

**IN THE SUPREME COURT OF INDIA**  
**EXTRAORDINARY WRIT JURISIDCTION**  
**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**  
**WRIT PETITION (PIL) NO. \_\_\_\_\_ OF 2021**

**IN THE MATTER OF:**

SANPREET SINGH AJMANI AND ANR

...PETITIONERS

Versus

UNION OF INDIA AND OTHERS

...RESPONDENTS

**PAPER BOOK**  
**[FOR INDEX SEE INSIDE]**

**ADVOCATE FOR THE PETITIONER: MANJU JETLEY**

## INDEX

S. No.	Particulars	Pages		Remarks
		<b>Part-I</b> (Paper- book)	<b>Part-II</b> (File- alone)	
(i)	(ii)	(iii)	(iv)	(v)
	Court fee			
<b>1.</b>	Office Report on Limitation	<b>A</b>		
<b>2.</b>	Listing Proforma	<b>A1 – A2</b>		
<b>3.</b>	Cover page of Paper-book.		<b>A-3</b>	
<b>4.</b>	Index of records of proceedings		<b>A-4</b>	
<b>5.</b>	Limitation report prepared by registry.		<b>A-5</b>	
<b>6.</b>	Defect List		<b>A-6</b>	
<b>7.</b>	Note Sheet		<b>A-7</b>	
<b>8.</b>	Synopsis & List of Dates	<b>B - L</b>		
<b>9.</b>	Writ Petition along with the Affidavit	<b>1 - 24</b>		
<b>10.</b>	<b>APPENDIX</b>	<b>25</b>		

	Article 21 and 32 of the Constitution of India			
<b>11.</b>	<b>ANNEXURE P-1:</b>  True Copy of representation dated 20.02.2020.	<b>26 - 36</b>		
<b>12.</b>	<b>ANNEXURE P-2:</b>  True copy of order dated 31.01.2021 bearing no. 22016/12/2019-CIS-IV passed by the Deputy Secretary, Ministry of Home Affairs.	<b>37</b>		
<b>13.</b>	<b><u>F/M</u></b>		<b>38</b>	
<b>14.</b>	<b><u>V/A</u></b>		<b>39</b>	

**A**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISIDCTION  
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(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

SANPREET SINGH AJMANI AND ANR ...PETITIONERS

VERSUS

UNION OF INDIA AND OTHERS ...RESPONDENTS

**OFFICE REPORT ON LIMITATION**

1. The Petition is within time.
2. The Petition is barred by time and there is delay of \_\_\_\_ days in filing the same against order dated \_\_\_\_\_ and petition for condonation of \_\_\_\_\_ days delay has been filed.
3. There is delay of N.A day in re-filing the petition and application for condonation of N.A. day's delay in re-filing has been filed.

**BRANCH OFFICER**

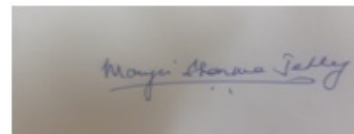
New Delhi

Dated: 02.02.2021

### PROFORMA FOR FIRST LISTING

The case pertains to:		SECTION: <u>PIL</u>	
	i.	Central Act	: Constitution of India
	ii.	Section	: Article 21.
	iii.	Central Rule	: N.A
	iv.	Rule no(s).	: N.A
	v.	State Act	: N.A
	vi.	Section	: N.A
	vii.	State Rule	: N.A
	Viii	Rule No(s)	: N.A
	ix.	Date of Impugned Interim order	: N.A.
	x.	Date of Impugned final order/decreed	: N.A
	xi.	Name of the High Court	: N.A
	xii.	Names of Judges	: N.A
	Xiii	Name of the Tribunal/Authority	: N.A.
1.		Nature of matter	: Writ Petition (PIL)
2.	a)	Petitioner/appellant no.1	: SANPREET SINGH AJMANI
	b)	E-mail ID	: <a href="mailto:spsajmani@gmail.com">spsajmani@gmail.com</a>
	c)	Mobile phone number	: 9927000010
3.	a)	Respondent no.1	: Union of India
	b)	E-mail ID	: N.A.
	c)	Mobile phone number	: N.A.
4.	a)	Main category classification	: 08: Letter Petition and PIL matters
	b)	Sub classification	: 0812: Others
5.		Not to be listed before	: N.A.
6.	(a)	Similar Disposed of matter with citation, if any, and case details	: No similar disposed of matter.
	(b)	Similar pending matter with case	: No similar pending matter.

		details.		
7.		CRIMINAL MATTER	:	N/A
	a)	Whether accused/convict has surrendered	:	N/A
	(b)	FIR No. & Date	:	N/A
	c)	Police station	:	N/A
	(d)	Sentence awarded	:	N/A
	(e)	Sentence Undergone	:	N/A
8.		LAND ACQUISITION MATTERS	:	N.A
	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	:	N.A
10		SPECIAL CATEGORY	:	N.A
	a)	Senior citizen	:	N.A
	(b)	SC/ST	:	N.A
	c)	Woman/child	:	N.A
	d)	Disabled	:	N.A
	(e)	Legal Aid Case	:	N.A
	(f)	In custody	:	N.A
11		Vehicle number (in case of Motor Accident Claim matters)	:	N.A

**Dated: 02.02.2021**


**MANJU JETLEY**  
 (Advocate for the Petitioner)  
 Advocate on Record  
 Supreme Court of India  
 Counsel Code No. 350  
 Mob: 7042340737  
 9312325285

### **SYNOPSIS**

The Petitioners are law abiding citizen and practicing Advocates of this Hon'ble Court, who feel bestowed with the responsibility to seek the kind indulgence of this Hon'ble Court for protection of the fundamental rights of their fellow citizens, which is being infringed by an illegal design framed by the Government of India to throttle the voices of poor farmers, waging battle against the three farm laws by making peaceful protest.

Though, the Petitioners are conscious of the fact, this Hon'ble Court has been pleased to stay those farm laws and had also formed a committee and mediation talks are also underway. However, the Petitioners are aggrieved by the propaganda and hate news being published by some of the news channels (*like AajTak, Republic Bharat, ABP news etc.*) and over the social networking sites (*like Twitter, YouTube, Facebook, WhatsApp, Instagram etc.*) spreading hate against the entire Sikh community for the alleged mis-deeds and sinful acts of the few elements.

On 72th Republic Day i.e. 26<sup>th</sup> January, 2021 certain unprecedented incidents took place at the vicinity of our national heritage – Lal Quila at Delhi by some elements. A place adjacent to Gurudwara Sheesh Ganj Sahib, where Shri Guru Teg Bahadur Sahib (*9<sup>th</sup> Sikh Guru and father of Guru Govind Singh Ji*) was martyred for the cause of humanity.

However, the said incidents that took place on 26<sup>th</sup> January, 2021 appear to be highly motivated and a pre-planned attempt to throttle the voices of the poor farmers, who were protesting against the farm laws for more than 60 days facing all odds. Though, the alleged sinful act/s was committed by few elements, but the entire Sikh community is being blamed, criticized and defamed by some of the news channels for their unlawful gains and oblique motives. They are adamant to spread hate against the entire Sikh community and have even gone to the extent of terming the NISHAAN SAHIB (*a holy flag of Sikh community, which is hosted at all Gurudwaras*) as Khalistani Flag.

Petitioners and other fellow citizens having faith on Sikhism and Sikh Gurus, which is recognized for their sacrifices and selfless services for the nation are badly perturbed and troubled to note the indifferent acts of these media channels, which has wide circulations nationally and internationally. The hate news published by them has been causing irreparable loss and injury to the entire Sikh community which cannot be compensated in any manner. The social networking sites where fake hate news is allowed to be published, is also deterrent to our society. If, the hate news/publications against the Sikh community are not stopped immediately, it might result into dastardly situation and may bring disharmony in the entire country.



