

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)**

PUBLIC INTEREST LITIGATION

THROUGH

WRIT PETITION (C) OF 2019

IN THE MATTER OF:

RIZWAN

..... PETITIONER

VERSUS

UNION OF INDIA&ORS..... RESPONDENTS

NOTICE OF MOTION

___ December 2019

Respected Sir,

Please find enclosed herewith copy of the Writ Petition under Article 226 of the Constitution of India, 1950 along with Annexures and applications, in respect of the above-captioned matter. The said matter is likely to come up on ___.12.2019 or such other date as is convenient to the Registry of the Hon'ble High Court.

Through

Place: New Delhi

Date: 18.12.2019

TARIQ KHAN & APOORV SINGHAL

Advocates for the Petitioner

268, Ground Floor,

Masjid Moth, Uday Park,

New Delhi – 110049

Ph. No.: 9999663628; 8569897058

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To,

The Registrar
High Court of Delhi,
New Delhi

URGENT APPLICATION

Sir,

Kindly treat this accompanying petition as an urgent one as per the rules and regulations of this Hon'ble Court.

The present petition for urgent hearing is necessitated by the fact that grave prejudice will be caused to the Petitioner.

Through

Place: New Delhi

Date: 18.12.2019

TARIQ KHAN & APOORV SINGHAL

Advocates for the Petitioner

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IN THE MATTER OF:

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UNION OF INDIA & ORS. RESPONDENTS

**PUBLIC INTEREST LITIGATION ON BEHALF OF THE
PETITIONER UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA SEEKING JUDICIAL ENQUIRY OF THE EXCESSIVE,
ARBITRARY AND ILLEGAL POLICE ACTION AGAINST THE
STUDENTS OF JAMIA MILLIA ISLAMIA UNIVERSITY ON
14/12/2019 AND 15/12/2019, THROUGH AN INDEPENDENT
JUDICIAL COMMISSION HEADED BY FORMER JUDGE OF
THE HON'BLE SUPREME COURT, WHILE GRANTING SUCH
COMMISSION UNFETTERED POWERS AND JURISDICTION
FOR CONDUCTING FAIR INVESTIGATION AND SUBMITTING
ITS REPORT TO THIS HON'BLE COURT FOR FURTHER
ACTION UNDER LAW AGAINST THE ERRING POLICE
OFFICIALS, FOR SUCH BRUTAL, ARBITRARY, EXCESSIVE,
ILLEGAL ACTION AGAINST THE STUDENTS OF JAMIA
MILLIA ISLAMIA UNIVERSITY.**

MEMO OF PARTIES

VERSUS

- 1. UNION OF INDIA,**
Through Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi –110001

.... RESPONDENT 1

- 2. LIEUTENANT GOVERNOR OF DELHI**
6, Raj Niwas Marg,
Ludlow Castle,
Civil Lines,
New Delhi – 110054

.... RESPONDENT 2

- 3. GOVERNMENT OF NCT OF DELHI**
Chamber No. 436, IV Floor,
Lawyers' Chambers I,
High Court of Delhi at New Delhi,
Shershah Road,
New Delhi – 110503

... RESPONDENT 3

- 4. COMMISSIONER OF POLICE**
Delhi Police Headquarters,
MSO Building,
Indraprastha Marg, IP Estate,
New Delhi – 110095

... RESPONDENT 4

5. JAMIA MILLIA ISLAMIA UNIVERSITY

Jamia Nagar,

New Delhi – 110025

... RESPONDENT 5

Through Counsel

Place: New Delhi

Date: 18.12.2019

TARIQ KHAN & APOORV SINGHAL

Advocates for the Petitioner

268, Ground Floor,

Masjid Moth, Uday Park,

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SYNOPSIS & LIST OF DATES

That the instant Public Interest Petition is being preferred by the Petitioner while invoking the Extra Ordinary Writ Jurisdiction of this Hon'ble Court, under compelling circumstances, where the Delhi Police has resorted to the use of arbitrary, excessive, discriminatory and illegal force against the Students more particularly female Students of Jamia Millia Islamia University, on false pretext of restoring Law and Order.

That the relevant events leading to the institution of the instant petition are, that on 19.07.2016, the Government of India introduced a Bill in Lok Sabha as the Citizenship (Amendment) Bill, 2016. On 12.08.2016, it was referred to the Joint Parliamentary Committee. The Committee submitted its report on 07.01.2019. It was passed by Lok Sabha on 08.01.2019. The Bill lapsed with the dissolution of the 16th Lok Sabha.

