

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

PUBLIC INTEREST LITIGATION ON BEHALF OF THE
PETITIONER UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA SEEKING ISSUANCE OF A JUDICIAL ENQUIRY UPON THE
VIOLENT ATTACKS UPON STUDENTS OF JAMIA MILLIA
ISLAMIA UNIVERSITY.

MEMO OF PARTIES

... PETITIONER

VERSUS

1. UNION OF INDIA
Through Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi – 110001
.... RESPONDENT 1
2. LIEUTENENT GOVERNOR OF DELHI
6, Raj Niwas Marg,
Ludlow Castle,
Civil Lines,
New Delhi – 110054
.... RESPONDENT 2
3. GOVERNMENT OF NCT OF DELHI
Chamber No. 437, 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

Through

Place: New Delhi
Date: ____.12.2019

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ISLAMIA UNIVERISTY.**

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

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.

where the

violent attacks on peaceful protestors have taken place and has preferred this P.I.L. without any personal gain or monetary compensation.

3. That by way of this Public Interest Litigation, 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 and seeks a judicial enquiry upon the acts of Respondents 2, 3, & 4 along with appropriate orders for release of students under illegal detention of the police.

Brief facts of the case are as follows:

4. 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.
5. That on 04.12.2019, the Union Cabinet cleared the Citizenship (Amendment) Bill, 2019 for introduction in the Parliament. This invited widespread criticism from the masses, especially from the Muslim Community of India and people of Assam, as it was apparent on the face of it that this act is targeted towards the minorities and religiously persecuted communities. The minorities also feared that the act will also take away their voting rights.
6. 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.

7. 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.
8. 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. However, the Act will come into force on a date chosen by Government of India and will be notified by the official gazette. A copy of the Citizenship (Amendment) Act, 2019 is annexed hereto and marked as **Annexure P-1**.
9. That on 12.12.2019, while the entire country was aggressively protesting against it, the students of Jamia Millia Islamia University of New Delhi were conducting a march for peaceful protest against the Act and the continuous atrocities of the Government when the police authorities, in order to disrupt the protest, used the tear-gas and lathi-charged at the students. The University decided to postpone the upcoming examinations due to this. A copy of the News 18's report demonstrating the events dated 12.12.2019 is annexed hereto and marked as **Annexure P-2**.
10. That on 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. The officials also switched-off the lights of the reading hall, locked the doors from outside, and threw tear gas bombs inside. The officials also broke into the women's

lavatory and harassed the female students. The officials also opened fire at the students which led to death of 3 students which includes 1 female student, casualty of 11 students, and grievous injury upon 35 students as per some of the press reports. A copy of the news report demonstrating the events dated 15.12.2019 is annexed hereto and marked as **Annexure P-3**.

11. That the sources of media have also reported that the police officials infiltrated deep inside the campus and vandalized the canteen, the Central Library, and the Mosque of the Campus. The officials also took many students in the police custody. The entire student community and faculty of the Jamia Millia Islamia University is shattered and shocked to its core to witness this incident.

12. 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-4**.

13. 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. The police officials were seen setting 3 public buses on fire at Mata Mandir and vandalizing the residential areas thereby creating terror in the minds of the people.

14. 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.
15. 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 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 were prejudiced and discriminatory in nature and were more inclined towards unleashing a personal vendetta against a particular section of the society.
- B. Because the actions of the Respondents were arbitrary in nature and contrary to the Article 14 of the Constitution of India. The Respondents targeted only a particular section of the society without any rational basis.
- C. 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 area which proves that there were ulterior motives behind this act.

D. 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.

E. 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.

F. 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 are not being provided any legal help by the Respondents. The students that are illegally detained have a right to be heard which is being continuously denied to them by the Respondents. Hence, the actions of the Respondents are in breach of natural justice too.

G. 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.

- H. 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.
- I. 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, illegally detaining, and killing the students of a University.
- J. 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. The police officials have actually opened fire and killed 3 students who were not at all indulging in any illegal activity, let alone being a threat to national security. 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.

K. Because the actions of the Respondents are both life-threatening and traumatizing to the society at large and need to be checked and controlled in a highly expedited manner.

16. 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.

17. That Petitioner has no other alternate, adequate, efficacious remedy available other than the present Petition which is both adequate as well as effective.

18. That the Petitioner craves leave of this Hon'ble Court to file additional documents and raise additional legal pleas as may be advised.

19. 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.

20. 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.

21. 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 pass an order to set up a judicial enquiry upon the matter at hand under the supervision of the retired judge of this Hon'ble Court.
2. Pass an appropriate order to adequately compensate the injured students of the Jamia Millia Islamia University for the fatal injuries received by them and also direct the Delhi Govt. to provide the injured students a proper medical treatment at AIIMS.
3. 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

Place: New Delhi
Date: ____.12.2019

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AFFIDAVIT

I,

do hereby solemnly affirm and state under oath:

1. That I am the Deponent in the present petition and am fully conversant and competent to file the present petition.
2. That I have read the accompanying petition and say that whatever is stated therein is true and correct to the best of my knowledge and belief, based on the reliable news reports surfacing the media.
3. That the annexures filed along with the petition are true copies of their respective originals and nothing has been concealed therein.

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

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

I,

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-4 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