SYNOPSIS

The Petitioner is filing the present public interest litigation under Article 32 of the Constitution of India challenging the Constitutional validity of Section 35 and Section 36 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as "**UAPA**") as amended by the UAPA Amendment Act 2019, to the extent it applies to an individual on the ground that it infringes the Fundamental Rights guaranteed under Article 14, 19(1)(a), 21 of the Constitution of India.

The Petitioner is a non-profit and non- governmental civil rights group that was setup in 2006 to defend the rights of the underprivileged section of the society. APCR has in the past provided legal aid to the victims of illegal detention, custodial death, fake encounter, communal riots and other human rights violations.

THE AMENDMENT VIOLATES THE RIGHTS OF THE INDIVIDUAL UNDER ARTICLE 21 OF THE CONSTITUTION

The Amendment infringes upon the right to reputation and dignity which is a fundamental right under Article 21, without substantive and procedural due process. Notifying an individual as a terrorist without giving him an opportunity of being heard violates the individual's right to reputation and dignity which is a facet of Right to life and personal liberty under Article 21 of the Constitution. Condemning a person unheard on a mere belief of the Government is unreasonable, unjust, unfair, excessive, disproportionate and

violates due process. A person who is designated a terrorist, even if he is denotified subsequently faces a lifelong stigma and this tarnishes his reputation for life.

Additionally, S.35 does not mention when a person can be designated as terrorist. Whether on a mere registration of an FIR or upon conviction in a terrorism related case. Designating a person as a terrorist on a mere of the belief of the Government is arbitrary and excessive. A person is never informed of the grounds of his notification so the remedy of challenging his notification S.36, provided for in the Act, is rendered practically otiose.

A bare perusal of the amendment would reveal that there is no criminal consequence that follows a person's designation as a terrorist. No new offence has been created or new punishment provided. The amendment is grossly disproportionate and has no rationale nexus between the objects and means adopted to meet them. The statement of the object and reasons of the bill indicates that the amendment has been brought in to give effect to various Security Council resolutions. It is unclear as to what legitimate aim does the State seek to achieve by declaring a person as a terrorist without even providing an efficacious remedy to challenge his notification.

Firstly, the challenge to notification is before the same Central Government that has notified a person as a terrorist u/s 36. Thereafter, upon rejection, an application is made to a Review Committee. No oral hearing has been provided at any stage. There is no requirement of furnishing to the person designated as a terrorist the grounds of his designation, which renders the entire process of challenging the notification nugatory. There is no judicial

determination or adjudication. The amendment is unjust, unfair and unreasonable and violates procedural and substantive due process.

THE AMENDMENT VIOLATES THE FUNDAMENTAL RIGHTS OF THE INDIVIDUALS UNDER ARTICLE 14 OF THE CONSTITUTION

The Amendment is unjust, unreasonable and manifestly arbitrary. As per the Statement of Objects and Reasons, the Amendment was necessitated to comply with various Security Council resolutions. The question is whether domestic constitutional rights could be subverted for the sake compliance with international obligations. There are various International treaties and conventions, which say that in fight against terrorism- human rights, should not be compromised.

The Amendment gives unfettered power to the Central Government to declare an individual as a terrorist *only if it believes that it is involved in terrorism* is arbitrary and violates Article 14 inasmuch as it is manifestly arbitrary and gives unbridled powers to the Central Government to declare an individual as a terrorist. It is a blanket power with no specified guidelines. Though Terrorism has not been defined under the Act.S.15 of the Act defines "terrorist act" and includes an act that is "likely to threaten" of "likely to strike terror in people", gives unbridled power to the government to brand any ordinary citizen including an activist without these acts being actually committed. There is no requirement of giving reasons. Further, S.35(3)of the Act, has also been amended and the Amended provision reads as under:-

S.35(3) of the Act provides that:-

> *"For the purposes of sub section (2), an organization or an individual shall be deemed to be involved in terrorism if it-*
> *(a) commits or participates in acts of terrorism, or*
> *(b) prepares for terrorism, or*
> *(c) promotes or encourages terrorism, or*
> *(d) is otherwise involved in terrorism"*

A bare reading of S.35(3) of the Act will make it evidence that the provision suffers from the vice of vagueness. There is no mention of when an individual is deemed to have "committed", "prepares", "promotes" or "otherwise involved in terrorism". Commission, preparation, promotion and involvement- Is it upon conviction of an individual under the Act or at the stage of a mere registration of an FIR. The present S.36 and S.35 also do not contemplate any oral hearing at any stage.

Under the parent Act, u/s 35 the Central Government was empowered to declare by notification an organization which it believes is involved in terrorism. Membership of such terrorist organization is an offence u/s 38. Giving support to such terrorist organization is an offence u/s 39. S.40 makes raising funds for a terrorist organization an offence. As the parent Act had sufficient provisions to deal with individuals associated with Terrorist organization, the present amendment appears to be unnecessary and unwarranted and targets individuals who are not members of any terrorist organization and who the Central Government *believes* is involved in terrorism and can be subject to wanton abuse.

UNREASONABLE CLASSIFICATION BETWEEN THE PROCESS OF DECLARING AN ASSOCIATION AS "UNLAWFUL" UNDER CHAPTER II AND DECLARING AN INDIVIDUAL AS TERRORIST UNDER CHAPTER VI AND THIS CLASSIFICATION HAS NO VALID NEXUS WITH THE OBJECT IT SEEKS TO ACHIEVE

The Amendment provides no safeguards to a person notified as a terrorist. Challenging the notification is absence of requirement to furnish grounds and oral hearing makes the process practically inefficacious. The declaration of an association as unlawful under chapter II requires the notification to specify the ground on which notification is issued. S.3(3) of UAPA provides that for the notification to be effective, the same has to be confirmed by the Tribunal. Thereafter, u/s 4 the Tribunal has to follow a procedure and is required to decide after notice to the association to show cause. The inquiry and judicial determination process by the tribunal is provided u/s 5. Further, S.6 provides that the notification remains effective for a period of 5 years. However, the process for declaration of an individual has no such safeguard. There is no judicial adjudication- before a person is declared a terrorist. In fact, the power to declare a person as a terrorist gives unbridled power to the executive, without any statutory safeguards. And the fact that the amendment does not provide any consequence following a person's notification as a terrorist; it is unclear what object the amendment seeks to achieve. There is no reason behind the classification and it has no nexus with object it seeks to achieve.

Since the power to declare an individual as a terrorist u/s 35 UAPA impinges on the fundamental rights of an individual, required the law to have greater safeguards. The safeguards should have been greater to that provided to an unlawful association under Chapter II. Absence of any statutory safeguard makes the provision manifestly arbitrary.

NO SAFEGUARDS AND CHILLING EFFECT ON FREE SPEECH UNDER ARTICLE 19(1)(A)

The unfettered power to the executive without any safeguards to notify individuals as Terrorists can be abused to muzzle free speech and abused by the executive to declare activists and dissenters as Terrorists and hence would amount to chilling effect on free speech.

Hence, the present Writ Petition.

CHRONOLOGICAL LIST OF RELEVANT EVENTS

DATE	PARTICULARS
30-12-1967	The Unlawful Activities (Prevention) Act, 1967 (the "UAPA") was by enacted by the Parliament and signed by the President on 30-12-1967. The Act in its original form contained only 21 sections.
23-05-1985	To combat the growing terrorism, the Parliament passed the Terrorist and Disruptive Activities (Prevention) Act,

	1985 ("TADA I"). TADA I received the assent of the President on 23-05-1985 and was published in official Gazette of India also on 23-05-1985 and came into force on 24-05-1985 for a period of 2 years.
23-05-1987	Since, TADA I was about to expire on 23-05-1987, and both the house of Parliament was not in session and it was necessary to take immediate action, the President promulgated the Terrorist and Disruptive Activities (Prevention) Ordinance, 1987 on 23-05-1987 which came into force w.e.f 24-05-1987.
03-09-1987	TADA II repealed the above ordinance and received the assent of the President on 03-09-1987 and was published in the official Gazette on 03-09-1987.
1994	The constitutional validity of TADA I and TADA II was challenged in the Supreme Court in the case of *Kartar Singh v State of Punjab* (1994) 3 SCC 569, wherein while upholding the constitutional validity of TADA, this Court observed that it was necessary to ensure that the provisions of TADA were not misused by the security agencies/police. Certain guidelines were set out to ensure that confessions obtained in pre indictment interrogation by the police will be in conformity with the principles of fundamental fairness. This Court also indicated that the

	Central Government should take note of those guidelines by incorporating them in TADA and the Rules framed there under by appropriate amendments. The Court also held that in order to prevent the misuse of the provisions of TADA, there must be some Screening or Review Committees.
1995	TADA was allowed to lapse.
24-10-2001	The Prevention of Terrorism Ordinance, 2001, was promulgated on 24-10-2001.
30-12-2001	The Prevention of Terrorism (Second) Ordinance promulgated on 30-12-2001.
2002	The Prevention of Terrorism Act, 2002 ("POTA" for short) was enacted replacing the Prevention of Terrorism (Second) Ordinance, 2001.
2004	The Constitutional validity of POTA was challenged in *People's Union for Civil Liberties v Union of India* (2004) 9 SCC 580, wherein this Hon'ble Court upheld the validity of the Act.
21-09-2004	In view of the adverse reports about the misuse of the provisions of POTA in some States, Parliament repealed POTA, by the Prevention of Terrorism (Repeal) Ordinance, 2004 promulgated on 21-09-2004, later replaced by the Prevention of Terrorism (Repeal) Act, 2004.

