

ITEM NO.42,42.1, 42.2 + 44 COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s). 370/2019

ALUMNI ASSOCIATION JAMIA MILLIA ISLAMIA
UNIVERSITY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)(With I.A. 194163/2019 -Appln. for intervention)

WITH

W.P.(CrI.) No. 366/2019 (X)
(FOR ADMISSION)

W.P.(C) No. 1494/2019 (PIL-W)

D.NO. 45510/2019

Date : 17-12-2019 These petitions were called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr.Mehmood Pracha, Adv.
Ms. Afshan Pracha, Adv.
Mr.Mansoor Ali, AOR
Mr. R.H.A. Sikander, Adv.
Mr. Ashok Arora, adv.
Mohd. Aslam Khan, Adv.
Ms. Sakeena Q., Adv.
Mr. M. Usmani Siddiqui, Adv.
Md. Tayyab Khan, Adv.
Mr. S. Islam, Adv.
Mr. Bilal Mansoor, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Shaz Khan, Adv.
Mr. Abdullah, Adv.

Mr. Colin Gonsalves, Sr. Adv.
 Mr. Siddharth Seem, Adv.
 Ms. Sneha Mukherjee, Adv.
 Mr. Satya Mitra, AOR

Mrs. Indira Jaising, Sr. Adv.
 Ms. Nanita Sharma, AOR
 Mr. Vivek Sharma, Adv.
 Ms. Shobha Gupta, Adv.
 Mr. Ajay Singh, Adv.
 Mr. Achintya Tiwari, Adv.
 Mr. Nishant Sirohi, Adv.
 Ms. Disha Wadekar, Adv.
 Ms. Rachna J., Adv.
 Ms. Anita, Adv.
 Mr. P. Dinesh, Adv.
 Mr. Sindhu, Adv.
 Mr. Saran, Adv.
 Ms. Pyoli S., Adv.
 Mr. Shadan, Adv.
 Mr. Shamshed, Adv.
 Ms. Radhika Roy, Adv.
 Mr. Arunika, Adv.

For Applicant(s)

Mr. Barun Kumar Sinha, Adv.
 Ms. Pratibha Sinha, Adv.
 Mr. Anil Kumar, Adv.
 Mr. Abhishek, AOR

Mr. P.V. Surendra Nath, Sr. Adv.
 Mr. Subhash Chandran K.R., Adv.
 Ms. Yogamaya M.G., Adv.
 Ms. Lekha Sudhakaran, Adv.
 Mr. Biju P Raman, Adv.

For Respondent(s)
 Delhi/UP Police

Mr. Tushar Mehta, SG
 Mr. K.M. Natraj, ASG
 Mr. Rajat Nair, Adv.
 Mr. Kanu Agrawal, Adv.
 Mr. Manan Popli, Adv.
 Mr. Adit Khorana, Adv.
 Mr. Rajeev Ranjan, Adv.
 Mr. Varun Chugh, Adv.
 Mr. Bhuvan Kapoor, Adv.
 Mr. Balram Das, AOR
 Mr. Shantnu Sharma, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Recent events in the country have sparked of

wide spread protests in several States. We are informed that protests and the methods of controlling the same are spreading. These petitions have been filed seeking various reliefs from this Court. However, almost each fact alleged by the petitioners is disputed on behalf of learned Solicitor General appearing on behalf of the respondent(s). The main concerns of the petitioners is that the students have been indiscriminately arrested and that those students who have been injured are not receiving medical attention.

Shri Tushar Mehta, learned Solicitor General states that no students have been placed under arrest so far and only three students have been injured and they are receiving medical attention. Two of them are being treated at Aligarh Muslim University Medical College and one is being treated at Safarjung Hospital Delhi.

According to Shri Mehta, the police are not the cause of the injuries though it is hotly contested on behalf of the petitioners. Having regard to the nature of the matter; the nature of the disputes and the vast areas over which these incidents are said to have occurred, we find that it might not be feasible to appoint a Single Committee to go into matters in different States. It would

entail collection of evidence from various States.

We, therefore, consider it appropriate that the petitioners be directed to approach the High Courts within whose jurisdiction the incidents are said to have occurred. We are confident that the Chief Justices of the concerned High Courts after hearing the parties, if found appropriate will cause interference to be made by considering appointing appropriate Committees, comprising former Judges of this Court or the High Court.

Needless to say the High Courts would be at liberty to pass appropriate orders in regard to arrests and medical treatment if brought to their notices and after proper verification. One of the serious grievance made on behalf of the Petitioners was that the Vice Chancellors have been ignored by the police while taking action against the students. This fact is also denied by the Solicitor General. We are sure that the High Courts will look into all these aspects of the matter after hearing both sides and consider referring the said issues also for determination of facts to the appropriate Committees, if found appropriate.

The writ petitions are disposed of accordingly.

Application for intervention in WP(Cr1.) No. 370/2019 is also disposed of in view of order passed above.

[CHARANJEET KAUR]
A.R.-CUM-P.S.

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR