

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (CRML.) No. _____ of 2026

(IN THE MATTER OF A PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

UMESH KUMAR

.... PETITIONER

VERSUS

DELHI POLICE THROUGH ITS

COMMISSIONER OF POLICE & ORS.

.... RESPONDENTS

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SECTION 528 BNSS IN THE NATURE OF PUBLIC INTEREST LITIGATION SEEKING ISSUANCE OF AN APPROPRIATE WRIT, ORDER OR DIRECTION FOR AN INDEPENDENT INVESTIGATION INTO THE ALLEGED EXCESSIVE AND DISPROPORTIONATE USE OF FORCE BY DELHI POLICE DURING THE PEACEFUL STUDENTS' PROTEST ON 20.07.2026 IN CENTRAL DELHI/JANTAR MANTAR, PRESERVATION OF ALL RELEVANT EVIDENCE, DISCLOSURE OF THE STANDARD OPERATING PROCEDURES (SOPs) GOVERNING CROWD MANAGEMENT AND USE OF FORCE, IDENTIFICATION OF ALL PERSONNEL INVOLVED IN THE OPERATION, AND FOR FRAMING/IMPLEMENTATION OF CONSTITUTIONALLY COMPLIANT GUIDELINES TO ENSURE PROTECTION OF THE FUNDAMENTAL RIGHTS OF CITIZENS DURING PEACEFUL ASSEMBLIES AND PUBLIC DEMONSTRATIONS.

MOST RESPECTFULLY SHOWETH:

1. That the petitioner has no personal interest in the outcome of the petition.
The petition is not guided by self-gain or for the gain of any other person or institution or body and there is no motive other than of public interest in filing of the present writ petition.
2. That the source of knowledge of the facts alleged in the writ petition are from the public platforms like news articles, social media videos and pictures, the details of which are mentioned in the present petition and he also having spoken to the friends who took part in the protest.
3. That the petition has been filed for the benefit of public in general who may be incapable of accessing the court themselves on account of being not fully/properly equipped, financially as well as legally, and thus they are in no position to resort to the remedy of '*Public Interest Litigation*' invoking intervention by recourse to Constitutional remedies such as the present seeking necessary relief and redressal thereof through it and also being unaware of the legal procedure/technicalities involved therein.
4. That the institution/persons likely to be affected by the orders sought in the writ petition are the Police officials of Delhi Police, Union of India/Ministry of Home Affairs, and the NHRC who have been duly impleaded as respondents in the writ petition and to the knowledge of the petitioner, no other persons/body/institutions are likely to be affected by the orders sought in the writ petition.

5. That the Petitioner Umesh Kumar is an Indian Citizen and is a practicing advocate and a sympathizer of the rights and concerns of the fellow Citizens inc. students.
6. That the petitioner has not had occasion to file any representations to the authorities concerned for remedial action as the orders/relief sought in the present petition are not likely to be granted by them particularly in view of the fact that they have not done so/and or have already declined to do so despite representations from various stakeholders and also the petitioner had not ample time to give representation to the concern authorities as the issue required urgent intervention by this Hon'ble Court.
7. That the Petitioner herein is a public spirited individual and has the means to pay the costs, if any, imposed by the court and gives an undertaking to the court in this respect that it shall abide by any direction in this regard.
8. That the Petitioner has in the past not filed any public interest litigation or letter petition before this Hon'ble Court.

FACTS OF THE PRESENT CASE

9. The present petition raises serious issues concerning the law and order and fundamental rights of the citizens who participated in a protest held on 20.07.2026 at Jantar Mantar and Central Delhi.
10. That the cause of the writ petition, in the nature of Public Interest Litigation arises from the illegal, unconstitutional, arbitrary and unprofessional act of Respondent No. 1 including use of disproportionate force on the peaceful protesters which is going on Jantar Mantar, New Delhi by students across nation.

11. That the students from all the corners are participating in peaceful protests for 1 month at Jantar Mantar for their genuine grievances with respect to educational reforms and a march was called to parliament on 20.07.2026 to express their issues and grievances before the government.

11. That on the morning of 20.07.2026, thousands of students assembled at the protest site for the march. Delhi Police and RAF started beating the protesters including children, students, parents, women and old aged persons with lathi charge batons and also resorted to tear gas shelling on the bodies of the protesters.