29-12-2004 Upon the repeal of POTA, the UAPA was amended which added provisions from the repealed POTA. The amendment came into force on 29-12-2004. Chapter VI that deals with "Terrorist Organisations" was inserted.

07-05-2012 Section 35 of UAPA Act, 1967 came to be challenged before this Hon'ble Court in a Writ Petition titled 'Humam Ahmad Siddiqui & Anr. Vs. UOI' bearing W.P.(C) No. 138 of 2012.

This Hon'ble Court by its Order dated 07-05-2012 was pleased to issue notice.

01-02-2013 S.35 was further amended w.e.f 01-02-2013 and inter alia "order" u/S. 35 was substituted with "notification" and S. 35(4) and S.35(5) was added.

08-08-2019 The Unlawful Activities (Prevention) Amendment Act, 2019 got the assent of the President of India on 08-08-2019 and it was published in the official gazette thereafter.

As per the 2019 Amendment, the amended Chapter VI reads as under:

> CHAPTER VI
> TERRORIST ORGANISATIONS *AND INDIVIDUALS*
> 35. Amendment of Schedule, etc.-(1) The Central Government may, by order, in the Official Gazette,-
> (a) add an organisation to the First Schedule *or the name of an individual in the Fourth Schedule*;
> (b) add also an organisation to the First Schedule, which is identified as a terrorist organisation in a resolution adopted by the Security Council under Chapter VII of the Charter of the United Nations *or the name of an individual in the Fourth Schedule*, to

combat international terrorism;
(c) remove an organisation from the First Schedule; *or the name of an individual in the Fourth Schedule*
(d) amend the First Schedule in some other way *or the Fourth Schedule*.
(2) The Central Government shall exercise its power under clause (a) of sub-section (1) in respect of an *organisation or an individual only if it believes that such organisation or individual is* involved in terrorism.
(3) For the purposes of sub-section (2), *an organisation or an individual shall be deemed to be involved in terrorism if such organisation or individual*-
(a) commits or participates in acts of terrorism, or (b) prepares for terrorism, or (c) promotes or encourages terrorism, or (d) is otherwise involved in terrorism.
(4) The Central Government may, by notification in the Official Gazette, add to or remove or amend the Second Schedule or Third Schedule and thereupon the Second Schedule or the Third Schedule, as the case may be, shall be deemed to have been amended accordingly.
(5)- Every notification issued under sub section (1) or sub section (4) shall, as soon as may be after it is issued, be laid before Parliament."

36. Denotification of a terrorist organization *or individual*.-(1) An application may be made to the Central Government for the exercise of its power under clause (c) of sub-section (1) of section 35 to remove an organisation from the *First Schedule, or as the case may be, the name of the individual from the Fourth Schedule*.
(2) An application under sub-section (1)may be made by-
(a) the organisation, or
(b) any person affected by inclusion of the organisation in the *First Schedule as a terrorist organisation*, or
(c) any person affected by inclusion of his name in the Fourth Schedule as a terrorist.
(3) The Central Government may prescribe the

procedure for admission and disposal of an application made under this section.

(4) Where an application under sub-section (1) has been rejected the applicant may apply for a review to the Review Committee constituted by the Central Government under sub-section (1) of section 37 within one month from the date of receipt of the order of such refusal by the applicant.

(5) The Review Committee may allow an application for review against rejection to remove *an organisation from the First Schedule or the name of an individual from the Fourth Schedule*, if it considers that the decision to reject was flawed when considered in the light of the principles applicable on an application for judicial review.

(6) Where the Review Committee allows review under sub-section (5) by or in respect of an organization *or an individual*, it may make an order to such effect.

(7) Where an order is made under sub-section (6), the Central Government shall, as soon as the certified copy of the order is received by it, make an order removing the organisation from the *First Schedule or the name of an individual from the Fourth Schedule*.

37. Review Committees.-(1) The Central Government shall constitute one or more Review Committees for the purposes of section 36.

(2) Every such Committee shall consist of a Chairperson and such other members not exceeding three and possessing such qualifications as may be prescribed.

(3) A Chairperson of the Committee shall be a person who is, or has been, a Judge of a High Court, who shall be appointed by the Central Government and in the case of appointment of a sitting Judge, the concurrence of the Chief Justice of the concerned High Court shall be obtained.

22-08-2019 Hence, the Writ Petition.

IN THE SUPREME COURT OF INDIA

ORIGINAL CIVIL JURISDICTION

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

WRIT PETITION (CIVIL) No._____ OF 2019

IN THE MATTER OF:

MEMO OF PARTIES

1. ASSOCIATION FOR PROTECTION OF CIVIL RIGHTS (APCR)

...PETITIONER

VERSUS

1. UNION OF INDIA
   Through Ministry of Law and Justice, Government of India, 4th Floor, A-Wing, Shastri Bhawan, New Delhi – 110 011 ... RESPONDENT

PUBLIC INTEREST LITIGATION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA CHALLENGING THE CONSTITUTIONAL VALIDITY OF SECTION 35 AND 36 OF THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967 (HEREINAFTER REFERRED TO AS "UAPA") AS AMENDED BY THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2019TO THE EXTENT IT APPLIES TO AN INDIVIDUAL ON THE GROUND THAT IT INFRINGES THE FUNDAMENTAL RIGHTS UNDER ARTICLES 14, 19(1)(a) AND 21 OF THE CONSTITUTION OF INDIA.

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF THE
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is filing the present public interest litigation under Article 32 of the Constitution of India challenging the Constitutional validity of Section 35 and Section 36 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as "**UAPA**") as amended by the UAPA Amendment Act 2019, to the extent it applies to an individual on the ground that it infringes the Fundamental Rights guaranteed under Article 14, 19(1)(a), 21 of the Constitution of India.

2. The Petitioner is a Civil Rights Group comprising of advocates, social activists and social workers dedicated to using the law to protect and advance the cause of civil and human rights in India. The Petitioner is a non-profit and non- governmental civil rights group that was setup in 2006 to defend the rights of the underprivileged section of the society. APCR has in the past provided legal aid to the victims of illegal detention, custodial death, fake encounter, communal riots and other human rights violations. APCR is also providing legal aid to persons accused in Bijnore Blast Case that is presently pending in Lucknow Court.

A True Copy of the Memorandum of Association of the Petitioner Organisation, dated 03-08-2006 is annexed herewith as **ANNEXURE P-1** (Pages_____to_____)

2.1 The Petitioner Organization actively participates in protecting the rights of the victims and has filed a writ petition before this Hon'ble Court titled '*Association for Protection of Civil Rights Vs. The State of Bihar.*' W.P. (Crl.) No. 195 of 2011 against the incident of police firing and subsequent killing of OBC Muslims in Bhajanpur, Forbesganj, Bihar. The matter is pending before this Hon'ble Court.

2.2 The Petitioner has offices in 17 states i.e. Jharkhand, Kerala, Karnataka, Goa, Tamil Nadu, Maharashtra, Rajasthan, West Bengal, Gujarat, Delhi, U.P (West and Uttarakhand), U.P (East), Bihar, Assam, Haryana, Madhya Pradesh and Telangana. APCR also organizes training workshops and legal awareness camps.

2.3 The Petitioner is represented through its National Coordinator, Mr. Abu Bakr Sabbaq who is a practicing advocate with an experience of about five years and extensively deals in cases regarding UAPA, communal riots, fake encounters, human rights violation, etc.

2.4 The Petitioner is filing this Writ Petition as a Public Interest Litigation (PIL). The Petitioner humbly submits that it has no personal interest, individual gain, oblique motive for filing the present PIL. The Petitioner organization is not involved in any

litigation, which has or could have any nexus whatsoever with the issues involved in the present matter.

2.5 The Petitioner has not filed any other petition, either before this Hon'ble Court or in any other High Court seeking similar relief.

2.6 The Petitioner's complete name and complete postal address has been given in the memo of parties.

2.7 The Respondent No.1 is the Union of India through Ministry of Law and Justice, which is a necessary party for adjudication of the present Writ Petition.

3. FACTUAL BACKGROUND:

3.1 The Unlawful Activities (Prevention) Act (the "UAPA") was enacted by the Parliament and signed by the President on 30-12-1967. The Act in its original form contained only 21 sections.

3.2 Thereafter, to combat the growing terrorism, the Parliament passed the Terrorist and Disruptive Activities (Prevention) Act, 1985 ("TADA I"). TADA I received the assent of the President on 23-05-1985 and was published in official Gazette of India also on 23-05-1985. It came into force on 24-05-1985 for an initial period of 2 years.