## **D**

The Farmers protest in the past 64 days has easily become the nation's biggest and longest protest with 'Singhu' Border being its focal point alongside 'Tikri' Border and 'Ghazipur' Border. However, after the clash in the tractor rally held on 26<sup>th</sup> January 2021 the protest sites for the first time in two months faced a horrific attack on 29<sup>th</sup> January 2021 and it led to becoming a soft spot for violence by hoodlums. The Hindustan Times and several other online and print media reported that on 29<sup>th</sup> January 2021 around 200 men claiming to be local residents barged into the protest site at Singhu Border to vacate the area, they pelted stones, damaged properties, and attacked the protestors (men, women, elderly) despite the presence of heavy security of the police, who miserably failed to ensure law and order. The outcome was also an Internet shutdown- much to our dismay! The state of fear and absolute shock has aggravated and further intensified with the Home Ministry's order of Internet shut down vide order 29.01.2021 which has been further extended under the order dated 31.01.2021 bearing no.22016/12/2019-CIS-IV, approved by Union Home Secretary and passed by Deputy Secretary, Ministry of Home Affairs, as Reference Letter bearing no.3304/X-Spl. Cell from C.P. Delhi, in the exercise of powers conferred under Section 2(1) of Temporary Suspension of Telecom Services (Public Emergency or Safety Rules, 2017 which states: 'in interest of maintaining Public Safety and averting public emergency, it is necessary and expedient to order, the

temporary suspension of Internet Services in the Areas of Singhu Border, Ghazipur etc.

The Petitioners are also feeling aggrieved to learn that the Government of India had prohibited/suspended the access of internet facility at the borders, where the farmers are protesting, which is sheer violation to the fundamental rights of a citizen. The suspension of internet order issued by the Ministry of Home Affairs is a gross misuse of power by the Central Government and is causing disruption to individuals in exercising their fundamental rights in the adjoining areas and also of the protestors in violation of the Fundamental Right conferred under Article 19 (1) (a) which had been upheld by the Hon'ble Supreme Court in *Anuradha Bhasin v. Union of India* (2020) 3 SCC 637 and *Foundation for Media Professionals v. Union Territory of Jammu and Kashmir and Another* (2020) 5 SCC 746.

Fundamental Rights of a citizen cannot be curtailed in such a casual fashion, just because the huge numbers of people are raising their voices against the Government. It would be apt to note at this juncture that some of the media channels are spreading hate and fake news and is just showing the news from the angle suitable to the Government and not the true and impartial news. By restraining the use of internet, the

# F

Governments are trying to make a feeble attempt to preclude the farmers and real journalists to bring the true picture before the nation.

Internet is a basic human right that aids the citizen in expressing their opinions on global platforms. The internet has a more extensive degree and is an unfilled jar into which individuals pour its substance in the light and global platforms. United Nations has even suggested that Internet be made a Fundamental Right by every country and has also said that disconnecting people from the internet is a human rights violation and against international law.

The protest sites are heavily surrounded and guarded by police barricading where entry has been completely blocked, cops are digging roads, barricading has been increased to four layers on the main highway connecting Delhi with Haryana, heavy deployment of para military forces adding to the tension, as reported by the Hindustan Times. The fourth pillar of the democracy which is the Media is also being restricted at the protest site. On 30th January, 2021, a freelance journalist was assaulted and arrested by the police and sent to judicial custody. Under such unsettling circumstance, internet is the only constitutional tool for the farmers and every citizen to bring forth their constantly changing status at the protest sites. Therefore, in order to get into the crux of the matter and before there is any travesty of justice and violation of human rights; it is

**G**

the obligation of the petitioners to seek kind indulgence of this Hon'ble Supreme Court to prevent such colorful use of power by the Government of India. These are colossal damages against the sheen of a democratic country and history will not forgive us if, we remain mute spectators to this. As internet services remain suspended in and around the Singhu Border protest venue for the fourth consecutive day, farmers are apprehensive that their voices are being shunned down and only one-sided narrative of the government is getting brought forward, which is a clear attack on the fundamental values of the Constitution. Under the garb of maintaining peace and security, protesting farmers are being attacked, castigated and facing scarcity of food and water due to road blocks. This is deprivation of basic human rights and gross violation of Right to Life enshrined under Article 21 of the Constitution. The predicament of the farmers is getting worsened by the biased reporting by few mainstream media channels which is further denigrating the peaceful protest and is only adding fuel to the blazing fire. Labeling farmers as "terrorists" by the mainstream media and airing provocative content is a pressing issue. There are claims of over more than 100 farmer protestors including minors who have been missing since 26<sup>th</sup> January 2021 as reported by various newspapers. In a situation like this, the internet shutdown is evidently causing disruption of communication and increasing the plight

of the family members who are dependent on the Internet to have access to information on the ones who are missing or in judicial custody.

Petitioners want to draw attention of this Hon'ble Court, that a young boy namely Navneet Singh resident of Bazpur, District Udham Singh Nagar, Uttarakhand died during the protest, who had allegedly sustained gunshot injury, which is prima facie evident from various videos, which went viral in the social networking sites. However, in his PMR, the cause of death has been reported as "*shock and hemorrhage as a result of ant mortem head injury.*" Subsequently, the eye witness to the said incident has also been reported dead. This is very serious issue and requires high level probe by such investigating agency, which may unearth the truth and deliver justice to the departed soul.

Thus, by means of instant writ petition under Article 32 of the Constitution of India, the Petitioner, is seeking following indulgence:-

- i. Direct the authorities to ensure safety and protection of the farmers, who are protesting at the borders of the points i.e. Singhu, Ghazipur, Tikri, in the interest of justice.
- ii. Direct the authorities to ensure that the supply of basic amenities such as water and electricity etc. may not be stopped at the places, at the borders of the points i.e. Singhu, Ghazipur, Tikri, in the interest of justice.

- iii. Direct the authorities to remove the iron nails and cemented barricades etc. which has been illegally installed to stop the famers' ingress and egress from the place of protest i.e. Tikri border and any other borders, to meet the ends of justice.
- iv. Direct the authorities/Governments to ensure an uninterrupted Internet Excess at the entire border points i.e. Singhu, Ghazipur, Tikri where the famers are protesting against the farm laws and consequent thereto, set-aside/quash the order dated 31.01.2021 bearing no. 22016/12/2019-CIS-IV being *ultra vires* to the Constitution of India and against the law laid down by this Hon'ble Court in the case of '**AnuradhaBhasin v. Union of India and Ors.**'
- v. Direct the entire media, from spreading hate news against the entire Sikh community and tender unconditional apology for hurting the religious sentiments of the entire Sikh community by terming them as terrorists and denoting their 'Nishaan Sahib' as 'Khalistani Flag'.
- vi. Constitute a judicial enquiry to submit its report on the missing famers and the atrocity committed upon the poor famers/protesters.
- vii. Direct probe by such agency, which this Hon'ble Court may deem fit and proper, in the unfortunate incident of death of a

young boy namely Navneet Singh resident of Bazpur, District Udham Singh Nagar, Uttarakhand during the protest, who had allegedly sustained gunshot injury, but, in his PMR, the cause of death has been reported as “*shock and hemorrhage as a result of ant mortem head injury*” and subsequently, the eye witness to the said incident has also been reported dead.

- viii. Direct the Police Authorities and Hon’ble Courts below to ensure compliance of the law laid down by this Hon’ble Court in the case of ‘**Arnesh Kumar**’ in letter and spirit.
- ix. Pass any such order/s or direction/s by molding and enlarging the scope of this writ petition, as this Hon’ble Court may deem fit and proper, in the interest of justice.

### **LIST OF DATES**

10.01.2020	This Hon’ble Court held that the Right to Internet access is a Fundamental Right of citizen of India.
2020	Government of India enacted three laws namely (1) Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, 2020; (2) Essential Commodities (Amendment) Act, 2020; (3) Farmers (Empowerment and Protection) Agreement on Price

Assurance and Farm Services Act, 2020, (*hereinafter referred to as the 'Farm laws'*).

