Date: 10.8.23

366/ HPC hearing 11.8.23 / conduct proceedings in public view – Daga order/ PIL HPC & ACB folder and file

To,

The Hon. Members of HPC

**Sub: my submission that my hearing**

1. **HPC hearing shall be conducted with open door hearing in full view of public**
2. **HPC shall pass orders as per guidelines of Justice Daga order in W.P. 4101 of 2007 para 17 & 19. (attached Justice Daga order)**

In India, the principle of open court hearings is an important aspect of the legal system, ensuring transparency, accountability, and public trust. Here are some relevant laws, rules, and judicial decisions related to open court hearings in India:

\*\*Laws and Rules\*\*:

1. \*\*Contempt of Courts Act, 1971\*\*: This act outlines the powers of courts to punish individuals for contemptuous behavior that interferes with the administration of justice. It also provides provisions to ensure the dignity and respect of the courts.

2. \*\*Code of Civil Procedure, 1908\*\*: Section 153 of this code generally provides for open court proceedings. However, it allows for certain cases to be heard in private when required.

3. \*\*Code of Criminal Procedure, 1973\*\*: Section 327 of this code outlines the provisions for open court proceedings in criminal cases. It allows the court to hold proceedings in camera (in private) in certain situations, such as cases involving rape or matters affecting the security of the State.

4. \*\*Supreme Court Rules, 2013\*\*: Rule 8 of Order VI outlines the procedure for open court proceedings in the Supreme Court of India. It states that the sittings of the Court shall be open to the public.

5. \*\*High Court Rules\*\*: Each High Court in India may have its own rules and regulations regarding open court hearings. These rules can vary from one state to another.

\*\*Judicial Precedents and Case Law\*\*:

1. \*\*Naresh Shridhar Mirajkar v. State of Maharashtra (1966)\*\*: The Supreme Court held that open court hearings are a basic principle of the Indian legal system, essential for ensuring fairness and justice. It emphasized that exceptions to open court hearings should be rare and justifiable.

2. \*\*Swapnil Tripathi v. Supreme Court of India (2018)\*\*: The Supreme Court reaffirmed the importance of open court proceedings and held that exceptions to open court hearings must be based on specific reasons and should be subject to review.

3. \*\*Sahara India Real Estate Corp. Ltd. v. SEBI (2012)\*\*: The Supreme Court held that open court hearings enhance public confidence in the administration of justice and act as a check against arbitrary decisions.

4. \*\*Common Cause v. Union of India (2017)\*\*: The Supreme Court emphasized that court proceedings should be open to the public unless exceptional circumstances justify closure.

Hence, I pray the proceedings shall be conducted in full public view and orders be passed as per direction of Justice Daga in W.P. 4101of 2007.