3.3 Since, TADA I was about to expire on 23-05-1987, and both the house of Parliament was not in session and it was necessary to take immediate action, the President promulgated the Terrorist

and Disruptive Activities (Prevention) Ordinance, 1987 on 23-05-1987 which came into force w.e.f 24-05-1987.

3.4 TADA II repealed the above ordinance and received the assent of the President on 03-09-1987 and was also published in the official Gazette on 03-09-1987.

3.5 The constitutional validity of TADA I and TADA II was challenged in the Supreme Court in the case of ***Kartar Singh v State of Punjab*** (1994) 3 SCC 569 and it was heard by a bench of 5 judges. While upholding the constitutional validity of TADA, this Court also observed that it was necessary to ensure that the provisions of TADA were not misused by the security agencies/police. Certain guidelines were set out to ensure that confessions obtained in pre indictment interrogation by the police will be in conformity with the principles of fundamental fairness. This Court also indicated that the Central Government should take note of those guidelines by incorporating them in TADA and the Rules framed there under by appropriate amendments. The Court also held that in order to prevent the misuse of the provisions of TADA, there must be some Screening or Review Committees. In the lead judgment, Pandian. J held:-

> "***265.*** *In order to ensure higher level of scrutiny and applicability of TADA Act, there must be a screening Committee or a Review Committee constituted by the*

Central Government consisting of the Home Secretary, Law Secretary and other secretaries concerned of the various Departments to review all the TADA cases instituted by the Central Government as well as to have a quarterly administrative review, reviewing the States' action in the application of the TADA provisions in the respective. States, and the incidental questions arising in relation thereto. Similarly, there must be a Screening or Review Committee at the State level constituted by the respective States consisting of the Chief Secretary, Home Secretary, Law Secretary, Director General of Police (Law and Order) and other officials as the respective Government may think it fit, to review the action of the enforcing authorities under the Act and screen the cases registered under the provisions of the Act and decide the further course of action in every matter and so on."

A True Copy of the Judgment titled '*Kartar Singh v State of Punjab'* (1994) 3 SCC 569, dated NIL, is annexed herewith as **ANNEXURE P-2** (Pages_____to_____)

3.6 In 1995, TADA was allowed to lapse.

3.7 A few years later, the Prevention of Terrorism Ordinance, 2001, was promulgated on 24-10-2001, followed by the Prevention of Terrorism (Second) Ordinance that was promulgated on 30-12-2001.

3.8 In 2002, the Prevention of Terrorism Act, 2002 ("POTA") was enacted replacing the Prevention of Terrorism (Second)

Ordinance, 2001. Chapter III of POTA was titled "Terrorist Organisation". The relevant portion has been extracted below:-

> 18. Declaration of an organisation as a terrorist organization.-
> (1) For the purposes of this Act, an organisation is a terrorist organisation if—
> (a) it is listed in the Schedule, or
> (b) it operates under the same name as an organisation listed in that Schedule.
> (2) The Central Government may by order, in the Official Gazette,—
> (a) add an organisation to the Schedule;
> (b) remove an organisation from that Schedule;
> (c) amend that Schedule in some other way.
> (3) The Central Government may exercise its power under clause (a) of sub-section (2) in respect of an organisation only if it believes that it is involved in terrorism.
> (4) For the purposes of sub-section (3), an organisation shall be deemed to be involved in terrorism if it—
> (a) commits or participates in acts of terrorism,
> (b) prepares for terrorism,
> (c) promotes or encourages terrorism, or
> (d) is otherwise involved in terrorism.
>
> 19. Denotification of a terrorist organization.-
> (1) An application may be made to the Central Government for the exercise of its power under clause (b) of sub-section (2) of section 18 to remove an organisation from the Schedule.
> (2) An application may be made by— (a) the organisation, or (b) any person affected by inclusion of the organisation in the Schedule as a terrorist organisation.
> (3) The Central Government may make rules to prescribe the procedure for admission and disposal of an application made under this section.
> (4) Where an application under sub-section (1) has been refused, the applicant may apply for a review to the Review Committee constituted by the Central Government

> under sub-section (1) of section 60 within one month from the date of receipt of the order by the applicant.
> (5) The Review Committee may allow an application for review against refusal to remove an organisation from the Schedule, if it considers that the decision to refuse was flawed when considered in the light of the principles applicable on an application for judicial review.
> (6) Where the Review Committee allows review under sub-section (5) by or in respect of an organisation, it may make an order under this sub-section.
> (7) Where an order is made under sub-section (6), the Central Government shall, as soon as the certified copy of the order is received by it, make an order removing the organisation from the list in the Schedule.

S.60 provided for the constitution of Review Committee to discharge the function specified inter alia u/s 19(4) of POTA. The Act provided that every such Committee would consist of a Chairperson and such other members not exceeding three and possessing such qualifications as may be prescribed. It also provided that the Chairperson of the Committee would be a person who is, or has been a, a Judge of a High Court, who shall be appointed by the Central Government or as the case may be.

3.9 The Constitutional validity of POTA was challenged in ***People's Union for Civil Liberties v Union of India,*** (2004) 9 SCC 580 and this Hon'ble Court upheld the validity of the Act. This Hon'ble Court upheld the designation of the Terrorist Organisation and held the following:-

*"**40.** Sections 18 and 19 deal with the notification and denotification of terrorist organisations. The petitioners submitted that under Section 18(1) of POTA a Schedule has been provided giving the names of terrorist organisations without any legislative declaration; that there is nothing provided in the Act for declaring organisations as terrorist organisations; that this provision is therefore, unconstitutional as it takes away the fundamental rights of an organization under Articles 14, 19(1)(a) and 19(1)(c) of the Constitution; that under Section 18(2) of the Act, the Central Government has been given unchecked and arbitrary powers to "add" or "remove" or "amend" the Schedule pertaining to terrorist organisations; that under the Unlawful Activities (Prevention) Act, 1967 an organization could have been declared unlawful only after the Central Government has sufficient material to form an opinion and such declaration has to be made by a notification wherein grounds have to be specified for making such declaration; that therefore such arbitrary power is violative of Articles 14, 19 and 21 of the Constitution. Pertaining to Section 19 the main allegation is that it excessively delegates power to the Central Government in the appointment of members to the Review Committee and they also pointed out that the inadequate representation of judicial members will affect the decision-making and consequently, it may affect the fair judicial scrutiny; that, therefore, Section 19 is not constitutionally valid.*

***41.** The learned Attorney General contended that there is no requirement of natural justice which mandates that before a statutory declaration is made in respect of an*

organization which is listed in the schedule a prior opportunity of hearing or representation should be given to the affected organization or its members; that the rule of audi alteram partem is not absolute and is subject to modification; that in light of the post-decisional hearing remedy provided under Section 19 and since the aggrieved persons could approach the Review Committee there is nothing illegal in the section; that furthermore, the constitutional remedy under Articles 226 and 227 is also available; that therefore, having regard to the nature of the legislation and the magnitude and prevalence of the evil of terrorism it cannot be said to impose unreasonable restrictions on the fundamental rights under Article 19(1)(c) of the Constitution.

42. *The right of citizens to form associations or unions that is guaranteed by Article 19(1)(c) of the Constitution is subject to the restrictions provided under Article 19(4) of the Constitution. Under Article 19(4) of the Constitution the State can impose reasonable restrictions, inter alia, in the interest of sovereignty and integrity of the country. POTA is enacted to protect sovereignty and integrity of India from the menace of terrorism. Imposing restriction under Article 19(4) of the Constitution also includes declaring an organization as a terrorist organization as provided under POTA. Hence Section 18 is not unconstitutional.*

43. *It is contended that before making the notification whereby an organization is declared as a terrorist organization there is no provision for pre-decisional hearing. But this cannot be considered as a violation of audi alteram partem principle, which itself is not absolute. Because in the peculiar background of terrorism*

it may be necessary for the Central Government to declare an organization as terrorist organization even without hearing that organization. At the same time under Section 19 of POTA the aggrieved persons can approach the Central Government itself for reviewing its decision. If they are not satisfied by the decision of the Central Government they can subsequently approach the Review Committee and they are also free to exercise their constitutional remedies. The post-decisional remedy provided under POTA satisfies the audi alteram partem requirement in the matter of declaring an organization as a terrorist organization. (See Mohinder Singh Gill v. Chief Election Commr. [(1978) 1 SCC 405], Swadeshi Cotton Mills v. Union of India [(1981) 1 SCC 664], Olga Tellis v. Bombay Municipal Corpn. [(1985) 3 SCC 545] and Union of India v. Tulsiram Patel [(1985) 3 SCC 398: 1985 SCC (L&S) 672].) Therefore, the absence of pre-decisional hearing cannot be treated as a ground for declaring Section 18 as invalid.