Against such farm laws, the famers from across the nation started protesting against these three farm laws, who were not allowed to entire inside the Delhi and were forced to raise their protest from the borders hailing towards Delhi i.e. Singhu Border being its focal point alongside Tikri Border and Ghazipur Border.

12.01.2021 This Hon'ble Court was pleased to stay the farm laws and consequently formed a committee of experts. True copy of order dated 12.01.2021 passed by this Hon'ble Court in Writ Petition (Civil) No. 1118/2020 '*RakeshVaishnav and Ors. v. Union of India and Ors.*' is annexed herewith as **Annexure No. P/1** at **Pages ( 26 – 36 )**

26.01.2021 Certain unprecedented incidents took place at the vicinity of our national heritage - LalQuila at Delhi by some elements. Consequent thereto, media started spreading hate news against the entire



Sikhcommunity, resulting into hurting their religious sentiments.

31.01.2021 Home Ministry's passed an order of Internet shut down vide order 29.01.2021 which has been further extended vide order dated 31.01.2021 bearing no. 22016/12/2019-CIS-IV, approved by Union Home Secretary and passed by Deputy Secretary, Ministry of Home Affairs, as Reference Letter bearing no. 3304/X-Spl. Cell from C.P. Delhi, in the exercise of powers conferred under Section 2(1) of Temporary Suspension of Telecom Services (Public Emergency or Safety Rules, 2017 which states: 'in interest of maintaining Public Safety and averting public emergency, it is necessary and expedient to order, the temporary suspension of Internet Services in the Areas of Singhu Border, Ghazipur Border etc. True copy of order dated 31.01.2021 bearing no. 22016/12/2019-CIS-IVis annexed herewith as **Annexure No. P/2at Pages ( 37 )**

02.01.2021 Hence, this PIL, seeking protection of fundamental rights.

**IN THE SUPREME COURT OF INDIA  
EXTRAORDINARY WRIT JURISIDCTION  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)  
WRIT PETITION (PIL) NO. \_\_\_\_\_ OF 2021**

**IN THE MATTER OF:**

1. Sanpreet Singh Ajmani, Advocate,  
Member, Supreme Court Bar Association,  
B-3, LGF, Jungpura Extension, New Delhi-110014  
...Petitioner No.1

2. Pushpinder Singh, Advocate,  
Membe, Supreme Court Bar Association,  
Baba Shyam Singh Colony, Hanumangarh JN,  
Hanumangarh, Rajasthan- 335512  
...Petitioner No.2

Versus

1. UNION OF INDIA  
Through, Secretary,  
Ministry of Information and Broadcasting,  
Government of India;  
A-Wing, Shastri Bhawan,  
New Delhi-110001  
...Respondent No.1

2. Ministry of Home Affairs,  
Government of India,  
Though, Secretary, North Block  
New Delhi-110001  
... Respondent No.2

3. Ministry of Telecommunication,  
Through Secretary,

A-Wing, Shastri Bhawan,  
New Delhi- 110001

....Respondent No.3

4. Ministry of Information and Technology,  
Through Secretary,  
Government of India,  
New Delhi-110001

... Respondent No.4

5. Facebook India,  
Through, It's Chief Managing Director,  
Facebook India Building No.14,  
Mind Space, IT Park, Ho-Tec City,  
Madhapur, Hyderabad,  
Andhra Pradesh- 500081

... Respondent No.5

6. Government of NCT of Delhi,  
Through Secretary,  
Government of Delhi,  
New Delhi

... Respondent No.6

**WRIT PETITION BY WAY OF PUBLIC INTEREST  
LITIGATION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA FOR VIOLATION OF  
FUNDAMENTAL RIGHTS GUARANTEED UNDER  
ARTICLE 21 OF THE CONSTITUTION OF INDIA.**

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

THE HUMBLE PETITION OF

## THE ABOVE NAMED PETITIONER

**MOST RESPECTFULLY SHOWETH:**

1. That, instant Writ Petition (PIL) is being filed in the larger Public Interest under Article 32 of the Constitution of India for the protection of the fundamental rights guaranteed under Article 21 of the Constitution India. Vide instant petition the petitioner seeks direction to the authorities concerned to stop propagating hate news and maligning whole the Sikh Community; and also to ensure uninterrupted Internet access to all near the border, etc.

1 A. That, The Petitioners are law abiding citizen and practicing Advocates of this Hon'ble Court and other Courts in India and are member of the Supreme Court Bar Association, New Delhi, and residing at B-3, LGF, Jangpura Extension, New Delhi-110014, Email: [spsajmani@gmail.com](mailto:spsajmani@gmail.com), Mobile No.+91 9927000010.

1 B. That, the petitioners feel bestowed with the responsibility to seek the kind indulgence of this Hon'ble Court for protection of the fundamental rights of their fellow citizens, which is being infringed by an illegal design framed by the Government of India to throttle the voices of poor famers, wagging battle against the three farm laws by making peaceful protest. Expediency of the issue requires immediate intervention of this Hon'ble Court, therefore, this PIL.

- 1 C.** That the petitioners have no personal gain or interest, or private/oblique motive in filling the instant petition. There is no civil, criminal, revenue or any litigation involving the petitioners which has or could have a legal nexus with the issues involved in the PIL.
- 1 D.** That, the petitioners declare that they have no personal interests of whatsoever nature connected with the subject matter of the present Public Interest Litigation and same is being filed purely for benefit of society and the citizen at large.
- 1 E.** That, cause of action arose on 29.01.2021 when Home Ministry shut down the internet services vide order 29.01.2021 which has been further extended under the order dated 31.01.2021 bearing no.22016/12/2019-CIS-IV, approved by Union Home Secretary and passed by Deputy Secretary, Ministry of Home Affairs, as Reference Letter bearing no.3304/X-Spl. Cell from C.P. Delhi. The Petitioners feel aggrieved to learn that the Government of India had prohibited/suspended the access of internet facility at the borders, where the farmers are protesting, which is sheer violation to the fundamental rights of a citizen.
- 1 F.** That, the 'State' being guardian of fundamental rights guaranteed under Part-III of the Constitution, suspension of internet order issued by the Ministry of Home Affairs is a gross misuse of power by the

Central Government and is causing disruption to individuals in exercising their fundamental rights in the adjoining areas and also of the protestors in violation of the Fundamental Right conferred under Article 19 (1) (a).

**1 G.** That, respondents No.1 to 4, and 6 are Government entities and are necessary parties; whereas Respondent No.5 is proforma respondent necessarily to be impleaded for the effective adjudication of the case.

**1 H.** That, the petitioner state that neither any other similar petition has been filed by the petitioner either before this Hon'ble Court or before any Court in India nor is pending.

**1 I.** That, all the documents annexed herewith are true copy of its original and are available in public domain.

**2. FACTS OF THE CASE:**

1. That, though, the Petitioners are conscious of the fact, this Hon'ble Court has been pleased to stay those farm laws and had also formed a committee and mediation talks are also underway.

True copy of order dated 12.01.2021 passed by this Hon'ble Court in Writ Petition (Civil) No. 1118/2020 '*Rakesh Vaishnav and Ors. v. Union of India and Ors.*' is annexed herewith as **Annexure No. P/1 at Pages ( 26 – 36 )**

2. That, however, the Petitioners are aggrieved by the propaganda and hate news being published by some of the news channels (*like AajTak, Republic Bharat, ABP news etc.*) and over the social networking sites (*like Twitter, YouTube, Facebook, WhatsApp, Instagram etc.*) spreading hate against the entire Sikh community for the alleged mis-deeds and sinful acts of the few elements.
  
