

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WP (C) NO. 453 OF 2020

(A PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

Ashutosh Dubey

...

Petitioner

Versus

Union of India & Ors.

...

Respondents

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PAPERBOOK
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WITH
ALL ABOUT LAW

I.A. No. of 2020 : Application for permission to appear in person

(Kindly See Inside For Index)

PETITIONER IN PERSON: ASHUTOSH DUBEY

[illegible]

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PROFORMA FOR FIRST LISTING

A1

SECTION:

The case pertains to (Please tick/ check the correct box):

- ☒ Central Act: (Title): Constitution of India
- ☐ Section: 32
- ☐ Central Rule: (Title) N.A.
- ☐ Rule No(s): N.A.
- ☐ State Act:(Title): N.A.
- ☐ Section: N.A.
- ☐ State Rule: (Title): N.A.
- ☐ Rule No(s): N.A.
- ☐ Impugned Interim: (Date) N.A.
- ☐ Impugned Final Order/ Decree: N.A.
- ☐ High Court: N.A.
- ☐ Name of Judges: N.A.
- ☐ Tribunal/ Authority: (Name) N.A.

-
1. Nature of matter: ☒ Civil ☐ Criminal
2. (a) Petitioner/Appellant No.1: Ashutosh Dubey
- (b) e-mail ID: advadubey@gmail.com
- (c) Mobile phone number: 9953587630
- 3.(a) Respondent No.1: Union of India & Ors.
- (b) e-mail ID: N.A.
- (c) Mobile phone number: N.A.
4. (a) Main category classification: 18
- (b) Sub classification: (Others) 1807

5. Not to be listed before: N.A.

A-2

6a. Similar disposed of matter with citation, if any, & case details:
No similar matter disposed.

6b. Similar matter pending with case details: No similar matter
pending

7. **Criminal Matter:**

(a) Whether accused/ convict has surrendered:

☐ Yes ☐ No ☒ N.A.

(b) FIR No. N.A. Date: N.A.

(c) Police Station: N.A.

(d) Sentence Awarded: N.A.

(e) Sentence Undergone: N.A.

8. **Land Acquisition Matters:**

(a) Date of Section 4 notification: N.A.

(b) Date of Section 6 notification: N.A.

(c) Date of Section 17 notification: N.A.

9. **Tax Matters:** State the tax effect: N.A.

10. **Special Category** (first petitioner/ appellant only): N.A

☐ Senior citizen > 65 years ☐ SC/ST ☒ Woman/ child

☐ Disabled ☐ Legal Aid case

☐ In custody

11. Vehicle Number (in case of Motor Accident Claim matter): N.A.

12. Decided cases with citation: N.A.

Date: 18.3.2020

AOR for petitioner(s)/ appellant(s)
Name: ASHUTOSH DUBEY (in Person)
Registration No. 2408
advadubey@gmail.com

SYNOPSIS AND LIST OF DATES

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That the Petitioner is constrained to move this Hon'ble Court in extreme exigency under Article 32 of the Constitution of India praying interalia for issuance of an appropriate writ, order or direction including writ of mandamus for immediate removal/ dispersal of the mass gathering/ crowd from Shaheen Bagh, Delhi in view of prevention of community spread/ infection of pandemic disease Coronavirus (COVID-19), which is posing a threat to the entire world and presently a state of National Emergency in India.

The petitioner has approached this Hon'ble Court, as this Hon'ble Court is the appropriate authority and vested with power under the Constitution of India for passing appropriate directions and protecting the fundamental rights and life of several thousands of live in Delhi.

That the petitioner is registered Advocate on record and practising advocate in this Hon'ble Court having AOR No. 2408 and SCBA No. D-302. That the Petitioner do not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Petition in public

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interest. The petitioner is not involved in any similar civil or criminal matters herein similar issue is involved.

That the persons affected by such irresponsible acts of the protestors and the State not being in a position to remove these protestors for the time being are numerous and are not in a position to approach the Hon'ble Court hence the petitioners are filing the present PIL on behalf of such affected persons.

