

IN THE SUPREME COURT OF INDIA  
(CIVIL APPELLATE JURISDICTION)

14

REVIEW PETITION (C) NO..... OF 2020

IN

CIVIL APPEAL No. 3282 OF 2020

POSITION OF THE PARTIES

REVIEW PETITION (C) No. 2020	of	IN THE APPEAL	IN THIS PETITION
ARISING OUT OF CIVIL APPEAL NO. 3282 OF 2020]			

[!]

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VERSUS

1	COMMISSIONER OF POLICE POLICE HEADQUARTERS, IP ESTATE, ITO, NEW DELHI 110001	Respondent No.1	Contesting Respondent No.1
2	DCP DELHI POLICE DCP DELHI POLICE SOUTH EAST DISTRICT POCKET-C, SARITA VIHAR, NEW DELHI 110076	Respondent No.2	Contesting Respondent No.2
3	DCP TRAFFIC, DELHI POLICE DCP TRAFFIC, DELHI POLICE SOUTH EAST DISTRICT 1 SIRIFORT ROAD, SECTOR 3 SADIQ NAGAR, NEW DELHI 110049	Respondent No.3	Contesting Respondent No.3

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| 4 | GOVT. OF NCT OF DELHI<br>THROUGH CHIEF SECRETARY IP<br>ESTATE NEW DELHI , DISTRICT: NEW<br>DELHI  | Respondent<br>No.4 | Contesting<br>Respondent<br>No.4 |
| 5 | UNION OF INDIA MINISTRY OF HOME<br>AFFAIRS SECRETARY<br>SECRETARY NORTH BLOCK NEW<br>DELHI  | Respondent<br>No.5 | Contesting<br>Respondent<br>No.5 |
| 6 | AMIT SAHNI<br>H. NO J-1296, PALAM VIHAR OPP.<br>MOTHER DIARY CHOMA(62),<br>CARTERPURI GURGAON HARYANA<br>ALSO AT OFFICE ADDRESS:- D-17, LGF,<br>G.K.ENCLAVE -2 , DISTRICT: NEW<br>DELHI. 110048 | Appellant          | Proforma<br>Respondent<br>No.6   |

**REVIEW PETITION UNDER ARTICLE 137 OF THE  
CONSTITUTION OF INDIA READ WITH ORDER XLVII OF  
SUPREME COURT RULES, 2013, SEEKING REVIEW OF  
JUDGMENT DATED 07.10.2020 IN CIVIL APPEAL No. 3282  
OF 2020.**

To,

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

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE-NAMED

**MOST RESPECTFULLY SHOWETH:-**

## **BRIEF FACTS**

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1. The Review Petitioners are public spirited individuals who had participated in the peaceful protest demonstrations that had been carried out in Shaheen Bagh, Delhi against the Citizenship Amendment Act, 2019 (hereinafter referred to as "CAA") from the very inception of these protests in December last year, in exercise of their fundamental rights guaranteed under Article 19(1)(a) & Article 19(1)(b) of the Constitution of India.
2. That the Review Petitioner No.1 herein was one of the Applicants in the CA.No.3282/2020 and had filed IA.No.35866/2020 & 35867/2020 for intervention and directions respectively. The said IA's were disposed of by this Hon'ble Court vide order dated 26.02.2020 wherein this Hon'ble Court held as follows:

*"We have put to learned counsel for the applicants that scope in these petitions is limited in character i.e. whether the persons who are aggrieved by a legislation can sit on the road in the area which is known as Shaheen Bagh. There are many unfortunate incidents which have occurred after that and that is*



- b. It is submitted that the order under review holds that in the face of protests the administration can either engage in negotiations or take appropriate action. This would lead to a situation wherein the administration would never engage in dialogue with protesters, protesting against a Government policy or action, but would instead take action against them including their prosecution.
- c. Further the order under review takes away the Constitutional protection guaranteed to peaceful protesters by holding that the administration ought to take action to keep the areas clear of encroachments or obstructions. It is pertinent to point out at this stage that the only way for citizens in a democracy, to show their dissent towards legislations, policies and other Governmental acts and omissions, is by way of peaceful protests. To put any kind of curb on this freedom to show dissent leaves the citizens with no resort whatsoever to voice their concerns.
- d. Protests of this nature ought not to be subjected to the atrocities at the hands of a muscular administration which has targeted to vulnerable citizens of the country wherever any peaceful protest have become politically inconvenient to the elected representatives in power.
- e. In a liberal democracy, questions of serious importance, such as the threat to a person's citizenship, cannot be confined to the mercy of political representatives without the protesters having a reasonable choice of

location to protest so that their voice may be heard effectively.

**B. RESTRICTING PROTESTS TO DESIGNATED PLACES ALONE GOES AGAINST THE SPIRIT OF THE CONSTITUTION:**

It is submitted that propositions like holding protests at 'designated places alone' coming from judicial pronouncements shall upset the very concept of dissent and protest. In case of administrative action coming up with such propositions, the Citizens still may approach the courts of law. However, in the present situation, the citizens are vulnerable and helpless. This is an obvious error on the face of it which requires review.

**C. PRINCIPLES PROPOUNDED IN THE MATTER OF HIMAT LAL SHAH, RENDERED NUGATORY:**

Administrative wisdom of the police cannot be given the legitimacy of extreme superiority (as reflected from the reading of the judgement) over the collective conscience of a large group of citizens protesting against governments' policies. In fact, power of such nature in favour of the Police has been negated by a Five Judge's Bench of this Hon'ble Court in *Himat Lal Shah* (supra).

It is submitted that already the strength of the mighty police administration is such that on various occasions, the same police system does not follow the judgement of this Hon'ble Court when it comes to registration of FIR in