3. That, on 72<sup>nd</sup> Republic Day i.e. 26<sup>th</sup> January, 2021 certain unprecedented incidents took place at the vicinity of our national heritage – Lal Quila at Delhi by some elements. A place adjacent to Gurudwara Sheesh Ganj Sahib, where Shri Guru Teg Bahadur Sahib (*9<sup>th</sup> Sikh Guru and father of Guru Govind Singh Ji*) was martyred for the cause of humanity. However, the said incidents that took place on 26<sup>th</sup> January, 2021 appear to be highly motivated and a pre-planned attempt to throttle the voices of the poor farmers, who were protesting against the farm laws for more than 60 days facing all odds.
  
4. That, Though, the alleged sinful act/s was committed by few elements, but the entire Sikh community is being blamed, criticized and defamed by some of the news channels for their unlawful gains and oblique motives. They are adamant to

spread hate against the entire Sikh community and have even gone to the extent of terming the NISHAAN SAHIB (*a holy flag of Sikh community, which is hosted at all Gurudwaras*) as Khalistani Flag.

5. That, petitioners and other fellow citizens having faith on Sikhism and Sikh Gurus, which is recognized for their sacrifices and selfless services for the nation are badly perturbed and troubled to note the indifferent acts of these media channels, which has wide circulations nationally and internationally.
6. That, the hate news published by them has been causing irreparable loss and injury to the entire Sikh community which cannot be compensated in any manner. The social networking sites where fake hate news is allowed to be published, is also deterrent to our society. If, the hate news/publications against the Sikh community are not stopped immediately, it might result into dastardly situation and may bring disharmony in the entire country.
7. That, after the clash in the tractor rally held on 26<sup>th</sup> January 2021 the protest sites for the first time in two months faced a horrific attack on 29<sup>th</sup> January 2021 and it led to becoming a soft spot for violence by hoodlums. The Hindustan Times and several



other online and print media reported that on 29<sup>th</sup> January 2021 around 200 men claiming to be local residents barged into the protest site at Singhu Border to vacate the area, they pelted stones, damaged properties, and attacked the protestors (men, women, elderly) despite the presence of heavy security of the police, who miserably failed to ensure law and order. The outcome was also an Internet shutdown- much to our dismay!

8. That, the state of fear and absolute shock has aggravated and further intensified with the Home Ministry's order of Internet shut down vide order 29.01.2021 which has been further extended under the order dated 31.01.2021 bearing no.22016/12/2019-CIS-IV, approved by Union Home Secretary and passed by Deputy Secretary, Ministry of Home Affairs, as Reference Letter bearing no.3304/X-Spl. Cell from C.P. Delhi, in the exercise of powers conferred under Section 2(1) of Temporary Suspension of Telecom Services (Public Emergency or Safety Rules, 2017 which states: 'in interest of maintaining Public Safety and averting public emergency, it is necessary and expedient to order, the temporary suspension of Internet Services in the Areas of Singhu Border, Ghazipur etc.

True copy of order dated 31.01.2021 bearing no. 22016/12/2019-CIS-IV is annexed herewith as **Annexure No. P/2 at Pages ( 37 )**

9. That, the Petitioners are also feeling aggrieved to learn that the Government of India had prohibited/suspended the access of internet facility at the borders, where the farmers are protesting, which is sheer violation to the fundamental rights of a citizen. The suspension of internet order issued by the Ministry of Home Affairs is a gross misuse of power by the Central Government and is causing disruption to individuals in exercising their fundamental rights in the adjoining areas and also of the protestors in violation of the Fundamental Right conferred under Article 19 (1) (a) which had been upheld by the Hon'ble Supreme Court in *Anuradha Bhasin v. Union of India* (2020) 3 SCC 637 and *Foundation for Media Professionals v. Union Territory of Jammu and Kashmir and Another* (2020) 5 SCC 746.
10. That, fundamental Rights of a citizen cannot be curtailed in such a casual fashion, just because the huge numbers of people are raising their voices against the Government. It would be apt to note at this juncture that some of the media channels are spreading hate and fake news and is just showing the news from

the angle suitable to the Government and not the true and impartial news. By restraining the use of internet, the Governments are trying to make a feeble attempt to preclude the famers and real journalists to bring the true picture before the nation.

11. That, internet is a basic human right that aids the citizen in expressing their opinions on global platforms. The internet has a more extensive degree and is an unfilled jar into which individuals pour its substance in the light and global platforms. United Nations has even suggested that Internet be made a Fundamental Right by every country and has also said that disconnecting people from the internet is a human rights violation and against international law.

12. That, the protest sites are heavily surrounded and guarded by police barricading where entry has been completely blocked, cops are digging roads, barricading has been increased to four layers on the main highway connecting Delhi with Haryana, heavy deployment of para military forces adding to the tension, as reported by the Hindustan Times. The fourth pillar of the democracy which is the Media is also being restricted at the protest site.

13. That, on 30th January, 2021, a freelance journalist was assaulted and arrested by the police and sent to judicial custody. Under such unsettling circumstance, internet is the only constitutional tool for the farmers and every citizen to bring forth their constantly changing status at the protest sites. Therefore, in order to get into the crux of the matter and before there is any travesty of justice and violation of human rights; it is the obligation of the petitioners to seek kind indulgence of this Hon'ble Supreme Court to prevent such colorful use of power by the Government of India. These are colossal damages against the sheen of a democratic country and history will not forgive us if, we remain mute spectators to this.
14. That, as internet services remain suspended in and around the Singhu Border protest venue for the fourth consecutive day, farmers are apprehensive that their voices are being shunned down and only one-sided narrative of the government is getting brought forward, which is a clear attack on the fundamental values of the Constitution. Under the garb of maintaining peace and security, protesting farmers are being attacked, castigated and facing scarcity of food and water due to road blocks. This is

deprivation of basic human rights and gross violation of Right to Life enshrined under Article 21 of the Constitution.

15. That, the predicament of the farmers is getting worsened by the biased reporting by few mainstream media channels which is further denigrating the peaceful protest and is only adding fuel to the blazing fire. Labeling farmers as “terrorists” by the mainstream media and airing provocative content is a pressing issue. There are claims of over more than 100 farmer protestors including minors who have been missing since 26<sup>th</sup> January 2021 as reported by various newspapers. In a situation like this, the internet shutdown is evidently causing disruption of communication and increasing the plight of the family members who are dependent on the Internet to have access to information on the ones who are missing or in judicial custody.

16. That, petitioners want to draw attention of this Hon’ble Court, that a young boy namely Navneet Singh resident of Bazpur, District Udham Singh Nagar, Uttarakhand died during the protest, who had allegedly sustained gunshot injury, which is prima facie evident from various videos, which went viral in the social networking sites. However, in his Post Mortem Report, the cause of death has been reported as “*shock and hemorrhage*

*as a result of ant mortem head injury.*” Subsequently, the eye witness to the said incident has also been reported dead. This is very serious issue and requires high level probe by such investigating agency, which may unearth the truth and deliver justice to the departed soul.

17. That, in order to get into the crux of the matter and before there is any travesty of justice and violation of human rights; it is the obligation of the petitioners to seek kind indulgence of this Hon’ble Supreme Court to prevent such colorful use of power by the Government of India. These are colossal damages against the sheen of a democratic country and history will not forgive us if, we remain mute spectators to this.

18. **Hence, this Writ Petition.**

### **3. GROUNDS**

A. BECAUSE the Petitioners are aggrieved by the propaganda and hate news being published by some of the news channels (*like AajTak, Republic Bharat, ABP news etc.*) and over the social networking sites (*like Twitter, YouTube, Facebook, WhatsApp, Instagram etc.*) spreading hate against the entire Sikh community for the alleged mis-deeds and sinful acts of the few elements.