That the Shaheen Bagh protest is an ongoing 24/7 continuous sit-in protest, led mostly by women, that began in response to the passage of the Citizenship (Amendment) Act (CAA) in both houses of Parliament on 11 December 2019 and the ensuing police intervention against students at Jamia Millia Islamia who were opposing the Amendment. The Protesters are agitating against the citizenship issues of the CAA, National Register of Citizens (NRC) and National Population Register (NPR) since 15 December 2019. It is submitted that in the protest over the period of more than 96 days it is seen that people of all ages, children to oldest including male female both, have gathered and raised their voice of protest. It is submitted that as per information available at least 300 women and children are sitting there all

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the time and the crowd is much more on holidays running into 1000s.

That Coronavirus has been announced as a pandemic across the world and it's a matter of grave concern for everyone. Due to the growing threat of the disease and increase in the number of deaths, the health ministry has advised everyone to avoid going out in the crowd and work from home. Even the TV and film fraternity have decided to stall their work for a few days as a precaution.

The risk of severe disease associated with COVID-19 infection for people is currently considered moderate for the general population and high for older adults and individuals with chronic underlying conditions.

That the petitioner is urgent direction to be issued for immediate removal/ dispersal of such mass gathering of protestors at Shaheen Bagh or any other such sites in view of immediate threat of corona virus infection and spread. The protestors can continue their protest after such threat of corona virus is over. It is submitted that considering the manner in which this virus is spreading, the next few weeks are very crucial for all citizens of the country.

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That it is humbly submitted that life of several lakhs of people in Delhi will be at immediate threat as it is very contagious if by any chance this disease takes a shape of community spread i.e. if it reaches to Stage 3 and as such it is very much necessary for immediate intervention of this Hon'ble and pass appropriate direction for restricting mass gathering of people at any place until and unless warranted.

The World Health Organization had declared the novel coronavirus outbreak a pandemic. A pandemic is defined as the "worldwide spread" of a new disease. Whereas, an outbreak is the occurrence of disease cases in excess of what's normally expected and an epidemic is more than a normal number cases of an illness, specific health-related behavior or other health-related events in a community or region, according to the World Health Organization. There are 118,000 cases, more than 6,000 deaths as confirmed in media globally, and the virus has found a foothold on every continent.

Several countries have demonstrated that this virus can be suppressed and controlled. If countries detect, test, treat, isolate, trace and mobilize their people in the response, those

with a handful of novel coronavirus cases can prevent those cases becoming clusters, and those clusters becoming community transmission.

There is an increasing number of cases in several EU/EEA countries without epidemiological links to explain the source of transmission. In some countries, transmission within healthcare settings has been reported affecting healthcare workers. As reported cases increase globally in a growing number of countries (found here), the likelihood of continued introductions into and between EU/EEA countries will increase. Given these factors, the probability of further transmission in the Asian Countries, EU/EEA and the UK is considered very high. The speed with which COVID-19 can cause nationally incapacitating epidemics once transmission within the community is established indicates that it is likely that in a few weeks or even days, similar situations to those seen in China and Italy may be seen in other EU/EEA countries or the UK, as more countries report evidence of community transmission.

The evidence from analyses of cases to date is that COVID-19 infection causes mild disease (i.e. non-pneumonia or mild pneumonia) in about 80% of cases and most cases recover,

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14% develop more severe disease and 6% experience critical illness. Severe illness and death is more common among the elderly and those with other chronic underlying conditions, with these risk groups accounting for the majority of severe disease and fatalities to date. In the event of a disruption of healthcare services, the impact could be very high. In addition to the public health impact with substantial fatal outcomes in high-risk groups, COVID-19 outbreaks can cause huge economic and societal disruptions.

There is currently no vaccine to prevent coronavirus disease 2019 (COVID-19). The best way to prevent illness is to avoid being exposed to this virus. The virus is thought to spread mainly from person-to-person. Between people who are in close contact with one another (within about 6 feet). Through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.

There is an increasing number of countries with local community transmission around the world and a growing number of areas reporting local sub-national community transmission. Exportations have caused transmission in previously unaffected areas. The control measures have, up to

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now, only been able to slow the further spread, but not to stop it. If numerous local sub-national clusters of community transmission arise simultaneously, they could merge into a situation of widespread national community transmission. The likelihood of this occurring depends on the speed of detection of local transmission and whether effective response measures are applied early enough and at-scale. Early evidence from several settings globally indicates that rigorous public health measures, particularly related to isolation and social distancing, implemented immediately after identifying cases can reduce but does not exclude the probability of further spread. Evidence to-date from China, and emerging evidence from Italy, U.S., Spain, France, Korea indicates that early decisive actions may reduce community transmission.

With coronavirus threatening to run riot in India, here's how one can keep yourself safe from the scourge. As of now, a vaccine has not been formulated for the novel coronavirus. In light of this fact, prevention appears to be the best cure available so far.

That the Prime Minister of the Country, Chief Justice of India, Chief Justices of all High Courts, heads of all States and Respective Departments be it Government or non-

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Government organization has been advising and issuing advisories and instructions for taking all possible steps from preventing the community spread of the deadly disease which threat is looming large on face of everyone.

That the only way to restrict the deadly virus at Stage 2, which we are admittedly in, would be restriction on mass gathering and maintaining social distance. It is submitted that the protest at Shaheen Bagh is mostly consisting of women though children and males are also seen. People of all age groups are part of the protest.

It is submitted that considering the manner in which this deadly virus spreads and infects there has been restraint on mass gathering of people. Even the Chief Minister of Delhi had issued direction that there should not be more than 50 people at any of the gathering and avoid any mass gathering. It was also clarified by the Ld. Chief Minister, Delhi that this notification is applicable to Shaheen Bagh protestors.

That from the recent media report it is seen that inspite of Delhi Police trying their best to convince the people/ protestors to avoid such huge gathering in lieu of threat of

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corona virus but the protestors have turned a deaf ear and are hardly concerned for safety of public at large.

That it is humbly submitted that irresponsible act of the protestors at Shaheen Bagh, Delhi inspite of such warnings and directions issued by the Government of India and Government of Delhi is posing immediate threat and danger of infecting and spreading Coronavirus to community level when there is no vaccine or medicine available for it except that of prevention and precautions. The media reports as of today shows that the protestors are defiant of obeying such directions and are least concerned for the control of this deadly pandemic disease. It is submitted in order to curtail and prevent the spread of deadly disease/ virus, all possible steps are being taken worldwide. Even the religious places be it Church, Temple, Mosques, Gurudwaras across the world are maintaining social distance, yet these Shaheen Bagh protestors are least concerned about the pandemic disease.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. OF 2020
(A PUBLIC INTEREST LITIGATION)

In the matter of :

... Petitioner

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1. Union of India
Ministry of Health & Family Welfare,
Nirman Bhawan
Near Udyog Bhawan Metro Station, Maulana
Azad Rd, New Delhi, Delhi 110011
Represented by the Secretary
2. Ministry of Women and Child Development,
Shastri Bhawan, 'A' Wing, Dr. Rajendra Prasad
Road, New Delhi - 110 001
Represented by the Secretary

4. The Government of NCT of Delhi
Delhi Secretariat, 3rd, IP Estate,
New Delhi, Delhi 110002
Through its Chief Secretary
 4. Directorate General of Health Services
F-17, Near Karkardooma Court, Maharaja
Surajmal Marg, Arjun Gali, Vishwas Nagar,
Shahdara, New Delhi, Delhi 110032
Through its Directorate
 5. Ministry of Law and Justice,
Department of Legal Affairs, Shastri Bhawan,
'A' Wing, Dr. Rajendra Prasad Road,
New Delhi - 110 001
Represented by the Secretary
 6. National Human Rights Commission,
Through its Chairperson
Manav Adhikar Bhavan,
Block -C, GPO Complex,
INA New Delhi-110023
 7. The Commissioner of Police
MSO Building, Indraprashta Marg
New Delhi
- Contesting
Respondents

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION
OF INDIA FOR PASSING OF AN APPROPRIATE WRIT OF
MANDAMUS THEREBY DIRECTING IMMEDIATE REMOVAL/

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DISPERSAL OF PEOPLE/ CROWD/ MASS GATHERING AT
SHAHEEN BAGH, DELHI FOR PREVENTION OF SPREAD OF
CORONA PANDEMIC – COMMUNITY INFECTION