44. *It is urged that Section 18 or 19 is invalid based on the inadequacy of judicial members in the Review Committee. As per Section 60, Chairperson of the Review Committee will be a person who is or has been a Judge of a High Court. The mere presence of non-judicial members by itself cannot be treated as a ground to invalidate Section 19. (See Kartar Singh case [(1994) 3 SCC 569: 1994 SCC (Cri) 899: (1994) 2 SCR 375] at p. 683, para 265 of SCC.)*

45. *As regards the reasonableness of the restriction provided under Section 18, it has to be noted that the factum of declaration of an organization as a terrorist organization depends upon the "belief" of the Central*

Government. The reasonableness of the Central Government's action has to be justified based on material facts upon which it formed the opinion. Moreover, the Central Government is bound by the order of the Review Committee. Considering the nature of legislation and magnitude or presence of terrorism, it cannot be said that Section 18 of POTA imposes unreasonable restrictions on fundamental right guaranteed under Article 19(1)(c) of the Constitution. We uphold the validity of Sections 18 and 19." (Emphasis Added)

A True Copy of Judgment titled *'People's Union for Civil Liberties v Union of India'* (2004) 9 SCC 580, dated NIL is annexed herewith as **ANNEXURE P-3** (Pages_____to_____)

3.10 In view of the adverse reports about the misuse of the provisions of POTA in some States, Parliament repealed POTA, by the Prevention of Terrorism (Repeal) Ordinance, 2004 promulgated on 21-09-2004, which was later replaced by the Prevention of Terrorism (Repeal) Act, 2004. [(2009) 2 SCC 1]

3.11 Upon the repeal of POTA, the UAPA was amended which added provisions from the repealed POTA. The amendment came into force on 29-12-2004. Chapter VI that deals with "Terrorist Organisations" was inserted. The relevant provisions are extracted below.

CHAPTER VI TERRORIST ORGANISATIONS

35. Amendment of Schedule, etc.-(1) The Central Government may, by order, in the Official Gazette,-
(a) add an organisation to the Schedule;
(b) add also an organisation to the Schedule, which is identified as a terrorist organisation in a resolution adopted by the Security Council under Chapter VII of the Charter of the United Nations, to combat international terrorism;
(c) remove an organisation from the Schedule;
(d) amend the Schedule in some other way.
(2) The Central Government shall exercise its power under clause (a) of sub-section (1) in respect of an organisation only if it believes that it is involved in terrorism.
(3) For the purposes of sub-section (2), an organisation shall be deemed to be involved in terrorism if it- (a) commits or participates in acts of terrorism, or (b) prepares for terrorism, or (c) promotes or encourages terrorism, or (d) is otherwise involved in terrorism.

36. Denotification of a terrorist organization.-(1) An application may be made to the Central Government for the exercise of its power under clause (c) of sub-section (1) of section 35 to remove an organisation from the Schedule.
(2) An application under sub-section (1) may be made by-
(a) the organisation, or
(b) any person affected by inclusion of the organisation in the Schedule as a terrorist organisation.
(3) The Central Government may prescribe the procedure for admission and disposal of an application made under this section.
(4) Where an application under sub-section (1) has been rejected the applicant may apply for a review to the Review Committee constituted by the Central Government under sub-section (1) of section 37 within one month from the date of receipt of the order of such refusal by the applicant.
(5) The Review Committee may allow an application for review against rejection to remove an organisation from the Schedule, if it considers that the decision to reject was flawed when considered in the light of the principles applicable on an application for judicial review.

(6) Where the Review Committee allows review under sub-section (5) by or in respect of an organisation, it may make an order to such effect.
(7) Where an order is made under sub-section (6), the Central Government shall, as soon as the certified copy of the order is received by it, make an order removing the organisation from the Schedule.

37. Review Committees.-(1) The Central Government shall constitute one or more Review Committees for the purposes of section 36.
(2) Every such Committee shall consist of a Chairperson and such other members not exceeding three and possessing such qualifications as may be prescribed.
(3) A Chairperson of the Committee shall be a person who is, or has been, a Judge of a High Court, who shall be appointed by the Central Government and in the case of appointment of a sitting Judge, the concurrence of the Chief Justice of the concerned High Court shall be obtained.

3.12 In a Writ Petition titled 'Humam Ahmad Siddiqui & Anr. Vs. UOI' bearing W.P.(C) No. 138 of 2012, various provisions of UAPA including S.35 was challenged. This Hon'ble Court by its Order dated 07-05-2012 was pleased to issue notice.

A True Copy of the Order dated 07-05-2012 passed by this Hon'ble Court in W.P.(C) No. 138 of 2012 titled 'Humam Ahmad Siddiqui & Anr. Vs. UOI' is annexed herewith as **ANNEXURE P-4** (Pages_____to_____)

3.13 S.35 was further amended w.e.f 01-02-2013 and inter alia "order" u/s 35 was substituted with "notification" and S. 35(4) and S.35(5) was added. These are provided below:-

"S.35(4)– The Central Government may, by notification in the Official Gazette, add to or remove or amend the Second Schedule or Third Schedule and thereupon the Second Schedule or the Third Schedule, as the case may be, shall be deemed to have been amended accordingly.
S.35(5)- Every notification issued under sub section (1) or sub section (4) shall, as soon as may be after it is issued, be laid before Parliament."

3.14 Thereafter, UAPA Amendment Bill, 2019 that further empowered the Central Government to notify an individual as a terrorist was passed by the Parliament. The statement of object and reasons for the amendment mentioned in the bill is as follows:-

"1…
2. Presently, the National Investigation Agency faces many difficulties in the process of investigation and prosecution of terrorism related cases. With a view to overcome such difficulties being faced by the National Investigation Agency in the investigation and prosecution of terrorism related cases due to certain legal infirmities and <u>also to align the domestic law with the international obligations as mandated in several Conventions and Security Council Resolutions on the issue</u>, the Government proposes to amend the said Act and for the said purpose, introduce the Unlawful Activities (Prevention)Amendment Bill, 2019."
(Emphasis Added)

A True Copy of UAPA Amendment Bill, 2019, dated NIL is annexed herewith as **ANNEXURE P-5** (Pages_____to_____)

3.15 The President assented to the Amendment on 08-08-2019 and it was published in the official gazette thereafter.

A True Copy of the Gazette dated 08-08-2019 is annexed herewith as **ANNEXURE P-6** (Pages_____to_____)

3.16 The amended Chapter VI reads as under:

CHAPTER VI

TERRORIST ORGANISATIONS *AND INDIVIDUALS*

35. Amendment of Schedule, etc.-(1) The Central Government may, by order, in the Official Gazette,-

(a) add an organisation to the First Schedule *or the name of an individual in the Fourth Schedule*;

(b) add also an organisation to the First Schedule, which is identified as a terrorist organisation in a resolution adopted by the Security Council under Chapter VII of the Charter of the United Nations *or the name of an individual in the Fourth Schedule*, to combat international terrorism;

(c) remove an organisation from the First Schedule; *or the name of an individual in the Fourth Schedule*

(d) amend the First Schedule in some other way *or the Fourth Schedule*.

(2) The Central Government shall exercise its power under clause (a) of sub-section (1) in respect of an *organisation or an individual only if it believes that such organisation or individual is* involved in terrorism.

(3) For the purposes of sub-section (2), *an organisation or an individual shall be deemed to be involved in terrorism if such organisation or individual-* (a) commits or participates in acts of terrorism, or (b) prepares for terrorism, or (c) promotes or encourages terrorism, or (d) is otherwise involved in terrorism.

(4) The Central Government may, by notification in the Official Gazette, add to or remove or amend the Second Schedule or Third Schedule and thereupon the Second Schedule or the Third Schedule, as the case may be, shall be deemed to have been amended accordingly.

(5)- Every notification issued under sub section (1) or sub section (4) shall, as soon as may be after it is issued, be laid before Parliament."

36. Denotification of a terrorist organization *or individual*.-
(1) An application may be made to the Central Government for the exercise of its power under clause (c) of sub-section (1) of section 35 to remove an organisation from the *First Schedule, or as the case may be, the name of the individual from the Fourth Schedule*.
(2) An application under sub-section (1) may be made by-
(a) the organisation, or
(b) any person affected by inclusion of the organisation in the *First Schedule as a terrorist organisation*, or
(c) any person affected by inclusion of his name in the Fourth Schedule as a terrorist.
(3) The Central Government may prescribe the procedure for admission and disposal of an application made under this section.
(4) Where an application under sub-section (1) has been rejected the applicant may apply for a review to the Review Committee constituted by the Central Government under sub-section (1) of section 37 within one month from the date of receipt of the order of such refusal by the applicant.
(5) The Review Committee may allow an application for review against rejection to remove *an organisation from the First Schedule or the name of an individual from the Fourth Schedule*, if it considers that the decision to reject was flawed when considered in the light of the principles applicable on an application for judicial review.
(6) Where the Review Committee allows review under sub-section (5) by or in respect of an organization *or an individual*, it may make an order to such effect.
(7) Where an order is made under sub-section (6), the Central Government shall, as soon as the certified copy of the order is received by it, make an order removing the organisation from the *First Schedule or the name of an individual from the Fourth Schedule*.