That on 04.12.2019, the Union Cabinet cleared the Citizenship (Amendment) Bill, 2019 for introduction in the Parliament. That on 09.12.2019, the said Bill was introduced in 17th Lok Sabha by the Union Minister Sh. Amit Shah

of Ministry of Home Affairs, i.e., Respondent 1 and was passed on 10.12.2019 at 12:11 A.M. (IST) with 311 MPs voting in favor and 80 against the Bill.

That on 11.12.2019, the Bill was subsequently passed by the Rajya Sabha after 8 hours of debate with 125 votes in favor and 105 votes against it. Those voted in favor included Bharatiya Janata Party allies such as Janata Dal (United), A.I.A.D.M.K., Biju Janata Dal, T.D.P. and Y.S.R.-Congress, apart from B.J.P.

That on 12.12.2019, after receiving assent from the President of India, the Bill assumed the status of an Act and came to be known as The Citizenship (Amendment) Act, 2019. However, the Act will come into force on a date chosen by Government of India and will be notified by the official gazette.

That on 12.12.2019, while the entire country was aggressively protesting against the said Act, the students of Jamia Millia Islamia University of New Delhi while exercising fundamental rights enshrined in the Constitution of India, also decided to register their protest to the said draconian Act as also against the continuous atrocities of the Government, through a peaceful March. However, as per various accounts by the students and multiple videos readily available, the said protest and exercise of the fundamental rights by the Students of Jamia Millia University was disrupted by the Delhi Police, by using unjustified, excessive, arbitrary and brute force, in total disregard of Law and conventions. That the Students were mercilessly beaten, hurled abuses, racial and derogatory comments were herald, expired tear-gasshells were fired, Lathi Charge was done. That the said acts were done indiscriminately against the male and female students.

That on 15.12.2019, as per the sources and multiple accounts being told, while students and members of the teachers' association of Jamia Millia Islamia University were observing a peaceful protest inside the campus, the police officials broke into the campus without seeking any permission from the competent authorities and used unjustified, excessive, arbitrary and brute force, in total disregard of Law and conventions. That the Students were again mercilessly beaten, hurled abuses, racial and derogatory comments were herald, expired tear-gas shells were fired, Lathi Charge was done. The officials upon realising being recorded in CCTV, switched off the lights of the reading hall, locked the doors from outside, and threw tear gas bombs inside. The girls students were molested and they ran to the lavatoriesto save them, but the Police in the dark broke into the lavatories and misbehaved with the girl students. That the male students in the videos can be seen to be badly injured and lying on floor in an unconscious state. The evidence of such acts is readily available, but of no timely action is taken, the Police will use its force to destroy the evidence.

That the injuries received by the students are grievous in nature and many of them were rushed to AIIMS and Apollo Hospital in order to provide urgent medical help. Such acts by the police cannot, by any stretch of imagination, be termed as justifiable and reasonable police action. It can only be called a blatant abuse of power upon unarmed and innocent students.

That not only did the police personnel entered the J.M.I. University Campus in a high-handed manner, but they also forcefully pulled out the students who were eventually beaten up. This requires serious intervention of this Hon'ble Court as when the upholders of law take law in their own hands, and that too

against the students, it points towards the fact that they do not respect the Rule of Law themselves.

That the officials were also reported to have tear-gassed and lathi-charged the residents of Okhla Vihar, Jamia Nagar, Batla House and areas of New Friends Colony. The police officials were themselves responsible for setting public buses on fire and vandalizing the residential areas thereby creating terror in the minds of the people. Further, the police officials due to the illegal acts, amongst other serious criminal offences also caused a huge loss to the exchequer of the State by causing damage to public property being the property of Jamia Millia Islamia University, which is a Central University.

That the fundamental rights of the students as well as the locals residing in the effected areas, as enshrined in the Constitution of India, such as Articles 14, 15, 19, 20, 21, 25, 29, and 30 have been directly affected by the illegal actions of the police officials and, hence, this public interest litigation is being preferred.

It is noteworthy that similar petitions were heard by Hon'ble Supreme Court on 17.12.2019, wherein the Hon'ble Supreme Court asked the various petitioners before it to approach the concerned High Courts.

DATE	PARTICULARS
19.07.2016	The Government of India introduced a Bill in Lok Sabha as the Citizenship (Amendment) Bill, 2016.
12.08.2016	The Bill was referred to the Joint Parliamentary Committee.
07.01.2019	The Committee submitted its report.
08.01.2019	The Bill was passed by the Lok Sabha but elapsed due to the dissolution of Parliament.