TO
THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF
THE PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is constrained to move this Hon'ble Court in extreme exigency under Article 32 of the Constitution of India praying interalia for issuance of an appropriate writ, order or direction including writ of mandamus for immediate removal/ dispersal of the mass gathering/ crowd from Shaheen Bagh, Delhi in view of prevention of community spread/ infection of pandemic disease Coronavirus (COVID-19), which is posing a threat to the entire world and presently a state of National Emergency in India.
2. The petitioner has approached this Hon'ble Court, as this Hon'ble Court is the appropriate authority and vested with power under the Constitution of India for passing appropriate directions and protecting the fundamental rights and life of several thousands of live in Delhi.

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3. That the petitioner is registered Advocate on record and practising advocate in this Hon'ble Court having AOR No. 2408 and SCBA No. D-302.
 4. That the Petitioner do not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Petition in public interest. The petitioner is not involved in any similar civil or criminal matters herein similar issue is involved.
 5. That the entire litigation costs and other charges is being borne by the Petitioner himself.
 6. That it is submitted that no Writ Petition, Application including Review Application etc. or any other proceedings arising from or related to relief sought in the instant matter has been filed by the Petitioner, or is pending before this Hon'ble Court or any other Court within jurisdiction of this Hon'ble Court.
 7. That the earning of the petitioner is in excess of Rs.10,00,000/- and taxable. The PAN No is ADPPD5532L. The petitioner is in position to deposit cost, if any, imposed by this Hon'ble Court. Copy of Pan Card and SCBA Card of the petitioner is annexed herewith and marked as **Annexure P-1 (Pg No. to)**

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8. That the Petitioner is in position to deposit any cost imposed by this Hon'ble Court.
9. That the petitioner is filing the present writ petition in public interest. The petitioner has no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person / institution / body and that there is no motive other than of public interest in filing the writ petition.
10. That the petitioner has based the instant writ petition from authentic information and documents obtained from various governments departments/ portals/ RTI applications.
11. That the persons affected by such irresponsible acts of the protestors and the State not being in a position to remove these protestors for the time being are numerous and are not in a position to approach the Hon'ble Court hence the petitioners are filing the present PIL on behalf of such affected persons.
12. That this Hon'ble Court can only pass order in respect of relief sought by petitioner. That the Respondents are responsible for good governance and protecting

fundamental rights of the citizens across India, including the Union Territories. They can take decision and implement the same in the interest of the protection of fundamental rights.

13. That the Petitioner had conducted thorough research on the subject matter and all the relevant material in relation to this petition has been collected from reliable sources.
14. That the Petitioner has not approached any other court for the reliefs claimed in the present Writ Petition. No representation has been filed with any Ministry /authority since the alleged act is violation of constitutional and fundamental right guaranteed under the Constitution and the reliefs claimed can only be granted by this Hon'ble Court.
15. This Writ Petition is filed for enforcement of the public interest and fundamental right embodied under Article 21 of the Constitution of India.
16. That the Shaheen Bagh protest is an ongoing 24/7 continuous sit-in protest, led mostly by women, that

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began in response to the passage of the Citizenship (Amendment) Act (CAA) in both houses of Parliament on 11 December 2019 and the ensuing police intervention against students at Jamia Millia Islamia who were opposing the Amendment. The Protesters are agitating against the citizenship issues of the CAA, National Register of Citizens (NRC) and National Population Register (NPR) since 15 December 2019. It is submitted that in the protest over the period of more than 96 days it is seen that people of all ages, children to oldest including male female both, have gather and raised their voice of protest. It is submitted that as per information available at least 300 women and children are sitting there all the time and the crowd is much more on holidays running into 1000s.

17. That the petitioner is not against anybody's right of protest or showing their dissent in a peaceful manner under the Rule of Law.
18. That Coronavirus has been announced as a pandemic across the world and it's a matter of grave concern for everyone. Due to the growing threat of the disease and increase in the number of deaths, the health ministry has advised everyone to avoid going out in the crowd and

work from home. Even the TV and film fraternity have decided to stall their work for a few days as a precaution.