12. During the course of the protest, Delhi Police allegedly resorted to sudden and disproportionate use of force without exhausting peaceful methods of crowd management. Many videos further indicate that women and girls were subjected to physical assault by male officers, raising serious concerns of misconduct and violation of established protocols.

13. That Hon'ble Supreme Court in Writ Petition (Civil) No. 1153 Of 2017 Mazdoor Kisan Shakti Sangathan Versus The Union of India & Anr. Judgment dated 23.07.2018 had asked Delhi Police to formulate detailed guidelines to deal protests or demonstrations. A copy of the Hon'ble Supreme Court judgment dated 23.07.2018 in Writ Petition (Civil) No. 1153 Of 2017 Mazdoor Kisan Shakti Sangathan Versus The Union Of India & Anr. is annexed and marked as **ANNEXURE P-1**.

14. That the videos and pictures circulating on news and social media shows the worsened law and order situation because of mismanagement by the Respondent No. 1. Delhi Police and RAF beaten protesters mercilessly, used tear gas on bodies, took help of individuals in civil dresses in beating protesters, pelted stones on protesters. Drive link of the videos and picture- <https://drive.google.com/drive/folders/10EsK847ynYVQBxayG5TlyAo22lJKTKFR>

A copy of the pictures/screenshots of social media posts dated 20.07.2026 is hereby annexed and marked as **ANNEXURE P-2**.

15. That the petitioner has also submitted a complaint before the NHRC.

A copy of the complaint to NHRC dated 20.07.2026 is hereby annexed and marked as **ANNEXURE P-3**.

16. That Numerous videos, photographs and eyewitness accounts allegedly show police personnel using lathis indiscriminately upon students, including repeated blows aimed at the head, neck and upper body, contrary to accepted standards governing use of force.

17. That Several students reportedly sustained bleeding injuries, head trauma, fractures and other serious injuries requiring immediate medical treatment.

18. That it is further alleged that several police personnel involved in crowd control were either:

- . in civil clothes despite participating in enforcement action;
- . wearing uniforms without visible name plates;
- . wearing protective equipment concealing their identity without displaying identification.

. Such conduct defeats accountability and violates established policing norms requiring identification of officers exercising coercive powers.

19. That instead of facilitating peaceful dispersal, police action allegedly created panic, confusion and a stampede-like situation exposing students, media personnel and bystanders to grave risk of injury.

20. That the Delhi police did not follow any SOPs and due process to lawfully deal the protest rather resorted to creating panic and law and order situation in the national capital.

21. That Respondent No. 1, in clear derogation of constitutional safeguards and the Rule of Law, unlawfully employed individuals in civil dress to inflict violence upon the protesters. Such deployment of unidentified persons for coercive action is patently unconstitutional, devoid of legal sanction, and constitutes a grave abuse of authority.

22. That Delhi police also resorted to custodial violence when protesters were taken inside the buses and were forcefully brought down and beating them in public view.

23. That the alleged indiscriminate use of force appears to have been wholly disproportionate to the situation and inconsistent with constitutional principles governing reasonable restrictions on peaceful assemblies.

24. That the actions complained of raise serious concerns regarding compliance with constitutional safeguards, statutory duties, judicial

guidelines and internationally accepted principles governing policing of public assemblies.

GROUND S

That in the abovementioned facts and circumstances, the present petition is being filed on the basis of the following, amongst other, grounds:

A. Because the impugned actions of the Respondents in resorting to indiscriminate and disproportionate use of force, including lathi-charge against persons assembled at Jantar Mantar to peacefully protest and express their grievances, are arbitrary, excessive, and unconstitutional. The Constitution guarantees to every citizen the fundamental rights under Articles 14, 19(1)(a), 19(1)(b), 19(1)(c) and 21 to freely express opinions, peacefully assemble without arms, form associations, subject only to reasonable restrictions imposed by law and right to life with dignity. Peaceful protest is an integral facet of a democratic polity and a recognized means through which citizens participate in public affairs and seek governmental accountability. The use of excessive force to disperse a peaceful assembly, without adhering to the principles of legality, necessity, proportionality, and minimum use of force, has the effect of chilling the exercise of these constitutional freedoms. Such arbitrary State action is violative of Article 14, infringes the right to life, personal liberty, bodily integrity, and dignity guaranteed under Article 21, and is liable to be declared unconstitutional. The Respondents were under a constitutional obligation to facilitate and regulate peaceful protests in a manner consistent with fundamental rights, rather than suppress them through disproportionate coercive measures.