04.12.2019	The Union Cabinet cleared the Citizenship (Amendment) Bill, 2019 for introduction in the Parliament.
09.12.2019	The said Bill was introduced in 17 th Lok Sabha by the Union Minister Sh. Amit Shah of Ministry of Home Affairs, i.e., Respondent 1.
10.12.2019	The Bill was passed at 12:11 A.M. (IST) with 311 MPs voting in favor and 80 against the Bill.
11.12.2019	The Bill was subsequently passed by the Rajya Sabha after 8 hours of debate with 125 votes in favor and 105 votes against it.
12.12.2019	After receiving assent from the President of India, the Bill assumed the status of an Act. The students of Jamia Millia Islamia University were conducting a march for peaceful protest against the Act when the police authorities, in order to disrupt the protest, used the tear-gas and lathi-charged at the students.
15.12.2019	While students and members of the teachers' association of Jamia Millia Islamia University were observing a peaceful protest inside the campus, the police officials broke into the campus and used the tear-gas & lathi-charge at the protestors again thereby injuring many students, including the Imam of the Mosque, and also vandalized the library and mosque of the University. The police officials have also registered the FIRs against some students.
17.12.2019	The Hon'ble Supreme Court directed various petitioners before it to approach the concerned High Courts.
Present	This Public Interest Litigation.

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THROUGH
WRIT PETITION (C) OF 2019

IN THE MATTER OF:

..... PETITIONER

VERSUS

UNION OF INDIA & ORS. RESPONDENTS

PUBLIC INTEREST LITIGATION ON BEHALF OF THE PETITIONER UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA SEEKING JUDICIAL ENQUIRY OF THE EXCESSIVE, ARBITRARY AND ILLEGAL POLICE ACTION AGAINST THE STUDENTS OF JAMIA MILLIA ISLAMIA UNIVERSITY ON 14/12/2019 AND 15/12/2019, THROUGH AN INDEPENDENT JUDICIAL COMMISSION HEADED BY FORMER JUDGE OF THE HON'BLE SUPREME COURT, WHILE GRANTING SUCH COMMISSION UNFETTERED POWERS AND JURISDICTION FOR CONDUCTING FAIR INVESTIGATION AND SUBMITTING ITS REPORT TO THIS HON'BLE COURT FOR FURTHER ACTION UNDER LAW AGAINST THE ERRING POLICE OFFICIALS, FOR SUCH BRUTAL, ARBITRARY, EXCESSIVE, ILLEGAL ACTION AGAINST THE STUDENTS OF JAMIA MILLIA ISLAMIA UNIVERSITY

TO,

THE HON'BLE CHIEF JUSTICE,
AND HIS COMPANION JUDGES,
OF THE HIGH COURT OF DELHI

MOST RESPECTFULLY SHOWETH:

1. That this Public Interest Litigation is being preferred by the Petitioner who is an honest, educated, peace-loving, and law-abiding citizen of India. The Petitioner is also a respected member of the Delhi High Court Bar Association and has been practicing for almost 7 years in the profession.
- 2.
3. That the instant Public Interest Petition is being preferred by the Petitioner while invoking the Extra Ordinary Writ Jurisdiction of this Hon'ble Court, under compelling circumstances, where the Delhi Police has resorted to the use of arbitrary, excessive, discriminatory and illegal force against the Students more particularly female Students of Jamia Millia Islamia University, on false pretext of restoring Law and Order.

4. That by way of this Public Interest Litigation, the Petitioner craves leave of this Hon'ble Court to highlight that the police officials entered the Jamia Millia Islamia University premises without taking the requisite permission of the concerned authorities. Further, the Petitioner craves leave of this Hon'ble Court to highlight the atrocities faced by the students of Jamia Millia Islamia University at New Delhi. The Petitioner also seeks a judicial enquiry upon the acts of Respondents 2, 3, & 4 along with appropriate orders and further seeks a direction that no FIRs be registered against the students as they had a right to peacefully protest, and to allow the students to enter and reside at the University. Also, the Petitioner seeks a direction that no coercive steps may be taken in the FIRs already filed against the students.

5. **Brief facts of the case are as follows:**

- a) That the relevant events leading to the institution of the instant petition are, that on 19.07.2016, the Government of India introduced a Bill in Lok Sabha as the Citizenship (Amendment) Bill, 2016. On 12.08.2016, it was referred to the Joint Parliamentary Committee. The Committee submitted its report on 07.01.2019. It was passed by Lok Sabha on 08.01.2019. The Bill lapsed with the dissolution of the 16th Lok Sabha.
- b) That on 04.12.2019, the Union Cabinet cleared the Citizenship (Amendment) Bill, 2019 for introduction in the Parliament. That on 09.12.2019, the said Bill was introduced in 17th Lok Sabha by the Union Minister Sh. Amit Shah of Ministry

of Home Affairs, i.e., Respondent 1 and was passed on 10.12.2019 at 12:11 A.M. (IST) with 311 MPs voting in favor and 80 against the Bill.