19. That the risk of severe disease associated with COVID-19 infection for people is currently considered moderate for the general population and high for older adults and individuals with chronic underlying conditions.
20. That the World Health Organization had declared the novel coronavirus outbreak a pandemic. A pandemic is defined as the "worldwide spread" of a new disease. Whereas, an outbreak is the occurrence of disease cases in excess of what's normally expected and an epidemic is more than a normal number cases of an illness, specific health-related behavior or other health-related events in a community or region, according to the World Health Organization. There are 118,000 cases, more than 6,000 deaths as confirmed in media globally, and the virus has found a foothold on every continent.
21. That several countries have demonstrated that this virus can be suppressed and controlled. If countries detect, test, treat, isolate, trace and mobilize their people in the response, those with a handful of novel coronavirus cases can prevent those cases becoming clusters, and those clusters becoming community transmission.

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22. That there is an increasing number of cases in several EU/EEA countries without epidemiological links to explain the source of transmission. In some countries, transmission within healthcare settings has been reported affecting healthcare workers. As reported cases increase globally in a growing number of countries (found here), the likelihood of continued introductions into and between EU/EEA countries will increase. Given these factors, the probability of further transmission in the Asian Countries, EU/EEA and the UK is considered very high. The speed with which COVID-19 can cause nationally incapacitating epidemics once transmission within the community is established indicates that it is likely that in a few weeks or even days, similar situations to those seen in China and Italy may be seen in other EU/EEA countries or the UK, as more countries report evidence of community transmission.

23. That the evidence from analyses of cases to date is that COVID-19 infection causes mild disease (i.e. non-pneumonia or mild pneumonia) in about 80% of cases and most cases recover, 14% develop more severe disease and 6% experience critical illness. Severe illness

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and death is more common among the elderly and those with other chronic underlying conditions, with these risk groups accounting for the majority of severe disease and fatalities to date. In the event of a disruption of healthcare services, the impact could be very high. In addition to the public health impact with substantial fatal outcomes in high-risk groups, COVID-19 outbreaks can cause huge economic and societal disruptions.

24. That several events already reported in Europe indicate that local transmission may have resulted in several sub-national clusters. The accumulated evidence from clusters reported in the EU/EEA and the UK indicates that once imported, the virus causing COVID-19 can be transmitted rapidly. It is plausible that a proportion of transmissions occur from cases with mild symptoms that do not provoke healthcare-seeking behaviour. The increase in case numbers and the number of countries reporting those cases globally increases the potential routes of importation of the infection into and between countries in the Asia, EU/EEA and the UK. The likelihood of this occurring depends on the speed of detection of local transmission and whether effective response measures are applied early enough at-scale. Early evidence from

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several settings globally indicates that rigorous public health measures, particularly related to isolation and social distancing, implemented immediately after identifying cases can reduce but does not exclude the probability of further spread.

25. That the impact of such clusters in local areas would be high, but would depend on national capacity to organise surge capacity across regions. The impact would be especially high if hospitals are affected and a large number of healthcare workers need to be isolated or become infected. The impact on vulnerable groups in the affected hospitals or healthcare facilities would be severe, in particular for the elderly.
26. That there is currently no vaccine to prevent coronavirus disease 2019 (COVID-19). The best way to prevent illness is to avoid being exposed to this virus. The virus is thought to spread mainly from person-to-person. Between people who are in close contact with one another (within about 6 feet). Through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses

of people who are nearby or possibly be inhaled into the lungs.

27. That there is an increasing number of countries with local community transmission around the world and a growing number of areas reporting local sub-national community transmission. Exportations have caused transmission in previously unaffected areas. The control measures have, up to now, only been able to slow the further spread, but not to stop it. If numerous local sub-national clusters of community transmission arise simultaneously, they could merge into a situation of widespread national community transmission. The likelihood of this occurring depends on the speed of detection of local transmission and whether effective response measures are applied early enough and at-scale. Early evidence from several settings globally indicates that rigorous public health measures, particularly related to isolation and social distancing, implemented immediately after identifying cases can reduce but does not exclude the probability of further spread. Evidence to-date from China, and emerging evidence from Italy, U.S., Spain, France, Korea indicates that early decisive actions may reduce community transmission.