> 37. Review Committees.-(1) The Central Government shall constitute one or more Review Committees for the purposes of section 36.
> (2) Every such Committee shall consist of a Chairperson and such other members not exceeding three and possessing such qualifications as may be prescribed.
> (3) A Chairperson of the Committee shall be a person who is, or has been, a Judge of a High Court, who shall be appointed by the Central Government and in the case of appointment of a sitting Judge, the concurrence of the Chief Justice of the concerned High Court shall be obtained.

3.17 The 2019 Amendment is being challenged on the following grounds:-

4. GROUNDS

THE AMENDMENT VIOLATES THE RIGHTS OF THE INDIVIDUAL UNDER ARTICLE 21 OF THE CONSTITUTION

Right to Reputation and dignity is a Fundamental Right and the amendment deprives an individual of this right without the due process of law.

A. Because the Amendment infringes upon the right to reputation and dignity which is a fundamental right under Article 21, without substantive and procedural due process. Notifying an individual as a terrorist without giving him an opportunity of being heard violates the individual's right to reputation and dignity which is a facet of Right to life and personal liberty under Article 21 of the Constitution. Condemning a person unheard on a mere belief of the Government, is unreasonable, unjust, unfair, excessive,

disproportionate and violates due process. A person who is designated a terrorist, even if he is denotified subsequently faces a lifelong stigma and this tarnishes his reputation for life.

B. Additionally, S.35 does not mention when a person can be designated as terrorist. Whether on a mere registration of an FIR or upon conviction in a terrorism related case. Designating a person as a terrorist on a mere of the belief of the Government is arbitrary and excessive. A person is never informed of the grounds of his notification so the remedy of challenging his notification S.36, provided for in the Act, is rendered practically otiose.

C. Because, a bare perusal of the amendment would reveal that there is no criminal consequence that follows a person's designation as a terrorist. No new offence has been created or new punishment provided. The amendment is grossly disproportionate and has no rationale nexus between the objects and means adopted to meet them. The statement of the object and reasons of the bill indicates that the amendment has been brought in to give effect to various Security Council resolutions. It is unclear as to what legitimate aim does the State seek to achieve by declaring a person as a terrorist without even providing an efficacious remedy to challenge his notification.

D. Because first, the challenge to notification is before the same Central Government that has notified a person as a terrorist u/s

36. Thereafter, upon rejection, an application is made to a Review Committee. No oral hearing has been provided at any stage. There is no requirement of furnishing to the person designated as a terrorist the grounds of his designation, which renders the entire process of challenging the notification nugatory. There is no judicial determination or adjudication. The amendment is unjust, unfair and unreasonable and violates procedural and substantive due process.

E. In ***Subramanian Swamy v. Union of India*****, (2016) 7 SCC 221,** this Hon'ble Court held that the right to reputation is a facet of Article 21:-

> *"**132**. … The submission of the respondents is that right to life as has been understood by this Court while interpreting Article 21 of the Constitution covers a wide and varied spectrum. Right to life includes the right to life with human dignity and all that goes along with it, namely, the bare necessities of life such as nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forums, freely moving about and mixing and commingling with fellow human beings and, therefore, it is a precious human right which forms the arc of all other rights (see Francis Coralie Mullin v. UT of Delhi[Francis Coralie Mullin v. UT of Delhi, (1981) 1 SCC 608 : 1981 SCC (Cri) 212]). It has also been laid down in the said decision that the right to life has to be interpreted in a broad and expansive spirit so as to invest it with significance and vitality which may endure for years to come and enhance dignity of an individual and worth of a human being.*

In Chameli Singh v. State of U.P. [Chameli Singh v. State of U.P., (1996) 2 SCC 549], the Court has emphasized on social and economic justice which includes the right to shelter as an inseparable component of meaningful right to life. The respect for life, property has been regarded as essential requirement of any civilized society in Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] . Deprivation of life, according to Krishna Iyer, J. in Babu Singh v. State of U.P. [Babu Singh v. State of U.P., (1978) 1 SCC 579: 1978 SCC (Cri) 133] has been regarded as a matter of grave concern. Personal liberty, as used in Article 21, is treated as a composition of rights relatable to various spheres of life to confer the meaning to the said right. Thus perceived, the right to life under Article 21 is equally expansive and it, in its connotative sense, carries a collection or bouquet of rights. In the case at hand, the emphasis is on right to reputation which has been treated as an inherent facet of Article 21. In Haridas Das v. Usha Rani Banik [Haridas Das v. Usha Rani Banik, (2007) 14 SCC 1: (2009) 1 SCC (Cri) 750], it has been stated that a good name is better than good riches. In a different context, the majority in S.P. Mittal v. Union of India [S.P. Mittal v. Union of India, (1983) 1 SCC 51 : AIR 1983 SC 1] , has opined that man, as a rational being, endowed with a sense of freedom and responsibility, does not remain satisfied with any material existence. He has the urge to indulge in creative activities and effort is to realize the value of life in them. The said decision lays down that the value of life is incomprehensible without dignity.

> ***133.*** *In Charu Khurana v. Union of India [Charu Khurana v. Union of India, (2015) 1 SCC 192: (2015) 1 SCC (L&S) 161], it has been ruled that dignity is the quintessential quality of a personality, for it is a highly cherished value. Thus perceived, right to honour, dignity and reputation are the basic constituents of right under Article 21. The submission of the learned counsel for the petitioners is that reputation as an aspect of Article 21 is always available against the high-handed action of the State. To state that such right can be impinged and remains unprotected inter se private disputes pertaining to reputation would not be correct. Neither can this right be overridden and blotched notwithstanding malice, vile and venal attack to tarnish and destroy the reputation of another by stating that the same curbs and puts unreasonable restriction on the freedom of speech and expression. There is no gainsaying that individual rights form the fundamental fulcrum of collective harmony and interest of a society. There can be no denial of the fact that the right to freedom of speech and expression is absolutely sacrosanct. Simultaneously, right to life as is understood in the expansive horizon of Article 21 has its own significance. We cannot forget the rhetoric utterance of Patrick Henry:*
>
> *"Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!" [Patrick Henry, Speech in House of Burgesses on 23-3-1775 (Virginia).]*

F. This Hon'ble Court in ***S. Nambi Narayanan v. Siby Mathews***, (2018) 10 SCC 804 quoted with approval:-

*"**37.** In Kiran Bedi v. Committee of Inquiry [Kiran Bedi v. Committee of Inquiry, (1989) 1 SCC 494], this Court reproduced an observation from the decision in D.F. Marion v. Davis [D.F. Marion v. Davis, 55 ALR 171: 217 Ala 16 (1927)] : (SCC pp. 515, para 25)*

> *"25. … 'The right to the enjoyment of a private reputation, unassailed by malicious slander is of ancient origin, and is necessary to human society. A good reputation is an element of personal security, and is protected by the Constitution equally with the right to the enjoyment of life, liberty and property.'"*

***38**. Reputation of an individual is an insegregable facet of his right to life with dignity. In a different context, a two-Judge Bench of this Court in Vishwanath Agrawal v. Sarla Vishwanath Agrawal [Vishwanath Agrawal v. Sarla Vishwanath Agrawal, (2012) 7 SCC 288 : (2012) 4 SCC (Civ) 224 : (2012) 3 SCC (Cri) 347] has observed: (SCC pp. 307, para 55)*

> *"55. … reputation which is not only the salt of life, but also the purest treasure and the most precious perfume of life. It is extremely delicate and a cherished value this side of the grave. It is a revenue generator for the present as well as for the posterity."*

G. Because this Hon'ble Court in ***Danial Latifi v Union of India*** (2001) 7 SCC 740 held that right to live with dignity is included in right to life and personal liberty.

H. Because, recently, a 9 judge bench of this Hon'ble Court in ***K.S. Puttaswamy v. Union of India,*** (2017) 10 SCC 1, emphasized on the importance on protection of reputation.

*"**623.** An individual has a right to protect his reputation from being unfairly harmed and such protection of reputation needs to exist not only against falsehood but also certain truths. It cannot be said that a more accurate judgment about people can be facilitated by knowing private details about their lives — people judge us badly, they judge us in haste, they judge out of context, they judge without hearing the whole story and they judge with hypocrisy. Privacy lets people protect themselves from these troublesome judgments." (Emphasis Added)*

I. Because, this Hon'ble Court in ***K.S. Puttaswamy v. Union of India,*** (2017) 10 SCC 1, held that dignity is an important facet of right to privacy which is a fundamental right under Article 21 of the Constitution. This Court held :-

*"**108.** Over the last four decades, our constitutional jurisprudence has recognised the inseparable relationship between protection of life and liberty with dignity. Dignity as a constitutional value finds expression in the Preamble. The constitutional vision seeks the realisation of justice (social, economic and political); liberty (of thought, expression, belief, faith and worship); equality (as a guarantee against arbitrary treatment of individuals) and fraternity (which assures a life of dignity to every individual). These constitutional precepts exist in unity to facilitate a humane and compassionate society. The individual is the focal point of the Constitution because it is in the realisation of individual rights that the collective well-being of the community is determined. Human dignity is an integral part of the Constitution. Reflections of dignity are found in the*

guarantee against arbitrariness (Article 14), the lamps of freedom (Article 19) and in the right to life and personal liberty (Article 21).