- c) That on 11.12.2019, the Bill was subsequently passed by the Rajya Sabha after 8 hours of debate with 125 votes in favor and 105 votes against it. Those voted in favor included Bharatiya Janata Party allies such as Janata Dal (United), A.I.A.D.M.K., Biju Janata Dal, T.D.P. and Y.S.R.-Congress, apart from B.J.P.
- d) That on 12.12.2019, after receiving assent from the President of India, the Bill assumed the status of an Act and came to be known as The Citizenship (Amendment) Act, 2019. However, the Act will come into force on a date chosen by Government of India and will be notified by the official gazette.
- e) That the said Act had been opposed since the same was cleared by the Union Cabinet and the same has received widespread criticism from the masses, for being a bill/Act which is against the basic fabric of the Constitution and is in violation of the Fundamental rights of Indians. That even though the entire citizens of the Country irrespective of their religion, denounced the said Bill and its provisions, the said Bill caused widespread anguish and fear in the devout Citizens of India who practice Islam as Religion, for the reason that the provisions of the said Bill, willfully have left the people who practice Islam.
- f) The fear regarding the said provisions and exclusion of the Muslim Community, also deepened by the statements of

multiple persons who hold high positions in the Government of India, whereby multiple declaration have been made for future exercises being proposed i.e. National Population Register (NPR) which is said to be in line with the NRC exercise of Assam, but with the said Act being passed, the only exclusion from the said exercise will be people who practice Islam.

- g)** That the said Bill and its provisions have also been denounced by the North Eastern States of India, leading to widespread protests and even death of some protestors, which has lead to curfew and Internet Blackout several North Eastern States. However, the said Act has been challenged by means of multiple Petitions before the Hon'ble Supreme Court of India.
- h)** That on 12.12.2019, while the entire country was aggressively protesting against the said Act, the students of Jamia Millia Islamia University of New Delhi while exercising fundamental rights enshrined in the Constitution of India, also decided to register their protest to the said draconian Act as also against the continuous atrocities of the Government, through a peaceful March. However, as per various accounts by the students and multiple videos readily available, the said protest and exercise of the fundamental rights by the Students of Jamia Millia University was disrupted by the Delhi Police, by using unjustified, excessive, arbitrary and brute force, in total disregard of Law and conventions. That the Students were mercilessly beaten, hurled abuses, racial and derogatory

comments were herald, expired tear-gas shells were fired, Lathi Charge was done. That the said acts were done indiscriminately against the male and female students. [A copy of the News 18's report demonstrating the events dated 12.12.2019 is annexed hereto and marked as Annexure P-1.](#)

- i) That on 15.12.2019, as per the sources and multiple accounts being told, while students and members of the teachers' association of Jamia Millia Islamia University were observing a peaceful protest inside the campus, the police officials broke into the campus without seeking any permission from the competent authorities and used unjustified, excessive, arbitrary and brute force, in total disregard of Law and conventions. That the Students were again mercilessly beaten, hurled abuses, racial and derogatory comments were herald, expired tear-gas shells were fired, Lathi Charge was done. The officials upon realising being recorded in CCTV, switched off the lights of the reading hall, locked the doors from outside, and threw tear gas bombs inside. The girls students were molested and they ran to the lavatories to save them, but the Police in the dark broke into the lavatories and misbehaved with the girl students. That the male students in the videos can be seen to be badly injured and lying on floor in an unconscious state. The evidence of such acts is readily available, but of no timely action is taken, the Police will use its force to destroy the evidence. [A copy of the news](#)

report demonstrating the events dated 15.12.2019 is annexed hereto and marked as **Annexure P-2**.

- j)** That multiple media reports asserted that the police officials without any just cause entered inside the campus and picked up the students some of whom were studying in the library or were involved in their academic pursuits. Moreover, there are videos that testify the fact that after entering the campus, the police vandalized the Central Library and the Mosque of the Campus. Further, the Imam of the Mosque was man-handled. The officials also took many students in the police custody. The students were illegally detained by the police at Kalkaji Police Station and New Friends Colony Police Station.
- k)** The entire student community and faculty members of Jamia Millia Islamia are shattered and shocked to its core after witnessing this incident. The police officials did not even allow the lawyers to meet the injured students till about 3 a.m. on 16.12.2019. That the lawyers and family members of the injured students were not allowed to meet the illegally detained injured students inside the said police stations.
- l)** That the injuries received by the students are grievous in nature and many of them were rushed to AIIMS and Apollo Hospital in order to provide urgent medical help. Such acts by the police cannot, by any stretch of imagination, be termed as justifiable and reasonable police action. It can only be called a blatant abuse of power upon unarmed and innocent students.