28. That with coronavirus threatening to run riot in India, here's how one can keep yourself safe from the scourge. As of now, a vaccine has not been formulated for the novel coronavirus. In light of this fact, prevention appears to be the best cure available so far.
29. That the Prime Minister of the Country, Chief Justice of India, Chief Justices of all High Courts, heads of all States and Respective Departments be it Government or non-Government organization has been advising and issuing advisories and instructions for taking all possible steps from preventing the community spread of the deadly disease which threat is looming large on face of everyone.
30. That the only way to restrict the deadly virus at Stage 2, which we are admittedly in, would be restriction on mass gathering and maintaining social distance. It is submitted that the protest at Shaheen Bagh is mostly consisting of women though children and males are also seen. People of all age groups are part of the protest.

31. It is submitted that considering the manner in which this deadly virus spreads and infects there has been restraint on mass gathering of people. Even the Chief Minister of Delhi had issued direction that there should not be more than 50 people at any of the gathering and avoid any mass gathering. It was also clarified by the Ld. Chief Minister, Delhi that this notification is applicable to Shaheen Bagh protestors. Copy of notification dated 12.3.2020 issued Government of Delhi is annexed herewith and marked as **Annexure P-2** (Pg No. to) and Copy of notification dated 16.3.2020 issued Government of India **Annexure P-3** (Pg No. to)
32. That from the recent media report it is seen that inspite of Delhi Police trying their best to convince the people/ protestors to avoid such huge gathering in lieu of threat of corona virus but the protestors have turned a deaf ear and are hardly concerned for safety of public at large.
33. That under IPC if such acts are committed by people which pose a threat of infection/ spread of such life threatening disease to people/community at large, the same is a punishable offence under Section 269 and 270 IPC which states that "Whoever unlawfully or negligently

does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

34. That even the Epidemic Diseases Act, provides for punishment upto 6months to person whose act/acts pose a threat of infection/ spread of such life threatening disease to people/community at large.

35. That it is humbly submitted that irresponsible act of the protestors at Shaheen Bagh, Delhi inspite of such warnings and directions issued by the Government of India and Government of Delhi is posing immediate threat and danger of infecting and spreading Coronavirus to community level when there is no vaccine or medicine available for it except that of prevention and precautions. The media reports as of today shows that the protestors are defiant of obeying such directions and are least concerned for the control of this deadly pandemic disease.

36. That the petitioner is urgent direction to be issued for immediate removal/ dispersal of such mass gathering of protestors at Shaheen Bagh or any other such sites in view of immediate threat of corona virus infection and spread. The protestors can continue their protest after such threat of corona virus is over. It is submitted that considering the manner in which this virus is spreading, the next few weeks are very crucial for all citizens of the country.
37. That it is humbly submitted that life of several lakhs of people in Delhi will be at immediate threat as it is very contagious if by any chance this disease takes a shape of community spread i.e. if it reaches to Stage 3 and as such it is very much necessary for immediate intervention of this Hon'ble and pass appropriate direction for restricting mass gathering of people at any place until and unless warranted.
38. That the definition of word "human Rights" includes rights relating to life. Any violation of rights to life can be a violation of a human rights. Human rights are thus minimal rights which every individual must have against the State or other public authority by virtue of he/she being a human being. The irresponsible behavior of such

protestors and failure of the State machinery from not preventing or prohibiting protestors from gathering in such vast numbers at public gathering is causing immediate threat to public at large.

39. That the petitioner humbly submits that the already appointed and nominated interlocutors by this Hon'ble Court can discuss issue with the protestors and make them understand the risk which everyone is running considering present scenario and request for disbanding it for the time being.

40. That the Petitioner has no adequate or equally efficacious remedy but to approach this Hon'ble Court by way of the present Writ Petition.

41. That the present petition is made bonafide and in the interest of justice concerning the cause of thousands of citizen of the country.

