humbly submitted that the Hon'ble Court may be pleased to adjudge that the Petitioner's right to privacy was violated & the order of suspension by the Hon'ble Speaker was constitutionally invalid.

¹¹⁶ 907 F Supp 1361

¹¹⁷ (1965) 1 SCR 276

¹¹⁸ (1967) 1 SCR 831

¹¹⁹ (1976) 1 SCR 277

¹²⁰ 718 F Supp 2d 514 (S.D.N.Y 2010)

¹²¹ (00-1307) 534 U.S 438 (2002) 226 F. 3d 291

¹²² (1999) 4 All ER 342

¹²³ CS (OS) NO. 1340/2012 (DELHI HIGHCOURT)

¹²⁴ 2003 SCC (L&S) 565

¹²⁵ 190 (2012) DLT 51

¹²⁶ 2008(1) SCC (CRI) 346

¹²⁷ 2016-TIOL-2326-HC MAD NDPS

PRAYER

In the light of the issues raised, arguments advanced and authorities cited, the Petitioner hereby humbly submits that this Hon'ble Supreme Court of Indistan may be pleased to

1. *Declare that the PIL filed by NGO PEW, the Writ Petition filed by Mr. Hobart and the Special Leave Petition filed by Mr. Ozan are maintainable in the Hon'ble Court.*
2. *Pass an appropriate writ to the State for the enforcement of the fundamental and constitutional rights of the tribal women.*
3. *Pass an appropriate writ to enforce the fundamental right under Art. 19(1)(a) and the Parliamentary Privilege under Art. 194 of the Constitution and thereby, declare the order of suspension by the Hon'ble Speaker as invalid.*
4. *Declare that the rules which prohibit the 'live telecast' of the proceedings of the House as unconstitutional.*
5. *Declare that judgment of the Hon'ble HC as overruled and the 'search & seizure' as illegal & violative of right to privacy. The order of the Hon'ble Speaker was invalid.*

Any other order as it deems fit in the interest of justice, equity and good conscience.

For this Act of kindness, the Petitioner shall duty bound forever pray.

Sd/-

Counsels for the Petitioner.