109. *In Prem Shankar Shukla v. Delhi Admn. [Prem Shankar Shukla v. Delhi Admn., (1980) 3 SCC 526 : 1980 SCC (Cri) 815] , which arose from the handcuffing of the prisoners, Krishna Iyer, J. speaking for a three-Judge Bench of this Court held: (SCC pp. 529-30 & 537, paras 1 & 21)*

> *"1. … the guarantee of human dignity, which forms part of our constitutional culture, and the positive provisions of Articles 14, 19 and 21 spring into action when we realise that to manacle man is more than to mortify him; it is to dehumanise him and, therefore, to violate his very personhood, too often using the mask of "dangerousness" and security.*
>
> *****
>
> *21. The Preamble sets the humane tone and temper of the Founding Document and highlights justice, equality and the dignity of the individual."*

110. *A Bench of two Judges in Francis Coralie Mullin v. UT of Delhi [Francis Coralie Mullin v. UT of Delhi, (1981) 1 SCC 608 : 1981 SCC (Cri) 212] ("Francis Coralie") while construing the entitlement of a detenue under the Conservation of Foreign Exchange and Prevention of Smuggling Activities (COFEPOSA) Act, 1974 to have an interview with a lawyer and the members of his family held that: (SCC pp. 618-19, paras 6-8)*

"6. … The fundamental right to life which is the most precious human right and which forms the ark of all other rights must therefore be interpreted in a broad and expansive spirit so as to invest it with significance and

vitality which may endure for years to come and enhance the dignity of the individual and the worth of the human person.

7. … the right to life enshrined in Article 21 cannot be restricted to mere animal existence. It means something much more than just physical survival.

8. … We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessaries of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. … Every act which offends against or impairs human dignity would constitute deprivation pro tanto of this right to live and it would have to be in accordance with reasonable, fair and just procedure established by law which stands the test of other fundamental rights."

111. *In Bandhua Mukti Morcha v. Union of India [Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161: 1984 SCC (L&S) 389], a Bench of three Judges of this Court while dealing with individuals who were living in bondage observed that: (SCC p. 183, para 10)*

"10. …This right to live with human dignity enshrined in Article 21 derives its life breath from the directive principles of State policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of the workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work

and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity, and no State — neither the Central Government nor any State Government — has the right to take any action which will deprive a person of the enjoyment of these basic essentials."

113. *Human dignity was construed in M. Nagaraj v. Union of India [M. Nagaraj v. Union of India, (2006) 8 SCC 212: (2007) 1 SCC (L&S) 1013] by a Constitution Bench of this Court to be intrinsic to and inseparable from human existence. Dignity, the Court held, is not something which is conferred and which can be taken away, because it is inalienable: (SCC pp. 243 & 247-48, paras 26 & 42)*

"26. … The rights, liberties and freedoms of the individual are not only to be protected against the State, they should be facilitated by it. … It is the duty of the State not only to protect the human dignity but to facilitate it by taking positive steps in that direction. No exact definition of human dignity exists. It refers to the intrinsic value of every human being, which is to be respected. It cannot be taken away. It cannot give (sic be given). It simply is. Every human being has dignity by virtue of his existence. …

*****

42. India is constituted into a sovereign, democratic republic to secure to all its citizens, fraternity assuring the dignity of the individual and the unity of the nation. The sovereign, democratic republic exists to promote fraternity and the dignity of the individual citizen and to secure to the citizens certain rights. This is because the objectives of the State can be realised only in and through the individuals. Therefore, rights conferred on citizens and non-citizens are not merely

individual or personal rights. They have a large social and political content, because the objectives of the Constitution cannot be otherwise realised."
(emphasis supplied)
119. *To live is to live with dignity. The draftsmen of the Constitution defined their vision of the society in which constitutional values would be attained by emphasising, among other freedoms, liberty and dignity. So fundamental is dignity that it permeates the core of the rights guaranteed to the individual by Part III. Dignity is the core which unites the fundamental rights because the fundamental rights seek to achieve for each individual the dignity of existence. Privacy with its attendant values assures dignity to the individual and it is only when life can be enjoyed with dignity can liberty be of true substance. Privacy ensures the fulfilment of dignity and is a core value which the protection of life and liberty is intended to achieve."* ***(Emphasis Supplied)***

J. BECAUSE, while it is correct that the right to dignity and reputation is not absolute. This Hon'ble Court in ***Puttaswamy*** has observed that:-

"In the context of Article 21 an invasion of privacy must be justified on the basis of a law which stipulates a procedure which is fair, just and reasonable. The law must also be valid with reference to the encroachment on life and personal liberty under Article 21. An invasion of life or personal liberty must meet the threefold requirement of (i) legality, which postulates the existence of law; (ii) need, defined in terms of a legitimate State aim; and (iii)

proportionality which ensures a rational nexus between the objects and the means adopted to achieve them.

K. Because in ***Nikesh Tarachand Shah v. Union of India*, (2018) 11 SCC 1,** while holding that S.45 of PMLA violated Article 21 of the Constitution, this Hon'ble Court held that after Maneka Gandhi and RC Cooper, law under Article 21 implies due process, procedurally and substantively **:**

> ***"24.*** *Article 21 is the Ark of the Covenant so far as the Fundamental Rights Chapter of the Constitution is concerned. It deals with nothing less sacrosanct than the rights of life and personal liberty of the citizens of India and other persons. It is the only article in the Fundamental Rights Chapter (along with Article 20) that cannot be suspended even in an emergency [see Article 359(1) of the Constitution]. At present, Article 21 is the repository of a vast number of substantive and procedural rights post Maneka Gandhi v. Union of India [Maneka Gandhi v. Union of India, (1978) 1 SCC 248] . Thus, in Rajesh Kumar [Rajesh Kumar v. State, (2011) 13 SCC 706: (2012) 2 SCC (Cri) 836] at pp. 724-26, this Court held: (SCC paras 56-63)*
>
> > *"56. Article 21 as enacted in our Constitution reads as under:*
> >
> > *'**21. Protection of life and personal liberty**.—No person shall be deprived of his life or personal liberty except according to procedure established by law.'*
> >
> > *57. But this Court in Bachan Singh [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] held that in view of the expanded*

interpretation of Article 21 in Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248] , it should read as follows: (Bachan Singh case [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] , SCC p. 730, para 136)

'136. … "No person shall be deprived of his life or personal liberty except according to fair, just and reasonable procedure established by valid law."

In the converse positive form, the expanded article will read as below:

"A person may be deprived of his life or personal liberty in accordance with fair, just and reasonable procedure established by valid law." '

58. *This epoch-making decision in Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248] has substantially infused the concept of due process in our constitutional jurisprudence whenever the court has to deal with a question affecting life and liberty of citizens or even a person. Krishna Iyer, J. giving a concurring opinion in Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248] elaborated, in his inimitable style, the transition from the phase of the rule of law to due process of law. The relevant statement of law given by the learned Judge is quoted below: (SCC p. 337, para 81)*

'81. … "Procedure established by law", with its lethal potentiality, will reduce life and liberty to a precarious plaything if we do not ex necessitate import into those weighty words an adjectival rule of law, civilized in its soul, fair in its heart and fixing those imperatives of procedural protection absent which the processual tail will wag the substantive

head. Can the sacred essence of the human right to secure which the struggle for liberation, with "do or die" patriotism, was launched be sapped by formalistic and pharisaic prescriptions, regardless of essential standards? An enacted apparition is a constitutional illusion. Processual justice is writ patently on Article 21. It is too grave to be circumvented by a black letter ritual processed through the legislature.'

59. *Immediately after the decision in Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248] another Constitution Bench of this Court rendered decision in Sunil Batra v. State (UT of Delhi) [Sunil Batra v. State (UT of Delhi), (1978) 4 SCC 494 : 1979 SCC (Cri) 155] specifically acknowledged that even though a clause like the Eighth Amendment of the United States Constitution and concept of "due process" of the American Constitution is not enacted in our Constitution text, but after the decision of this Court in Rustom Cavasjee Cooper [Rustom Cavasjee Cooper v. Union of India, (1970) 1 SCC 248] and Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248] the consequences are the same. The Constitution Bench of this Court in Sunil Batra [Sunil Batra v. State (UT of Delhi), (1978) 4 SCC 494: 1979 SCC (Cri) 155] speaking through Krishna Iyer, J. held: (Sunil Batra case [Sunil Batra v. State (UT of Delhi), (1978) 4 SCC 494 : 1979 SCC (Cri) 155] , SCC p. 518, para 52)*

'52. True, our Constitution has no "due process" clause or the Eighth Amendment; but, in this branch of law, after Cooper [Rustom Cavasjee Cooper v. Union of India, (1970) 1 SCC 248]

and Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248], the consequence is the same.'

60. *The Eighth Amendment (1791) to the Constitution of the United States virtually emanated from the English Bill of Rights (1689). The text of the Eighth Amendment reads, "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted". The English Bill of Rights drafted a century ago postulates, "That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted".*

61. *Our Constitution does not have a similar provision but after the decision of this Court in Maneka Gandhi case [Maneka Gandhi v. Union of India, (1978) 1 SCC 248] jurisprudentially the position is virtually the same and the fundamental respect for human dignity underlying the Eighth Amendment has been read into our jurisprudence.*

62. *Until the decision was rendered in Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248], Article 21 was viewed by this Court as rarely embodying the Diceyian concept of the rule of law that no one can be deprived of his personal liberty by an executive action unsupported by law. If there was a law which provided some sort of a procedure it was enough to deprive a person of his life or personal liberty. In this connection, if we refer to the example given by S.R. Das, J. in his judgment in A.K. Gopalan [A.K. Gopalan v. State of Madras, AIR 1950 SC 27 : (1950) 51 Cri LJ 1383] that if the law provided the Bishop of Rochester "be boiled in oil" it would be valid under Article 21. But after the decision in Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC*

248] which marks a watershed in the development of constitutional law in our country, this Court, for the first time, took the view that Article 21 affords protection not only against the executive action but also against the legislation which deprives a person of his life and personal liberty unless the law for deprivation is reasonable, just and fair. And it was held that the concept of reasonableness runs like a golden thread through the entire fabric of the Constitution and it is not enough for the law to provide some semblance of a procedure. The procedure for depriving a person of his life and personal liberty must be eminently just, reasonable and fair and if challenged before the court it is for the court to determine whether such procedure is reasonable, just and fair and if the court finds that it is not so, the court will strike down the same.

***63.** Therefore, "law" as interpreted under Article 21 by this Court is more than mere "lex". It implies a due process, both procedurally and substantively."*

L. The US Supreme Court decision in ***Joint Anti-Fascist Refugee Committee v. McGrath*** (341 US 123(1951), while heavily relying on due process held that the orgainsations that were included in the list of designated communist organisation have the right to challenge their designation. Justice Frankfurter in his concurring judgment held that :-

"This designation imposes no legal sanction on these organizations other than that it serves as evidence in ridding the Government of persons reasonably suspected of disloyalty. It would be blindness, however, not to recognize that in the conditions of our time such designation drastically

restricts the organizations, if it does not proscribe them. Potential members, contributors or beneficiaries of listed organizations may well be influenced by use of the designation, for instance, as ground for rejection of applications for commissions in the armed forces or for permits for meetings in the auditoriums of public housing projects. Compare Act of April 3, 1948, § 110(c), 62 Stat. 143, 22 U.S.C. (Supp. III) §1508(c), 22 U.S.C.A. § 1508(c). Yet, designation has been made without notice, without disclosure of any reasons justifying it, without opportunity to meet the undisclosed evidence or suspicion on which designation may have been based, and without opportunity to establish affirmatively that the aims and acts of the organization are innocent. It is claimed that thus to maim or decapitate, on the mere say-so of the Attorney General, an organization to all outward-seeming engaged in lawful objectives is so devoid of fundamental fairness as to offend the Due Process Clause of the Fifth Amendment.

This Court is not alone in recognizing that the right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society. Regard for this principle has guided Congress and the Executive. Congress has often entrusted, as it may, protection of interests which it has created to administrative agencies rather than to the courts. But rarely has it authorized such agencies to act without those essential safeguards for fair judgment which in the course of centuries have come to be associated with due process. See Switchmen's Union of North America v. National Mediation Board, MANU/USSC/0143/1943: 320 U.S. 297, 64S.Ct. 95,

88 L.Ed. 61; Tutun v. United States, MANU/USSC/0134/1926: 270 U.S.568, 576, 577, 46 S.Ct. 425, 426, 70 L.Ed. 738; Pennsylvania R. Co. v. United States Railroad Labor Board, MANU/USSC/0176/1923 : 261 U.S. 72, 43 S.Ct. 278, 67 L.Ed.536.35 And When Congress has given an administrative agency discretion to determine its own procedure, the agency has rarely chosen to dispose of the rights of individuals without a hearing, however informals.
The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights."

Presumption of innocence is a basic human right and the present Amendment violates it.

M. Because notifying a person as a terrorist without hearing him or even informing him of the grounds of his notification as a terrorist violates the presumption of innocence which is a recognized human right.

N. Because this Hon'ble Court in ***Ranjitsing Brahmajeetsing Sharma v. State of Maharashtra***, (2005) 5 SCC 294 observed as under:

"35. *Presumption of innocence is a human right. (See Narendra Singh v. State of M.P. [(2004) 10 SCC 699: 2004 SCC (Cri) 1893], SCC para 31.) Article 21 in view of its expansive meaning not only protects life and liberty but also envisages a fair procedure. Liberty of a person should not*

ordinarily be interfered with unless there exist cogent grounds therefore Sub-section (4) of Section 21 must be interpreted keeping in view the aforementioned salutary principles. Giving an opportunity to the Public Prosecutor to oppose an application for release of an accused appears to be reasonable restriction but clause (b) of sub-section (4) of Section 21 must be given a proper meaning."

O. In ***Nitesh Tarakchand Shah v State of Maharashtra***, it has been observed that:-

"We must not forget that Section 45 is a drastic provision which turns on its head the presumption of innocence which is fundamental to a person accused of any offence. Before application of a section which makes drastic inroads into the fundamental right of personal liberty guaranteed by Article 21 of the Constitution of India, we must be doubly sure that such provision furthers a compelling State interest for tackling serious crime."

Of course there is compelling state interest in countering terrorism, however, it is submitted that essential human and constitutional rights of individuals cannot be compromised.

THE AMENDMENT VIOLATES THE FUNDAMENTAL RIGHTS OF THE INDIVIDUALS UNDER ARTICLE 14 OF THE CONSTITUTION

The Amendment is unjust, unreasonable and manifestly arbitrary.

P. As per the Statement of Objects and Reasons, the Amendment was necessitated to comply with various Security Council resolutions. The question is whether domestic constitutional rights

could be subverted for the sake compliance with international obligations. There are various International treaties and conventions, which say that in fight against terrorism- human rights, should not be compromised.

Q. Because the Amendment gives power to the Central Government to declare an individual as a terrorist *only if it believes that it is involved in terrorism* is arbitrary and violates Article 14 inasmuch as it is manifestly arbitrary and gives unbridled powers to the Central Government to declare an individual as a terrorist. It is a blanket power with no specified guidelines. Though Terrorism has not been defined under the Act.S.15 of the Act defines "terrorist act" and includes an act that is "likely to threaten" of "likely to strike terror in people", gives unbridled power to the government to brand any ordinary citizen including an activist without these acts being actually committed. There is no requirement of giving reasons. Further, S.35(3)of the Act, has also been amended and the Amended provision reads as under:-

S.35(3) of the Act provides that:-

> *"For the purposes of sub section (2), an organization or an individual shall be deemed to be involved in terrorism if it-*
> *(e) commits or participates in acts of terrorism, or*
> *(f) prepares for terrorism, or*
> *(g) promotes or encourages terrorism, or*
> *(h) is otherwise involved in terrorism"*

A bare reading of S.35(3) of the Act will make it evidence that the provision suffers from the vice of vagueness. There is no mention of when an individual is deemed to have "committed", "prepares", "promotes" or "otherwise involved in terrorism". Commission, preparation, promotion and involvement- Is it upon conviction of an individual under the Act or at the stage of a mere registration of an FIR.

The present S.36 and S.35 also do not contemplate any oral hearing at any stage.

R. Because under the parent Act, u/s 35 the Central Government was empowered to declare by notification an organization which it believes is involved in terrorism. Membership of such terrorist organization is an offence u/s 38. Giving support to such terrorist organization is an offence u/s 39. S.40 makes raising funds for a terrorist organization an offence. As the parent Act had sufficient provisions to deal with individuals associated with Terrorist organization, the present amendment appears to be unnecessary and unwarranted and targets individuals who are not members of any terrorist organization and who the Central Government *believes* is involved in terrorism and can be subject to wanton abuse.

S. Because this Hon'ble Court in ***People's Union for Civil Liberties v. Union of India***, (2004) 9 SCC 580 has observed that:

> ***"15.*** *The protection and promotion of human rights under the rule of law is essential in the prevention of terrorism. Here comes the role of law and court's responsibility. If human rights are violated in the process of combating terrorism, it will be self-defeating. Terrorism often thrives where human rights are violated, which adds to the need to strengthen action to combat violations of human rights. The lack of hope for justice provides breeding grounds for terrorism. Terrorism itself should also be understood as an assault on basic rights. In all cases, the fight against terrorism must be respectful to the human rights. Our Constitution laid down clear limitations on State actions within the context of the fight against terrorism. To maintain this delicate balance by protecting "core" human rights is the responsibility of court in a matter like this. Constitutional soundness of POTA needs to be judged by keeping these aspects in mind."*

T. Because in ***Shayara Bano v. Union of India*** and others, (2017) 9 SCC 1. The majority, in an exhaustive review of case law under Article 14, which dealt with legislation being struck down on the ground that it is manifestly arbitrary, has observed:

> ***"87.*** *The thread of reasonableness runs through the entire fundamental rights chapter. What is manifestly arbitrary is obviously unreasonable and being contrary to the rule of law, would violate Article 14. Further, there is an apparent contradiction in the three-Judge Bench decision in McDowell [State of A.P. v. McDowell and Co., (1996) 3 SCC 709] when it is said that a constitutional challenge can succeed on the ground that a law is "disproportionate, excessive or*

unreasonable", yet such challenge would fail on the very ground of the law being "unreasonable, unnecessary or unwarranted". The arbitrariness doctrine when applied to legislation obviously would not involve the latter challenge but would only involve a law being disproportionate, excessive or otherwise being manifestly unreasonable. All the aforesaid grounds, therefore, do not seek to differentiate between State action in its various forms, all of which are interdicted if they fall foul of the fundamental rights guaranteed to persons and citizens in Part III of the Constitution.