- B.** BECAUSE the said incidents that took place on 26<sup>th</sup> January, 2021 appear to be highly motivated and a pre-planned attempt to throttle the voices of the poor farmers, who were protesting against the farm laws for more than 60 days facing all odds.
- C.** BECAUSE though the alleged sinful act/s was committed by few elements, but the entire Sikh community is being blamed, criticized and defamed by some of the news channels for their unlawful gains and oblique motives. They are adamant to spread hate against the entire Sikh community and have even gone to the extent of terming the NISHAAN SAHIB (*a holy flag of Sikh community, which is hosted at all Gurudwaras*) as Khalistani Flag.
- D.** BECAUSE petitioners and other fellow citizens having faith on Sikhism and Sikh Gurus, which is recognized for their sacrifices and selfless services for the nation are badly perturbed and troubled to note the indifferent acts of these media channels, which has wide circulations nationally and internationally.
- E.** BECAUSE the hate news published by them has been causing irreparable loss and injury to the entire Sikh community which cannot be compensated in any manner. The social networking sites where fake hate news is allowed to be published, is also deterrent to our society. If, the hate news/publications against

the Sikh community are not stopped immediately, it might result into dastardly situation and may bring disharmony in the entire country.

**F. BECAUSE** after the clash in the tractor rally held on 26<sup>th</sup> January 2021 the protest sites for the first time in two months faced a horrific attack on 29<sup>th</sup> January 2021 and it led to becoming a soft spot for violence by hoodlums. On 29<sup>th</sup> January 2021 around 200 men claiming to be local residents barged into the protest site at Singhu Border to vacate the area, they pelted stones, damaged properties, and attacked the protestors (men, women, elderly) despite the presence of heavy security of the police, who miserably failed to ensure law and order, instead shutdown the internet services to our dismay!

**G. BECAUSE** the Home Ministry's order of Internet shut down vide order 29.01.2021 which has been further extended under the order dated 31.01.2021 bearing no.22016/12/2019-CIS-IV, approved by Union Home Secretary and passed by Deputy Secretary, Ministry of Home Affairs, as Reference Letter bearing no.3304/X-Spl. Cell from C.P. Delhi, in the exercise of powers conferred under Section 2(1) of Temporary Suspension of Telecom Services (Public Emergency or Safety Rules, 2017 have further intensified and aggravated the state of fear and



absolute shock by the temporary suspension of Internet Services in the Areas of Singhu Border, Ghazipur etc.

H. BECAUSE the Government of India had prohibited/suspended the access of internet facility at the borders, where the farmers are protesting, which is sheer violation to the fundamental rights of a citizen. The suspension of internet order issued by the Ministry of Home Affairs is a gross misuse of power by the Central Government and is causing disruption to individuals in exercising their fundamental rights in the adjoining areas and also of the protestors in violation of the Fundamental Right conferred under Article 19 (1) (a) which had been upheld by the Hon'ble Supreme Court in *Anuradha Bhasin v. Union of India* (2020) 3 SCC 637 and *Foundation for Media Professionals v. Union Territory of Jammu and Kashmir and Another* (2020) 5 SCC 746.

I. BECAUSE fundamental Rights of a citizen cannot be curtailed in such a casual fashion, just because the huge numbers of people are raising their voices against the Government. It would be apt to note at this juncture that some of the media channels are spreading hate and fake news and is just showing the news from the angle suitable to the Government and not the true and impartial news. By restraining the use of internet, the

Governments are trying to make a feeble attempt to preclude the farmers and real journalists to bring the true picture before the nation.

**J.** BECAUSE internet is a basic human right that aids the citizen in expressing their opinions on global platforms. The internet has a more extensive degree and is an unfilled jar into which individuals pour its substance in the light and global platforms. United Nations has even suggested that Internet be made a Fundamental Right by every country and has also said that disconnecting people from the internet is a human rights violation and against international law.

**K.** BECAUSE the protest sites are heavily surrounded and guarded by police barricading where entry has been completely blocked, cops are digging roads, barricading has been increased to four layers on the main highway connecting Delhi with Haryana, heavy deployment of para military forces adding to the tension, as reported by the Hindustan Times. The fourth pillar of the democracy which is the Media is also being restricted at the protest site. On 30th January, 2021, a freelance journalist was assaulted and arrested by the police and sent to judicial custody. Under such unsettling circumstance, internet is the only constitutional tool for the farmers and every citizen to bring

forth their constantly changing status at the protest sites. Therefore, in order to get into the crux of the matter and before there is any travesty of justice and violation of human rights; it is the obligation of the petitioners to seek kind indulgence of this Hon'ble Supreme Court to prevent such colorful use of power by the Government of India. These are colossal damages against the sheen of a democratic country and history will not forgive us if, we remain mute spectators to this.

**L. BECAUSE** as internet services remain suspended in and around the Singhu Border protest venue for the fourth consecutive day, farmers are apprehensive that their voices are being shunned down and only one-sided narrative of the government is getting brought forward, which is a clear attack on the fundamental values of the Constitution. Under the garb of maintaining peace and security, protesting farmers are being attacked, castigated and facing scarcity of food and water due to road blocks. This is deprivation of basic human rights and gross violation of Right to Life enshrined under Article 21 of the Constitution.

**M. BECAUSE** the predicament of the farmers is getting worsened by the biased reporting by few mainstream media channels which is further denigrating the peaceful protest and is only adding fuel to the blazing fire. Labeling farmers as “terrorists”

by the mainstream media and airing provocative content is a pressing issue. There are claims of over more than 100 farmer protestors including minors who have been missing since 26<sup>th</sup> January 2021 as reported by various newspapers. In a situation like this, the internet shutdown is evidently causing disruption of communication and increasing the plight of the family members who are dependent on the Internet to have access to information on the ones who are missing or in judicial custody.

N. BECAUSE petitioners want to draw attention of this Hon'ble Court, that a young boy namely Navneet Singh resident of Bazpur, District Udham Singh Nagar, Uttarakhand died during the protest, who had allegedly sustained gunshot injury, which is prima facie evident from various videos, which went viral in the social networking sites. However, in his Post Mortem Report, the cause of death has been reported as "*shock and hemorrhage as a result of ant mortem head injury.*" Subsequently, the eye witness to the said incident has also been reported dead. This is very serious issue and requires high level probe by such investigating agency, which may unearth the truth and deliver justice to the departed soul.

#### **4. PRAYER:**

In view of the facts and circumstances stated aforesaid, it is most respectfully prayed that Hon'ble this court may graciously be pleased to:

- i. Direct the authorities to ensure safety and protection of the farmers, who are protesting at the borders of the points i.e. Singhu, Ghazipur, Tikri, in the interest of justice.
- ii. Direct the authorities to ensure that the supply of basic amenities such as water and electricity etc. may not be stopped at the places, at the borders of the points i.e. Singhu, Ghazipur, Tikri, in the interest of justice.
- iii. Direct the authorities to remove the iron nails and cemented barricades etc. which has been illegally installed to stop the farmers' ingress and egress from the place of protest i.e. Tikri border and any other borders, to meet the ends of justice.
- iv. Direct the authorities/Governments to ensure an uninterrupted Internet Excess at the entire border points i.e. Singhu, Ghazipur, Tikri where the farmers are protesting against the farm laws and consequent thereto, set-aside/quash the order dated 31.01.2021 bearing no. 22016/12/2019-CIS-IV being *ultra vires* to the Constitution of India and against the law laid down by this Hon'ble Court

in the case of '*AnuradhaBhasin v. Union of India and Ors.*'

- v. Direct the entire media, from spreading hate news against the entire Sikh community and tender unconditional apology for hurting the religious sentiments of the entire Sikh community by terming them as terrorists and denoting their 'Nishaan Sahib' as 'Khalistani Flag'.
- vi. Constitute a judicial enquiry to submit its report on the missing famers and the atrocity committed upon the poor famers/protesters.
- vii. Direct probe by such agency, which this Hon'ble Court may deem fit and proper, in the unfortunate incident of death of a young boy namely Navneet Singh resident of Bazpur, District Udham Singh Nagar, Uttarakhand during the protest, who had allegedly sustained gunshot injury, but, in his PMR, the cause of death has been reported as "*shock and hemorrhage as a result of ant mortem head injury*" and subsequently, the eye witness to the said incident has also been reported dead.
- viii. Direct the Police Authorities and Hon'ble Courts below to ensure compliance of the law laid down by this Hon'ble Court in the case of '*Arnesh Kumar*' in letter and spirit.