- B. Because use of force by police must satisfy the tests of legality, necessity, proportionality and accountability. Striking protesters on vital parts of the body, particularly the head, and targeting protesters with tear gas on bodies is grossly disproportionate and exposes citizens to serious bodily harm and death. The indiscriminate lathi-charge and body-targeted tear gas shells against unarmed students violates the guarantee of dignity and bodily integrity under Article 21.
- C. Because police officials participating in coercive action must remain individually identifiable. Failure to display name plates defeats accountability and frustrates independent investigation into allegations of police misconduct. The deployment of officials in civil dress for active crowd-control operations without proper identification undermines transparency and public confidence.
- D. Because the Respondents permitted persons in civil clothes and without visible police identification to participate in the lathi-charge and assault upon peaceful protesters. Such use of unidentified individuals in the exercise of coercive police powers is *ex facie* arbitrary, illegal, and contrary to the rule of law. The use of force is a sovereign function which can only be exercised by duly authorized police personnel acting within the limits prescribed by law and subject to public accountability. The deployment of unidentified persons renders victims incapable of identifying the assailants or seeking legal remedies against them, thereby facilitating impunity and violating the constitutional guarantees under Articles 14, 19, and 21. Such conduct is also contrary to the principles governing police accountability Court and is liable to be declared unconstitutional.

- E. Because if police personnel themselves resorted to stone pelting, the same constitutes grave misconduct wholly inconsistent with the duties of a disciplined police force and requires independent investigation.
- F. Because abusive language, intimidation and humiliation by police officials amount to abuse of authority and violate constitutional guarantees of dignity.
- G. Because creation of panic and a stampede-like situation by improper crowd management demonstrates failure to discharge statutory obligations to maintain public order while protecting life and safety of citizens part of a protest.
- H. Because the arbitrary detention of peaceful protesters without following the procedure established by law is illegal, unconstitutional, and violative of Articles 21 and 22 of the Constitution of India. Every person who is arrested or detained has the constitutional right to be informed, as soon as may be, of the grounds of such arrest and to consult and be defended by a legal practitioner of his or her choice. The constitutional and statutory safeguards further require that the arrest or detention be carried out in a fair, transparent, and accountable manner, including prompt preparation of arrest/detention records and communication of the fact of arrest, the place of detention, and the grounds thereof to a relative, friend, or other person nominated by the detainee without undue delay. Failure to inform detainees of the grounds of detention and failure to promptly notify their relatives or friends deprive them

of effective legal assistance, judicial remedies, and protection against arbitrary deprivation of liberty. Such actions are contrary to the constitutional guarantees under Articles 21 and 22, the safeguards contained in the Code of Criminal Procedure, 1973 (as replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023, where applicable), and the law laid down by the Hon'ble Supreme Court in *D.K. Basu v. State of West Bengal*, which mandates that the fact of arrest be communicated to a friend, relative, or other person interested in the welfare of the arrested person, along with other procedural safeguards against arbitrary arrest and custodial abuse. Accordingly, the impugned actions are liable to be declared illegal and unconstitutional.

- I. Because the impugned actions of the Respondent–Delhi Police are arbitrary, disproportionate, and manifestly unreasonable, being undertaken without adherence to any lawful Standard Operating Procedure (SOP), established guidelines, or the constitutional principles governing crowd management and the use of force. Instead of facilitating and regulating a peaceful assembly through the least restrictive measures, the Respondents resorted to indiscriminate and excessive force against peacefully protesting students. The unprofessional and reckless manner in which the protest was handled created panic, chaos, and an avoidable law-and-order situation in the National Capital, which was a direct consequence of the Respondents' own actions. The indiscriminate lathi-charge and physical assault allegedly inflicted upon students, including women, elderly persons, and parents accompanying the protesters, demonstrate a complete disregard for the principles of necessity, proportionality, and minimum use of force that govern

police action in a constitutional democracy. The Constitution does not confer upon the police unfettered or arbitrary powers to use force or suppress peaceful dissent according to their whims and fancies. Such arbitrary exercise of State power is violative of Articles 14, 19, and 21 of the Constitution of India and is therefore liable to be declared illegal and unconstitutional.