42. That the annexure filed with the petition are true copies of the respective originals.

43. That the petitioner has not filed any other similar petition seeking similar relief.

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PRAYER

In the circumstances, it is therefore, most respectfully prayed that this Hon'ble Court in the interest of justice may graciously be pleased to –

- a) Issue a writ of mandamus or any other appropriate writ/direction to the Respondents to immediately removal or dispersal of mass/ public gathering of protestors at Shaheen Bagh, Delhi or any other place at Delhi.
- b) Pass direction to the already appointed and nominated interlocutors by this Hon'ble Court to discuss with the protestors and make them understand the risk which everyone is running in scenario and request for disbanding it for the time being.
- c) Adinterim order in terms of prayer (a)
- d) Pass such other or further orders as to this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

Drawn on : 17.03.2020

Filed on : 18.03.2020

Drawn By: Ashutosh Dubey
Abhishek Chauhan

Filed By:

**ASHUTOSH DUBEY
PETITIONER-IN-PERSON**

19

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WP (C) NO. OF 2020
(PIL)

IN THE MATTER OF:

Ashutosh Dubey

....

Petitioner

Versus

Union of India & Ors.

...

Respondents

AFFIDAVIT

Live
Law.in

1. That I am the Petitioner in person in the above mentioned writ petition and am fully conversant with the facts and circumstances of the present case and such, I am competent to swear to this Affidavit.

2. That the writ petition has been drafted by me and I have read the same and understood the contents thereof and admit them to be true and correct to the best of my knowledge and belief.

3. That the contents of the accompanying writ petition in paragraph 1 to 43 at page 1 to 18 alongwith List of Dates from pages 13 to 3 and I.As. are true and correct to knowledge and belief. The contents have been explained to me in regional language.

4. The Petitioner does not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Petition in public interest

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5. That no such or similar Petition seeking similar relief has been filed by the Petitioner.

6. That the annexures filed with the petition are true copies of the respective originals.

DEPONENT

VERIFICATION

Verified at Delhi on this day 18th of March 2020 that the contents of my above Affidavit are true and correct to my knowledge and belief and the information derived from the record of the case and nothing material is suppressed therefrom.

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ALL ABOUT LAW

DEPONENT

Article 32 in The Constitution Of India 1949

32. Remedies for enforcement of rights conferred by this Part

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

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

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

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

ANNEXURE 8-1

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. OF 2020

IN

WP (C) NO. OF 2020

(A PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

Ashutosh Dubey

...

Petitioner

Versus

Union of India & Ors.

...

Respondents

Application for permission to appear ^{And appear} in person

ALL ABOUT LAW

To,

THE HONBLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF THE
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH :-

1. That the Petitioner is constrained to move this Hon'ble Court in extreme exigency under Article 32 of the Constitution of India praying interalia for issuance of an appropriate writ, order or direction including writ of mandamus for immediate removal/ dispersal of the mass gathering/ crowd from Shaheen Bagh, Delhi in view of prevention of community spread/ infection of pandemic disease Coronavirus (COVID-19), which is posing a threat to the entire world and presently

a state of National Emergency in India. The detailed facts leading to the filing of the instant Special Leave Petition have been given in the accompanying petition and the same are not being repeated herein for the sake of brevity.

2. That the petitioner is registered Advocate on record and practising advocate in this Hon'ble Court having AOR No. 2408 and SCBA No. D-302.
3. That the Petitioner do not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Petition in public interest. The petitioner is not involved in any similar civil or criminal matters wherein similar issue is involved.
4. That the petitioner is regularly practicing in this Hon'ble Court and has appeared in several matters and well aware of the laws and rules governing the issue and this Hon'ble Court.
5. That the petitioner is a responsible citizen and lawyer and well aware of ethics of appearance before the Hon'ble Court and humbly seeks permission of this Hon'ble Court to appear in person.
6. That the applicant respectfully submits that if the present application is not allowed the petitioner shall suffer irreparable loss and injury.

7. That the application is made bonafide and in the interest of justice.

PRAYER

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

(a) permit the petitioner to appear ^{and argue} in person before this Hon'ble Court in the present matter.

(b) pass such order or orders, as may be deemed fit and proper.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IS DUTY BOUND SHALL EVER PRAY.

Filed on : 18.3.2020

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ASHUTOSH DUBEY
PETITIONER-IN-PERSON