- ix. Pass any such order/s or direction/s by molding and enlarging the scope of this writ petition, as this Hon'ble Court may deem fit and proper, in the interest of justice.

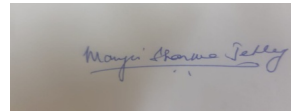
AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL FOREVER PRAY.

**DRAWN BY**

Sanpreet Singh Ajmani  
Varun Mishra  
Advocates

Drawn On: 01.02.2021  
Filed On: 02.02.2021

**FILED BY**

A rectangular box containing a handwritten signature in blue ink. The signature appears to read 'Manju Jetley'.

**MANJU JETLEY**  
(Advocate for the Petitioner)  
Place: New Delhi

...PETITIONERS

UNION OF INDIA AND OTHERS

## ...RESPONDENTS

I, Sanpreet Singh Ajmani, S/o Sardar Bhupendra Singh, aged about 33 years, R/o- Ajmani Bhawan, Ambika Vihar, Haldwani, Uttarakhand, presently at New Delhi do hereby solemnly affirm and state on oath as under:

1. That I am the petitioner No. 1 in the aforesaid petition and doing pairavi on behalf of other petitioner. I, being fully conversant with the facts and circumstances of the case, am competent to swear the instant affidavit.
2. That I have read the accompanying Writ Petition Page no. **01** to **19** (para **01** to **04** ), Synopsis & List of dates (pages **B** to **J**) & I.A.'s and have understood the same explained to me and affirm that same are true and correct to the best of my knowledge and belief.
3. That the annexure annexed to the petition are true, and correct copies of its respective originals.



DEPONENT

**VERIFICATION**

I, the deponent above named, do hereby verify that the contents of Para 01 to 03 of the aforesaid affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Affirmed on this 2<sup>nd</sup> day of February, 2021 at New Delhi

DEPONENT

**APPENDIX****CONSTITUTION:-****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.

**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.

**// True Copy//**

ITEM NO.19, 20, 21, 22 & 23 Court No.1 (Video Conferencing)  
SECTION X & PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1118/2020

RAKESH VAISHNAV & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No. 98868/2020 - EX-PARTE AD-INTERIM RELIEF and IA No. 136682/2020 - INTERVENTION/IMPLEADMENT and IA No. 136677/2020 - INTERVENTION/IMPLEADMENT and IA No. 136367/2020 - INTERVENTION/IMPLEADMENT)

WITH

W.P.(C) No. 1152/2020 (PIL-W)

W.P.(C) No. 1168/2020 (PIL-W)

W.P.(C) No. 1165/2020 (PIL-W)  
(FOR ADMISSION)

W.P.(C) No. 1174/2020 (PIL-W)

(With IA No. 136492/2020 - DELETING THE NAME OF PETITIONER/RESPONDENT and IA No. 103591/2020 - EX-PARTE STAY and IA No. 133320/2020 - INTERVENTION APPLICATION and IA No. 136927/2020 - INTERVENTION/IMPLEADMENT and IA No. 107119/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No.1139/2020

([TO BE TAKEN UP ALONGWITH WP (c) NO. 1118/2020 ETC]  
(With IA No. 498/2021 - EX-PARTE STAY)

W.P.(C) No(s). 1240/2020

(FOR ADMISSION.....[TO BE TAKEN UP ALONG WITH ITEM NO. 14 I.E. W.P.  
(C) No. 1118/2020] )

W.P.(C) No.1404/2020

([TO BE TAKEN UP ALONGWITH W.P.(C) NO. 1118/2020]  
(With IA No. 133590/2020 - INTERVENTION/IMPLEADMENT)

Signature Not Verified  
Digitally signed by  
Sanjay Kumar  
Date: 2024.01.12  
17:05:20 IST  
Reason: [ ]

W.P.(C) No. 1406/2020 (PIL-W)

W.P.(C) No. 1421/2020 (PIL-W)

(FOR ADMISSION and IA No.130697/2020-PERMISSION TO APPEAR AND ARGUE  
IN PERSON)

W.P.(C) No. 1441/2020 (PIL-W)  
 (FOR ADMISSION and IA No.132471/2020-PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES AND WITH APPLN.(S) BEING I.A.  
 NO.135784/2020 - FOR IMPEADMENT AND I.A. NOS.3334/2021 & 3324/2021  
 - FOR INTERVENTION)

W.P.(C) No(s).23/2021  
 (FOR ADMISSION and IA No.3852/2021-EXEMPTION FROM FILING AFFIDAVIT  
 and IA No.3851/2021-PERMISSION TO APPEAR AND ARGUE IN PERSON....  
 [ TO BE TAKEN UP ALONG WITH ITEM NO. 14 I.E. W.P.(C) No.  
 1118/2020 ] )

Date : 12-01-2021 These matters were called on for orders/hearing  
 today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
 HON'BLE MR. JUSTICE A.S. BOPANNA  
 HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(S) Mr. K. Parameshwar, AOR  
 Mr. V. Mukunda, Adv.  
 Ms. A. Sregurupriya, Adv.

Mr. Sukumar Pattjoshi, Sr.Adv.  
 Mr. K.K.L.Gautam, Adv.  
 Mr. Vijendra Kasana, Adv.  
 Mr. A. K. Suman, Adv.  
 Mr. Manoj Sharma, Adv.  
 Mr. Sandeep Kumar Singh, Adv.  
 Mr. Sanjeev Malhotra, AOR

Mr. Vivek K. Tankha, Sr. Adv.  
 Mr. Varun Tankha, Adv.  
 Mr. Sumeer Sodhi, AOR  
 Mr. Prashant Sivarajan, Adv.  
 Mr. Ujjawal Anand Sharma, Adv.  
 Ms. Jhanvi Dubey, Adv.  
 Ms. Suditi Batra, Adv.  
 Mr. Hussain Ali, Adv.

Mr. P. Wilson, Sr. Adv.  
 Mr. D. Kumanan, AOR  
 Mr. Richardson Wilson, Adv.

Mr. M. Shoeb Alam, Adv.  
 Ms. Fauzia Shakil, AOR

Mr. Manohar Lal Sharma, Petitioner-In-Person

Mr. Harish N Salva, Sr. Adv.  
 Mr. Deepak Goel, AOR  
 Mr. Kamal Kumar Pandey, Adv.

Mr. Vipin Kumar, Adv.  
Ms. Madhuri Gupta, Adv.

**Petitioner-In-Person**

Mr. Vikas Singh, Sr. Adv.  
Mr. Reepak Kansal, Adv.  
Ms. Deepieka Kalia, Adv.  
Mr. Arun Adlakha, Adv.  
Mr. Kuldeep Roy, Adv.  
Mr./Ms. Harisha S.R., AOR

Mr. Omprakash Ajitsingh Parihar, Aor  
Mr. Dushyant Tiwari, Adv.  
Mr. Yudhvir Dalal, Adv.