- m)** That not only did the police personnel entered the J.M.I. University Campus in a high-handed manner, but they also forcefully pulled out the students who were eventually beaten up. This requires serious intervention of this Hon'ble Court as when the upholders of law take law in their own hands, and that too against the students, it points towards the fact that they do not respect the Rule of Law themselves.
- n)** That not only the students and the faculty members, even journalists and news reporters were reported to have been harassed and man-handled by the police. BBC journalist by the name Bushra Sheikh was trying to cover the story at Jamia Millia Islamia University when the police officials attempted to pull her hair, snatched her mobile phone, and broke it. When she tried to resist, the officials abused her and used a baton upon her. A copy of the news report demonstrating the incident with Bushra Sheikh is annexed hereto and marked as **Annexure P-3**.
- o)** That apart from the atrocities at Jamia Millia Islamia University, the officials were also reported to have tear-gassed and lathi-charged the residents of Okhla Vihar, Jamia Nagar, Batla House and areas of New Friends Colony. As per the media reports, the police officials are responsible for setting 3 public buses on fire and vandalizing the residential areas thereby creating terror in the minds of the people. Also, the police officials are responsible for causing loss of public property and loss to the property of Jamia Milla Islamia University.

- p) That in the late hours of 15.12.2019, Delhi's Deputy Chief Minister Sh. Manish Sisodia also released an official statement condemning the acts that took place and taking cognizance of the matter. It was also announced that the schools in the areas of Okhla, Jamia Nagar, and New Friends Colony were ordered to remain shut on Monday.
- q) That the officials were also reported to have tear-gassed and lathi-charged the residents of Okhla Vihar, Jamia Nagar, Batla House and areas of New Friends Colony. The police officials were themselves responsible for setting public buses on fire and vandalizing the residential areas thereby creating terror in the minds of the people. Further, the police officials due to the illegal acts, amongst other serious criminal offences also caused a huge loss to the exchequer of the State by causing damage to public property being the property of Jamia Millia Islamia University, which is a Central University.
- r) That the fundamental rights of the students as well as the locals residing in the effected areas, as enshrined in the Constitution of India, such as Articles 14, 15, 19, 20, 21, 25, 29, and 30 have been directly affected by the illegal actions of the police officials and, hence, this public interest litigation is being preferred.
- a) That not only the students and the faculty members, even journalists and news reporters were reported to have been harassed and man-handled by the police. BBC journalist by the

name Bushra Sheikh was trying to cover the story at Jamia Millia Islamia University when the police officials attempted to pull her hair, snatched her mobile phone, and broke it. When she tried to resist, the officials abused her and used a baton upon her.

- b) That apart from the atrocities at Jamia Millia Islamia University, the officials were also reported to have tear-gassed and lathi-charged the residents of Okhla Vihar, Jamia Nagar, Batla House and areas of New Friends Colony. As per the media reports, the police officials are responsible for setting 3 public buses on fire and vandalizing the residential areas thereby creating terror in the minds of the people. Also, the police officials are responsible for causing loss of public property and loss to the property of Jamia Milla Islamia University.
- c) That in the late hours of 15.12.2019, Delhi's Deputy Chief Minister Sh. Manish Sisodia also released an official statement condemning the acts that took place and taking cognizance of the matter. It was also announced that the schools in the areas of Okhla, Jamia Nagar, and New Friends Colony were ordered to remain shut on Monday.
- d) That various petitions involving multiple instances in different states were filed before the Hon'ble Supreme Court. That the said petitions were heard by the Hon'ble Supreme Court on 17/12/2019 however, the Hon'ble Supreme Court directed the Petitioners to approach concerned High Courts where the

incidents took place as the Hon'ble Court was of the view that having regard of the nature of the matter and dispute, and the vast area over which the matter is spread, it would not be feasible to appoint one committee for this.

- e) That FIRs have been registered against few students at the Police Stations. Further, there are reports of casualty of various students and many students have suffered serious injuries.
- f) That the students were peacefully protesting, and the police officials, as per the statement of the Chief Proctor of Jamia Millia Islamia, entered the premises without taking permission from the concerned authority. Further, the students were detained, and they were not allowed to meet their lawyers as well as family members. A copy of the statement issued by the Chief Proctor regarding unauthorized entry dated 17.12.2019 is annexed hereto and marked as **Annexure P-4**.