Unreasonable Classification between the process of declaring an association as "Unlawful" under Chapter II and declaring an individual as a Terrorist under Chapter VI and this classification has no valid nexus with the object it seeks to achieve

U. Because the Amendment provides no safeguards to a person notified as a terrorist. Challenging the notification is absence of requirement to furnish grounds and oral hearing makes the process practically inefficacious. The declaration of an association as unlawful under chapter II requires the notification to specify the ground on which notification is issued. S.3(3) of UAPA provides that for the notification to be effective, the same has to be confirmed by the Tribunal. Thereafter, u/s 4 the Tribunal has to follow a procedure and is required to decide after notice to the association to show cause. The inquiry and judicial determination

process by the tribunal is provided u/s 5. Further, S.6 provides that the notification remains effective for a period of 5 years. However, the process for declaration of an individual has no such safeguard. There is no judicial adjudication- before a person is declared a terrorist. In fact, the power to declare a person as a terrorist gives unbridled power to the executive, without any statutory safeguards. And the fact that the amendment does not provide any consequence following a person's notification as a terrorist, it is unclear what object the amendment seeks to achieve. There is no reason behind the classification and it has no nexus with object it seeks to achieve.

V. Since the power to declare an individual as a terrorist u/s 35 UAPA impinges on the fundamental rights of an individual, required the law to have greater safeguards. The safeguards should have been greater to that provided to an unlawful association under Chapter II. Absence of any statutory safeguard makes the provision manifestly arbitrary.

Violation of Natural Justice Violates Article 14.

W. A bare reading of S. 36 and S.35 of the UAPA would show that there is no oral hearing at any stage. Not only is an individual heard before being designated a terrorist, he is also never informed of the grounds on which he has been designated a terrorist. The denotification process u/s S.36 and S.35 is rendered

otiose because neither is there any oral hearing before the Central Government or the review committee nor is the individual ever informed of the grounds on which he has been designated a terrorist. Hence, being unaware of the reasons for his designation, an individual cannot no effectively challenge the same.

X. The Constitution Bench of this Hon'ble Court in ***Union of India v. Tulsiram Patel***, (1985) 3 SCC 398 has observed that:-

> *"**95.** The principles of natural justice have thus come to be recognized as being a part of the guarantee contained in Article 14 because of the new and dynamic interpretation given by this Court to the concept of equality which is the subject-matter of that article. Shortly put, the syllogism runs thus: violation of a rule of natural justice results in arbitrariness which is the same as discrimination; where discrimination is the result of State action, it is a violation of Article 14: therefore, a violation of a principle of natural justice by a State action is a violation of Article 14. Article 14, however, is not the sole repository of the principles of natural justice. What it does is to guarantee that any law or State action violating them will be struck down. The principles of natural justice, however, apply not only to legislation and State action but also where any tribunal, authority or body of men, not coming within the definition of State in Article 12, is charged with the duty of deciding a matter. In such a case, the principles of natural justice require that it must decide such matter fairly and impartially."*

Y. S. 35(3) of the Act, does not elaborate when is the person "otherwise involved in terrorism". This provision so far as it is applicable against an individual is vague and deserves to be set aside.

Z. In ***Kartar Singh v State of Punjab***, a constitution bench of this Hon'ble Court held that :-

> ***"130.*** *It is the basic principle of legal jurisprudence that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. It is insisted or emphasized that laws should give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Such a law impermissibly delegates basic policy matters to policeman and also judges for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. More so uncertain and undefined words deployed inevitably lead citizens to 'steer far wider of the unlawful zone…. Than if the boundaries of the forbidden areas were clearly marked".*

NO SAFEGUARDS AND CHILLING AFFECT ON FREE SPEECH UNDER ARTICLE 19(1)(A)

AA. Because the Home Minister while introducing the legislation in Lok Sabha had remarked that:-

> *"And then there are those who attempt to plant terrorist literature and terrorist theory in the minds of the young. Guns do not give rise to terrorists. The roots of terrorism is*

the propaganda that is done to spread it, the frenzy that is spread"

In response to Supriya Sule (Member of Parliament), he further remarked:-

"those who work for Urban Maoists will not be spared"

BB. Because the Speech by the Home Minister in Parliament in support of the bill displays the object behind by the legislation. The unfettered power to the executive without any safeguards to notify individuals as Terrorists can be abused to muzzle free speech and abused by the executive to declare activists and dissenters as Terrorists and hence would amount to chilling effect on free speech.

CC. This Hon'ble Court has held that the speeches made by the mover of the Bill or Minister may be referred to for the purpose of finding out the object intended to be achieved by the Bill (see K.S. Paripoornan's case).

DD. BECAUSE J. S. Verma J in R.Y. Prabhoo (Dr.) v. P.K. Kunte, (1995) 7 SCALE 1 made extensive reference to the speech of the then Law Minister Shri A.K. Sen for construing the word 'his' occurring in subsection (3) of section 123 of the Representation of People Act 1951. Similarly, Supreme Court in P.V. Narsimha Rao v State, AIR 1998 SC 2120 agreeing with the view taken in Pepper v Hart (Supra) has observed:

> *"It would thus be seen that as per the decisions of this Court, the statement of the Minister who had moved the Bill in Parliament can be looked at to ascertain mischief sought to be remedied by the legislation and the object and purpose for which the legislation is enacted. The statement of the Minister who had moved the Bill in Parliament is not taken into account for the purpose of interpreting the provision of the enactment."* (Para 77).

The Supreme Court in Sushila Rani Vs. CIT and another, (2002) 2 SCC 697 referred to the speech of the Minister to find out the object of 'Kar Vivad Samadhan Scheme 1998'.

EE. The amendment has a chilling effect on free speech and exercise of the fundamental right u/a 19(1)(a) of the Constitution.

PRAYERS

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

a) Issue a Writ of certiorari or any other appropriate writ to declare Section 35, of the Unlawful Activities (Prevention) Act, 1967 as amended by the Unlawful Activities (Prevention) Amendment Act, 2019 to the extent it applies to an Individual as unconstitutional and void as it violates Articles 14, Article 19(1)(a) and Article 21 of the Constitution of India; AND

b) Issue a Writ of certiorari or any other appropriate writ to declare Section 36, of the Unlawful Activities (Prevention) Act, 1967 as amended by the Unlawful Activities (Prevention) Amendment Act, 2019 to the extent it

applies to an Individual as unconstitutional and void as it violates Articles 14, Article 19(1)(a) and Article 21 of the Constitution of India; AND

c) to pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE PETITIONER, SHALL, AS IN DUTY BOUND, EVER PRAY.

FILED BY:

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FAUZIA SHAKIL
Advocate for the Petitioner

Drafted by: Fauzia Shakil, Adv.
Drawn on: 21-08-2019
Filed on: 22-08-2019

IN THE SUPREME COURT OF INDIA
CIVIL WRIT JURISDICTION
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

WRIT PETITION (C) NO. OF 2019

IN THE MATTER OF:

ASSOCIATION FOR PROTECTION OF CIVIL RIGHTS (APCR)
...PETITIONER

VERSUS

UNION OF INDIA ...RESPONDENT

AFFIDAVIT

I, Abu Bakr Sabbaq, Aged about 34 years, S/o Mohd Enayatullah, R/O F-155, Shaheen Bagh, Okhla, New Delhi-110025, do hereby solemnly affirm and state as under:-

1. That I am the National Coordinator of the Petitioner Organisation. I am well acquainted with the facts and circumstances of the present case and competent to swear this affidavit.
2. The accompanying petition including Synopsis and List of Dates (pages B to L), Writ Petition (pages 1 to 48) (paras 1 to 4) has been drafted and filed by my counsel on my instructions and have been explained to me. I have fully understood the contents of the same. The averments contained therein are true and correct to the best of my knowledge and belief. No part thereof is false and nothing material has been concealed there from.
3. That the annexures to the accompanying Writ Petition are true copies of their respective originals.

DEPONENT

VERIFICATION

Verified at New Delhi, on this the 22nd day of August, 2019 that the contents of paragraph 1 to 3 of the present affidavit are true and correct to the best of my knowledge and belief. Nothing material has been withheld there from.

DEPONENT