Mr. S.Muthukrishnan, Adv.  
Mr. S. Mahendran, AOR

**Petitioner-In-Person**

**For Respondent(S)/  
Applicant(S)**

Mr. K.K Venugopal, Ld AG  
Mr. Tushar Mehta, Ld SG  
Mr. K M Nataraj, Ld ASG  
Mr. Kanu Agrawal, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. Chinmayee Chandra, Adv.  
Mr. Ankur Talwar, Adv.  
Ms. Vanshaja Shukla, Adv.  
Mr. Shyam Gopal, Adv.  
Mr. Raj Bahadur Yadav, AOR

Ms. Archana Pathak Dave, AOR

Mr. Ajay Choudhary, AOR

Mr. Chirag M. Shroff, AOR

Mr. Tushar Mehta, Ld. SG  
Ms. Garima Prashad, AOR  
Mr. Subodh Kumar Pathak, Adv.

Mr. P. Chidambaram, Sr. Adv.  
Mr. Atul Nanda, Ag Punjab  
Ms. Uttara Babbar, AOR  
Ms. Bhavana Duhoon, Adv.  
Mr. Manan Bansal, Adv.

Mr. B. V. Balaram Das, AOR

Mr. Prashant Bhushan, AOR (Not Joined VC)

Mr. M.P. Devnath, AOR  
Mr. Vivek Sharma, Adv.  
Mr. Abhishek Anand, Adv.  
Mr. Abir Roy, Adv.  
Mr. Ishaan Saran, Adv.  
Mr. Vivek Pandey, Adv.

Mr. P. S. Narsimha, Sr. Adv.  
Mr. Ekansh Mishra, AOR

Ms. Swati Vaibhav, AOR

Mr. V. Chitambaresh, Sr. Adv.  
Mr. Ravindra Sadanand Chingale, AOR  
Mr. Ashish Sonawane, Adv.

Mr. Rahul Mehra, Adv.  
Mr. Chirag M. Shroff, AOR  
Ms. Abhilasha Bharti, Adv.  
Mr. Sushant Dogra, Adv.

Mr. AP Singh, Adv.  
Mr. VP Singh, Adv.  
Ms. Geeta Singh, Adv.  
Ms. Richa Singh, Adv.  
Mr. Sharwan Kumar Goyal, Adv.  
Mr. Sadashiv, AOR

Mrs. Revathy Raghavan, AOR

Mr. Ajay Bansal Adv AAG , Haryana  
Mr. Gaurav Yadava, Adv.  
Mr. Sanjay Kumar Visen, AOR

Mr. Tushar Mehta, Ld. SG  
Mr. Anil Grover ,Sr. AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR

Mr. V Shekhar, Sr. Adv.  
Mr. Rajeev Kumar Dubey, Adv.  
Ms. Sheetal Rajput, Adv.  
Mr. Ashiwan Mishra, Adv.  
Mr. Kamendra Mishra, AOR

Mr. Sridhar Potaraju, Adv.  
Mr. Gaichangpou Gangmei, Adv.  
Mr. Mukunda Rao, Adv.  
Ms. Shiwani Tushir, Adv.  
Ms. Ushasri, Adv.

Mr.Vishnu Tulashi Menon, Adv.

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

1. Applications for impleadment and intervention are allowed.
2. We have before us, three categories of petitions, all revolving around the validity or otherwise of three laws *namely*: (1) Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020; (2) Essential Commodities (Amendment) Act, 2020; and (3) Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, (hereinafter referred to as the '*farm laws*'), and the protest by farmers against these laws.
3. One category of petitions challenge the constitutional validity of the farm laws. Included within this category of petitions, is a petition under Article 32 challenging the validity of the Constitution (Third Amendment) Act, 1954, by which Entry 33 was substituted in List III (concurrent list) in the Seventh Schedule of the Constitution, enabling the Central Government also to legislate on a subject which was otherwise in the State List.
4. Another category of petitions are those which support the farm laws on the ground that they are constitutionally valid and also beneficial to the farmers. The third category of petitions are those filed by individuals who are residents of the National Capital Territory of Delhi as well as the neighbouring States, claiming that the agitation by farmers in the peripheries of Delhi and the consequent blockade of roads/highways leading to Delhi, infringes the fundamental rights of other citizens to move freely

throughout the territories of India and their right to carry on trade and business.

5. Though several rounds of negotiations have taken place between the Government of India and the farmers' bodies, no solution seems to be in sight. The situation on ground is: (i) that senior citizens, women and children are at site, exposing themselves to serious health hazards posed by cold and covid; (ii) that a few deaths have taken place, though not out of any violence, but either out of illness or by way of suicide.

6. Laudably, the farmers have so far carried on the agitation peacefully and without any untoward incident. But it was pointed out in the course of hearing that a few persons who are not farmers have also joined, with a view to show solidarity with the farmers. An apprehension was expressed that the possibility of some persons creating trouble cannot be entirely ruled out. In fact, a specific averment is made in an intervention application filed by one Indian Kisan Union, in I.A. No.3324/2021 in W.P.(C) No.1441/2020 that an organisation by name "Sikhs for Justice", which is banned for anti-India secessionist movement is financing the agitation. This averment is supported by the learned Attorney General also.

7. A few farmers' bodies who are now protesting, have engaged a team of lawyers comprising of Shri Dushyant Dave, Shri Colin Gonsalves, Shri H.S. Phoolka and Shri Prashant Bhushan to represent their cause. When Shri K.K. Venugopal, learned Attorney General submitted that there are reports that the farmers bodies may take out a tractor rally on January 26, 2021, disrupting the Republic Day Parade and celebrations, the same was stoutly denied by Shri



Dushyant Dave, learned senior counsel appearing for a few of the farmers' bodies on the ground that at least one member of the family of each of the farmers from Punjab is in the Army and that they would not disrupt the Republic Day celebrations. However, today this team of lawyers is absent.

8. Be that as it may, the negotiations between the farmers' bodies and the Government have not yielded any result so far. Therefore, we are of the view that the constitution of a Committee of experts in the field of agriculture to negotiate between the farmers' bodies and the Government of India may create a congenial atmosphere and improve the trust and confidence of the farmers. We are also of the view that a stay of implementation of all the three farm laws for the present, may assuage the hurt feelings of the farmers and encourage them to come to the negotiating table with confidence and good faith.

9. When we put across the above suggestions, the learned Attorney General, even while agreeing for the constitution of a Committee, opposed vehemently, the grant of any interim stay of the implementation of the farm laws. Drawing our attention to the law laid down by this Court in (1) Bhavesh D. Parish & Ors. vs. UOI & Anr.<sup>1</sup>; (2) Health For Millions vs. UOI & Ors.<sup>2</sup>; (3) State of UP & Ors. vs. Hirendra Pal Singh & Ors.<sup>3</sup>; (4) Siliguri Municipality & Ors. vs. Amalendu Das & Ors.<sup>4</sup>, the learned Attorney General contended that the Court should not stay the implementation of the

<sup>1</sup> 2005 (5) SCC 471

<sup>2</sup> 2014 (14) SCC 496

<sup>3</sup> 2011 (5) SCC 305

<sup>4</sup> 1984 (2) SCC 436

laws. He argued that none of the petitioners who have attacked the farm laws have pointed out any single provision which is detrimental to the farmers and that the laws enacted by Parliament cannot be stayed by this Court, especially when there is a presumption in favour of the constitutionality of legislation.

10. Though we appreciate the aforesaid submission of the learned Attorney General, this Court cannot be said to be completely powerless to grant stay of any executive action under a statutory enactment. Even very recently this Court passed an interim Order in *Dr. Jaishri Laxmanrao Patil Vs. The Chief Minister & Anr.* (Civil Appeal No.3123 of 2020) directing that admissions to educational institutions for the Academic Year 2020-21 and appointments to public services and posts under the Government shall be made without reference to the reservation provided under the impugned legislation.