- 6. That upon being aggrieved and flabbergasted by the aforementioned events, the Petitioner, on behalf of the entire community, is filing the instant petition on the following grounds:

GROUND:

- A. **BECAUSE** the Hon'ble Supreme Court, vide its Order dated 17.12.2019, directed that concerned High Courts be approached for appointment of a fact-finding committee. Further, in view of the nature of the matter and dispute, and the far-reaching consequences of this issue, this Hon'ble Court holds authority

to appoint a fact-finding committee consisting of retired Supreme Court Judges and retired Judges of this Hon'ble Court for conducting an appropriate inquiry.

- B. **BECAUSE** the police officials entered the University without taking the permission from the concerned authorities and lathi-charged the students and harassed the students by entering into their hostels and the library.
- C. **BECAUSE** the FIRs have been registered against the students who were peacefully protesting and were unlawfully detained and medical aid was not provided to the students for a long time. The detained students were not even allowed to meet their lawyers and family.
- D. **BECAUSE** there has been a huge loss to the public exchequer as substantial number of public properties has been vandalized. The religious sentiments of the people residing in that area were hurt. The Mosque of the University was vandalized, and Imam of the Mosque was man-handled.
- E. **BECAUSE** the University has been shut down prior to the scheduled holidays and the students do not have any place to stay. It is pertinent to state that students, from all over the country, are studying at the University and staying at its halls of accommodation and due to this incident, they have lost an accommodation during the peak winter season.
- F. **BECAUSE** the nation-wide protests are going on whereby reputed Universities across the country have shown support and

the law and order across the country has been affected because of the incident that took place in Jamia Millia Islamia University. The actions of the Respondents were absolutely arbitrary and against the natural justice, fundamental rights, and basic human rights of the citizens. The Respondents, with their actions, took the law in their hands and breached all limits of decency, morality, and justice. The actions of the Respondents 1-4 were prejudiced and discriminatory in nature and were more inclined towards unleashing a personal vendetta against a particular section of the society.

- G. **BECAUSE** the actions of the Respondents were arbitrary in nature and contrary to the Article 14 of the Constitution of India. The detained students were not allowed to meet their lawyers which is contrary to principle of natural justice enshrined in Article 14.
- H. **BECAUSE** the actions of the Respondents were contrary to the Article 15 of the Constitution of India. The Respondents targeted those areas that were inhabited by a substantial number of Muslims. The Respondents also targeted the educational institute that had a substantial number of Muslims in its student body and faculty members. The Respondents even vandalized the mosque situated in that campus which proves that there were ulterior motives behind this act. The Respondents even man-handled the Imam who was not even participating in the protest.

- I. **BECAUSE** the actions of the Respondents were contrary to the Article 19 of the Constitution of India. The actions of the Respondents targeted a group of individuals who were exercising their right to freedom of speech and expression by observing a peaceful protest. The actions of the Respondents were directed to silence the dissent that was taking place against the actions of the Government.
- J. **BECAUSE** dissent is one of the basic ingredients of the concept of democracy. Within a democratic state, the citizens have the power to express their dissent towards the actions of the authorities. The actions of the Respondents are in direct breach of the democracy of this country.
- K. **BECAUSE** the actions of the Respondents were contrary to the Articles 20 & 22 of the Constitution of India. The Respondents have convicted a number of innocent students and held them in judicial custody for something that is not prohibited under the law. The students were not being provided any legal help by the Respondents. The students that were illegally detained have a right to be heard which was being denied to them by the Respondents. Hence, the actions of the Respondents are in breach of natural justice too.
- L. **BECAUSE** the actions of the Respondents were contrary to the Article 21 of the Constitution of India. The Respondents have ignited a huge terror and distress in the minds of the citizens of this country by their actions. The right to life is the fundamental

right of every citizen and is not limited to only being biologically alive but also encompasses a life that is led peacefully and with dignity.

- M. **BECAUSE** the acts of the police officials wherein they attempted to enter the women's lavatory and harass the female students in the university are not just against the fundamental rights but is also against the basic human right. Such acts cannot be said to have taken place in accordance with the law by any stretch of imagination. This is unbecoming of a state authority.
- N. **BECAUSE** the actions of the Respondents are in breach of Article 25 of the Constitution of India. This article enables all persons to practice and profess any religion of their choice. The actions of the Respondents were directed towards inflicting terror in the minds of the Muslim citizens of the state by vandalizing the Mosque, man-handling an Imam, illegally detaining and injuring the students of a University.
- O. **BECAUSE** the actions of the Respondents are in breach of Articles 29 and 30 of the Constitution of India. The actions of the Respondents clearly show that the attack was directed to deprive the minorities of their right to conserve their interests. The Respondents have infiltrated and vandalized the University in such a way that no student will be able to consider it a safe space and study there anymore. The actions of the Respondents on 12.12.2019 compelled the University officials to postpone the upcoming examinations to 05.01.2019 that were supposed

to start on 14.12.2019. Further, the reputation of the University has also been affected internationally.