J. Because the Respondent–Delhi Police failed to adopt the least restrictive and proportionate measures available for regulating the assembly before resorting to a lathi-charge. The settled principles governing public order and crowd management require that force, if at all necessary, must be used only as a measure of last resort and in a graduated and proportionate manner. In the present case, the Respondents allegedly resorted to a lathi-charge without first exhausting less intrusive methods of crowd control, such as adequate warnings, negotiations, creation of safe dispersal routes, or other appropriate non-lethal crowd management measures, including, where warranted, the use of water cannons. The abrupt and disproportionate use of physical force against peaceful protesters demonstrates arbitrariness and a failure to adhere to the constitutional requirements of legality, necessity, and proportionality. Such action is violative of Articles 14, 19, and 21 of Constitution. The police failed to follow a graduated use-of-force approach and resorted directly to lathi-charge and tear gas without exhausting less restrictive measures.

K. Because the kind of alleged treatment, dragging detainees out of buses and beating them mercilessly, directly hits the core of Article 21, the right to life and personal liberty. The Supreme Court has

consistently held that Article 21 is not just about survival, but about living with dignity. So, any custodial violence, especially against people who were peacefully protesting, would be unconstitutional.

L. Because any excessive use of force must be subjected to an independent investigation rather than an internal departmental inquiry to ensure public confidence and institutional accountability.

M. Because failure to properly train, supervise and monitor police personnel during public demonstrations has resulted in repeated allegations of excessive force, necessitating judicial intervention.

N. Because Police is expected to show the highest level of professionalism and their conduct must align with the constitution and rule of law. Delhi police used disproportionate force against the unarmed protesters and also did not have a proper mechanism to lawfully manage the crowd and resorted to brutal lathi charge and tear gas on bodies of protesters with their whims and fancies.

25. That in the aforementioned facts and circumstances it is necessary, expedient and in public interest that this Hon'ble Court may be pleased to exercise its powers under Article 226 of the Constitution of India and grant the prayers sought for in the present petition.

26. That there is no other equally efficacious alternative remedy for the reliefs prayed for in the petition.

27. That this Hon'ble Court has jurisdiction to deal with this matter.

28. That the petitioner herein has not filed any other petition seeking similar or same relief as sought in the present petition in this Hon'ble court or any other court.

PRAYER

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

- i. Issue directions in the nature of writ of Mandamus directing an independent investigation by a Special Investigation Team (SIT) or any other independent agency under the supervision of this Hon'ble Court into the incidents of excessive use of force by Delhi Police, RAF and other forces that occurred during the students' protests on 20.07.2026;
- ii. Direct the Respondent No. 1 to present the SOPs for dealing protests, use of force including lathicharge, tear gas, batons, water cannons in the national capital for proper and lawful management of protests/Dharna/Demonstrations/Hunger Strikes;
- iii. Direct Respondent No. 1 to identify every police official involved in the operation, including those deployed in civil dress;
- iv. Direct Respondent No. 1 to initiate criminal proceedings against individuals who were in civil dresses and attacked protesters with batons;
- v. Direct registration of FIRs wherever cognizable offences are disclosed against any police personnel found responsible for

excessive use of force or other unlawful acts including taking assistance of individuals in civil dresses;

- vi. Direct Respondent No. 1 for preservation and production of all CCTV footage, drone footage, body-worn camera recordings, videography, wireless communication records, PCR logs, deployment orders, orders pertaining to the use of force lathicharge, tear gas, batons and duty charts relating to the incident;
- vii. Constitute a High-Level Judicial or Independent Inquiry headed by a retired High Court Judge to inquire into the incident and submit a report within a time-bound period.

PETITIONER-IN-PERSON

UMESH KUMAR

DATED : 21.07.2026

NEW DELHI