11. As a matter of fact, some of the farmers' bodies who are opposing the Farm Laws and who are represented before us through counsel, have agreed to go before the Committee. Mr. P Wilson, learned senior counsel representing one section of farmers from Tamil Nadu welcomed the proposal to stay the implemenation of the Laws and the constitution of the Committee and stated that his client would go before the Committee. Similarly, Mr. A.P. Singh, learned counsel appearing for Bhartiya Kisan Union [BHANU] also submitted that the representatives of the Union will participate in the negotiations. He even went to the extent of saying that elders, women and children will be dissuaded from being there at the site of protest. Mr. Ajay Choudhary, learned counsel for Kisan

Maha Panchayat, submitted that the farmers from Rajasthan, who are protesting at the border of Rajasthan, are willing to appear before the Committee and air their grievances.

12. Mr. V. Chitambaresh, learned senior counsel, appearing for Bhartiya Kisan Sangh, the applicant in IA No. 136682/2020 in WP[C] No. 1118/2020 submitted that the Union which he represents is not aggrieved by the Farm Laws. Mr. Sridhar Potaraju, learned counsel appearing for the Consortium of Indian Farmers Association (CIFA) submits that his client represents 15 farmers' unions across 15 States and that they will be badly affected if a stay of the implementation of the Farm Laws is ordered. This is for the reason that the farmers whom he represents, cultivate fruits and vegetables and that about 21 million tonnes of fruits and vegetables will rot, if anything is done at this stage.

13. Insofar as the apprehension regarding MSP [Minimum Support Price] being done away with, it is submitted across the Bar that the same may not be dismantled. The learned Solicitor General also confirmed that there are inherent safeguards, in-built in the Farm Laws, for the protection of the land of the farmers and that it will be ensured that no farmer will lose his land.

14. Having heard different perspectives, we deem it fit to pass the following interim Order, with the hope and expectation that both parties will take this in the right spirit and attempt to arrive at a fair, equitable and just solution to the problems:

- (i) The implementation of the three farm laws 1) Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020; (2) Essential Commodities (Amendment) Act, 2020; and (3)

Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, shall stand stayed until further orders;

(ii) As a consequence, the Minimum Support Price System in existence before the enactment of the Farm Laws shall be maintained until further orders. In addition, the farmers' land holdings shall be protected, i.e., no farmer shall be dispossessed or deprived of his title as a result of any action taken under the Farm Laws.

(iii) A Committee comprising of (1) Shri Bhupinder Singh Mann, National President, Bhartiya Kisan Union and All India Kisan Coordination Committee; (2) Dr. Parmod Kumar Joshi, Agricultural Economist, Director for South Asia, International Food Policy Research Institute; (3) Shri Ashok Gulati, Agricultural Economist and Former Chairman of the Commission for Agricultural Costs and Prices; and (4) Shri Anil Ghanwat, President, Shetkari Sanghatana, is constituted for the purpose of listening to the grievances of the farmers relating to the farm laws and the views of the Government and to make recommendations. This Committee shall be provided a place as well as Secretarial assistance at Delhi by the Government. All expenses for the Committee to hold sittings at Delhi or anywhere else shall be borne by the Central Government. The representatives of all the farmers' bodies, whether they are holding a protest or not and whether they support or oppose the laws shall participate in the deliberations of the Committee and put forth their view points. The Committee shall, upon hearing the Government as well as the representatives of the farmers' bodies, and other stakeholders, submit a Report before this Court containing its recommendations. This shall be done within two months from the date of its first sitting. The first sitting shall be held within ten days from today.

15. While we may not stifle a peaceful protest, we think that this extraordinary order of stay of implementation of the farm laws will be perceived as an achievement of the purpose of such protest at least for the present and will encourage the farmers bodies to convince their members to get back to their livelihood, both in order to protect their own lives and health and in order to protect the lives and properties of others.

16. List the matters after eight weeks.

I.A. No.4714/2021 in WP(C) No.1441/2020 AND I.A. NO.4719/2021 IN WP(C) NO.1118/2020

Taken on Board.

Issue notice returnable on 18.01.2021.

(SANJAY KUMAR-II)  
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)  
ASSISTANT REGISTRAR

**// True Copy //**

No. 22016/12/2019-CIS-IV  
Government of India  
Ministry of Home Affairs

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North Block, New Delhi  
Dated: 31<sup>st</sup> January 2021


**ORDER**

**Subject: - Temporary suspension of Telecom Services (Public Emergency or Public Safety) rules 2017**

Reference letter No.3435 /X-Spl. Cell dated 31.01.2021 from C.P.Delhi

In exercise of the power conferred under Sub-rule 1 of Rule 2 of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) rules 2017, and in the interest of maintaining public safety and averting public emergency, it is necessary and expedient to order, the temporary suspension of internet services in the areas of Singhu, Ghazipur, and Tikri, and their adjoining areas in the NCT of Delhi from 23:00 Hrs on January 31, 2021 to 23:00 Hrs on February 02, 2021

This has the approval of Union Home Secretary.

  
(Shailendra Vikram Singh)  
Deputy Secretary to the Govt. of India  
Ministry of Home Affairs,  
New Delhi

To,

Sh. S.N.Shrivastava,  
The Commissioner of Police,  
Delhi

**// True Copy //**

## SECTION- PIL

IN THE SUPREME COURT OF INDIA  
[ORDER XXXVIII RULE (1)]  
EXTRAORDINARY WRIT JURISDICTION  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)  
WRIT PETITION (PIL) NO. \_\_\_\_\_ OF 2021

SANPREET SINGH AJMANI AND ANR PETITIONER (S)  
APPELLANT (S)

VERSUS

UNION OF INDIA AND OTHERS RESPONDENT (S)

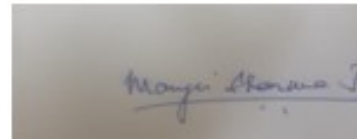
INDEX

S.NO.	DESCRIPTION	COPIES	COURT FEES
1.	Cover Page & Index		
2.	Listing Proforma		
3.	Synopsis & List of Dates		
4.	Writ Petition with Affidavit	1+4	
5.	Annexure P-1 to P-2		
7.	F/M		
8.	V/A		

Total: Rs

Date: 02.02.2021

FILED BY



(MANJU JETLEY)

Advocate for Petitioner(s)

Appellant(s)

Respondent(s)

Caveator

CODE: 0350

Supreme Court of India

New Delhi.

Mob: 7042340737

9927000010

E-mail: manjusatsam@gmail.com

**VAKALATNAMA**  
In the Supreme Court of India  
CRIMINAL/CIVIL/APPELLATE/ORIGINAL JURISDICTION

**39**

Crl./Civil/Special Leave Petition/Appeal/W.P. No.(S) \_\_\_\_\_ of 2021

SANPREET SINGH AJMANI Q. AAR ..... Petitioner (s)  
..... Appellant (s)

Versus

UNION OF INDIA & ORS. ..... Respondent (s)

I/We SANPREET SINGH the PETITIONER/S ..... In the above suit /appeal/ petition/ reference do hereby appoint and retain Smt./Shri MANJU JETLEY of the Supreme Court of India, to act and appear for me/ us in the above Suit/ Petition/Appeal reference and on my/ our behalf to conduct and prosecute(or defend)or withdraw the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein, including proceedings in taxation and application for review, to file and obtain, return of documents and to deposit and receive money on my/ our behalf in the said Suit/ Petition/Appeal reference and in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 2021

Accepted, Identified and Attested

( )

*[Signature: Sanpreet Singh]*  
*[Signature: Sanpreet Singh]*

*[Signature: P. Singh]*  
*[Signature: P. Singh]*  
Petitioner (s)/ Appellant (s)/  
Respondent (s)/ Caveator

**MEMO OF APPERANCE**

To,  
The Registrar  
Supreme Court of India,  
New Delhi

Sir,

Please enter my appearance on behalf of the Petitioner(S)/ Appellant(S)/Respondent(S)/  
Opposite Parties / Intervener in the mentioned above

New Delhi

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 2021

Date.....

**MANJU JETLEY**  
Advocate for the  
Petitioner (s)/Appellant(s)/Respondent(s)/Caveator  
CC No. 350