7. That the Petitioner craves liberty of this Hon'ble Court to raise any other/further grounds at the time of hearing of the present matter.
8. That Petitioner has no other alternate, adequate, efficacious remedy available other than the present Petition which is both adequate as well as effective. The Petitioner has the means and undertakes to bear the costs imposed by the Hon'ble Court regarding this P.I.L.
9. That the Petitioner craves leave of this Hon'ble Court to file additional documents and raise additional legal pleas as may be advised.
10. That in respect of the reliefs sought in the present petition, the Petitioner has not filed any other petition before this Hon'ble Court or before Hon'ble Supreme Court of India.
11. That the present petition is being filed bona fide and in the interest of justice. In view of the facts and circumstances stated above, it is evident that the present petition merits indulgence of this Hon'ble Court under its inherent powers.
12. That in the facts of the present case and the relief sought, this Hon'ble Court has both territorial and subject matter jurisdiction to adjudicate the present Petition.

PRAYER

Therefore, in light of the present facts and circumstances mentioned above, it is most humbly prayed that this Hon'ble Court may graciously be pleased to:

1. Allow the present petition and appoint a fact-finding committee including former Judges of the Hon'ble Supreme Court and this Hon'ble Court for conducting appropriate inquiry in this matter in view of the Order passed by the Hon'ble Supreme Court on 17.12.2019;
2. Pass an appropriate order directing the Respondents that no FIRs should be registered against the students and no coercive steps be taken in the FIRs already registered against the students till the outcome of the Fact Finding Committee's report;
3. direct the police not to enter the University premises without the requisite permission from the authorities
4. Direct the Respondents to allow the students to enter the University and adequately compensate the injured students of the Jamia Millia Islamia University for the fatal injuries received by them and direct the Delhi Govt. to provide the injured students a proper medical treatment at AIIMS free of charge.
5. Pass any such further orders/directions as this Hon'ble Court may deem fit and proper for the purposes of this case and in the interest of justice.

PETITIONER

Through Counsel

Place: New Delhi
Date: 18.12.2019

TARIQ KHAN & APOORV SINGHAL

Advocates for the Petitioner
268, Ground Floor,
Masjid Moth, Uday Park,
New Delhi – 110049
Ph. No.: 9999663628; 8569897058

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)**

PUBLIC INTEREST LITIGATION

THROUGH

WRIT PETITION (C) OF 2019

IN THE MATTER OF:

..... PETITIONER

VERSUS

UNION OF INDIA&ORS..... RESPONDENTS

AFFIDAVIT

1. That I am the petitioner above-named in the present petition and am fully competent to file the present petition.
2. That I have filed this petition as a Public Interest Litigation.
3. That I have gone through the Delhi High Court (Public Interest Litigation) Rules, 2010 and do hereby affirm that the present PublicInterest Litigation is in conformity thereof.
4. That I have no personal interest in the litigation and neither myself nor anybody in whom I am interested would in any manner benefit

from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

5. That I have done whatsoever research & inquiry which was in my power to do, to collect all data and material which was available, and which was relevant for this Court to entertain the present petition. I further confirm that I have not concealed in the present petition any data which may have enabled this Court to form an opinion whether to entertain this petition or not or whether to grant any relief or not.
6. That the contents of the List of Dates are drafted by my counsels which are true and correct to the best of my knowledge derived from the records maintained by me.
7. That the contents of Para 1 to 24 and paras A to P of the instant Writ Petition are drafted by my counsels and based on the legal advice received from the counsels of the Petitioner which the Petitioner believes to be true.
8. That the annexures filed along with the petition are true copies of their respective originals and nothing has been concealed therein.
9. That the Petitioner has not preferred any similar or other petition in the above-mentioned matter.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ December 2019 that the contents of the accompanying petition are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

DEPONENT

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)**

PUBLIC INTEREST LITIGATION

THROUGH

WRIT PETITION (C) OF 2019

IN THE MATTER OF:

..... PETITIONER

VERSUS

UNION OF INDIA&ORS..... RESPONDENTS

**AFFIDAVIT UNDER SECTION 65-B OF THE INDIAN
EVIDENCE ACT, 1872**

1. That I am the Deponent in the present petition and am fully conversant and competent to file the present petition.
2. That I am fully conversant with the contents of the accompanying petition herein and the contents of the same are true and correct to the best of my knowledge and belief.
3. That the annexures of the accompanying Writ Petition are true copies of their respective originals and I have relied upon and filed along with the present affidavit, various computer outputs in the form of print outs of electronic records.

4. Accordingly, I am making the present affidavit to certify that the act and news reports marked as Annexure P-1 to Annexure P-5 are the true copies/ reproductions of the electronic records which were regularly transmitted through the computer terminals in ordinary course of activities. I further state that at all times the computer terminals operated in proper manner and there is no distortion in inaccuracy of the contents of the marked news reports.
5. That the aforesaid act and news reports are the computer represent of the information contained in electronic on storage drive and qualifies as computer output within 65-B of the amended Indian Evidence Act, 1872.
6. That the said act and news reports are produced using the digital printer of the Deponent.
7. The Petitioner has not preferred any similar or other petition in the abovementioned matter.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ day of December 2019 that the contents of the above affidavit are true and correct to best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)**

PUBLIC INTEREST LITIGATION

**THROUGH
C.M. NO. OF 2019**

**IN
WRIT PETITION (C) OF 2019**

IN THE MATTER OF:

..... PETITIONER

VERSUS

UNION OF INDIA&ORS..... RESPONDENTS

**APPLICATION UNDER SECTION 151 OF THE CIVIL
PROCEDURE CODE, 1908,SEEKING EXEMPTION FROM
FILING TYPED COPIES OF CERTAIN ANNEXURES ALONG
WITH CERTIFIED AFFIDAVITS**

MOST RESPECTFULLY SHOWETH:

1. That the present P.I.L. is preferred by the Petitioner seeking formation of a fact-finding committee comprising of former Judges of Hon'ble Supreme Court and the Hon'ble High Court of Delhi and stay upon any coercive steps against the FIRs registered against the students among other remedies.
2. That for the sake of brevity, the facts of the present petition are not being repeated herein and the same, as depicted in the accompanying petition, may be taken as part and parcel of the present application.

3. That the Petitioner herein prays to refer to and rely upon the contents of the petition at the time of hearing of this application.
4. That the Petitioner herein along with the accompanying writ petition has filed certain annexures/documents which are not typed. The Petitioner undertakes to file the typed copy of those annexures/documents within the time period granted by this Hon'ble Court.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may be most graciously pleased to:

1. Allow the present application and grant exemption to the Petitioner from filing the typed copies of the annexures/documents annexed with the accompanying petition; and
2. Pass any such further orders/directions as this Hon'ble Court may deem fit and proper for the purposes of this case.

PETITIONER

Through Counsel

Place: New Delhi
Date: ____.12.2019

TARIQ KHAN & APOORV SINGHAL
Advocates for the Petitioner
268, Ground Floor,
Masjid Moth, Uday Park,
New Delhi – 110049
Ph. No.: 9999663628; 8569897058

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)**

PUBLIC INTEREST LITIGATION

**THROUGH
C.M. NO. OF 2019**

IN

WRIT PETITION (C) OF 2019

IN THE MATTER OF:

..... PETITIONER

VERSUS

UNION OF INDIA&ORS..... RESPONDENTS

AFFIDAVIT

1. That I am the petitioner above-named in the present petition and am fully competent to file the present application.
2. That I am fully conversant with the contents of the accompanying application herein and the contents of the same are true and correct to the best of my knowledge and belief. I have been drafted the same upon the instructions of the Petitioner.
3. I say that the contents and annexures of the accompanying Writ Petition are true copies of their respective originals.

4. That the Petitioner has not preferred any similar or other petition in the abovementioned matter.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ day of December 2019 that the contents of the above affidavit are true and correct to best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

VAKALATNAMA
IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)
PUBLIC INTEREST LITIGATION
THROUGH
WRIT PETITION (C) OF 2019
IN THE MATTER OF:
RIZWAN PETITIONER
UNION OF INDIA & ORS. RESPONDENTS

TARIQ KHAN	APOORV SINGHAL
9999663628 advocate.tariqkhan@gmail.com	8569897058 apoorv.singhal@hotmail.com

Having office at 268, GF, Business India Complex, Masjid Moth, Uday Park, New Delhi – 110049, (hereinafter called the Advocate/s) to be my/our Advocate in the above noted case and authorizethem:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I /we or my/our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this ____ day of _____ 2019.

Accepted subject to the terms of fees. I identified my client.

(TARIQ KHAN)

(APOORV SINGHAL)

(CLIENT)