

**IN THE HON'BLE SUPREME COURT OF INDIA
(CRIMINAL APPELLATE JURISDICTION)**

I.A NO. _____ OF 2026

IN

WRIT PETITION (CRIMINAL) NO. 283 OF 2026

IN THE MATTER OF:

PROF. MANOJ KUMAR JHA

...PETITIONER

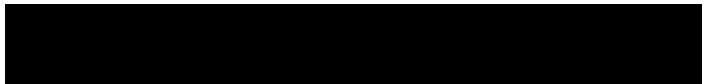
VERSUS

UNION OF INDIA & ORS.

...RESPONDENT

AND IN THE MATTER OF

JUNAID MALIK



**APPLICATION FOR INTERVENTION IN WRIT PETITION (CRL) NO.
283 OF 2026 TITLED PROF MANOJ KUMAR JHA VS UNION OF
INDIA & ORS.**

TO

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

**THE HUMBLE APPLICATION OF
THE APPLICANT ABOVE NAMED**

MOST RESPECTFULLY SHOWETH:

1. That the instant Intervention Application has been filed by the Applicant seeking intervention in the present proceedings arising from the arbitrary and coercive action of the State against the Applicant, whereby the Applicant has been harassed for merely volunteering to serve food and water to the general public and

students during the recently concluded protest at Jantar Mantar concerning the NEET-UG Examination, 2026 controversy and the larger issues of integrity, transparency and accountability in the country's education system.

2. That the Applicant is a law graduate and a social worker. A copy of LL.B Marksheet of Applicant for 6th semester issued by Ch. Charan Singh University, Meerut dated June 2025 is annexed as **ANNEXURE A1(Pg 19)**. He was present at the protest site for 35 days, commencing from 20.06.2026, where he assisted in the overall distribution and coordination of food and water at protest site. It is submitted that though he had no role in the formal leadership or organisation of the protest, his work in food distribution was praised by many in the media. A copy of article titled *UP's 'Junaid Bhai' Was In Charge Of Arranging Food For CJP Protesters, Soon He Became A Face of Stir* dated 26.07.2026 published by News18 is annexed as **ANNEXURE A2(Pg 20 TO 21)**.
3. It is further submitted that, because of the Applicant's role as a volunteer at the protest site and the media attention he received for his efforts, the Applicant and his friend, were subjected to illegal and arbitrary detention by the Police. They were neither informed of the grounds for their detention nor apprised of the purpose of the questioning. No arrest memo, detention memo,

General Diary entry, or any other official record was prepared or furnished in connection with their detention, in blatant violation of the procedure established by law. The police extended their unlawful actions to the applicant's family, threatened them, conducted a search of the premises, detained his father, and seized certain personal documents without following the procedure prescribed under law or preparing the requisite records.

BRIEF FACTS:

4. That the NEET-UG 2026 examination, conducted on 03.05.2026 for approximately 22 lakh candidates across the country, was cancelled on 12.05.2026 following question paper leak and other serious irregularities. The cancellation of the examination caused widespread distress amongst lakhs of students and aspirants, and the subsequent reports of student suicides intensified public concern regarding the mental and emotional impact of the paper leak and the need for transparency and accountability in the field of education and competitive examinations.
5. That in the wake of the aforesaid events, a student-led protest commenced towards the end of June 2026 at Jantar Mantar, New Delhi, demanding accountability for the irregularities in the NEET-UG 2026 examination, systemic reforms in the education

sector, accountability and appropriate remedial measures. The movement gradually expanded into a nationwide agitation involving students, aspirants and concerned citizens across several States, who also sought *inter alia* the resignation of the Union Minister for Education and compensation for the families of students who died by suicide following the controversy.

HARASSMENT AND INTIMIDATION OF THE APPLICANT

6. It is submitted that on 24.07.2026, at about 10:50 pm, the Applicant suffered a dog bite and, accompanied by his friend went to Dr. Ram Manohar Lohia Hospital, New Delhi, where he was administered an anti-rabies injection. A copy of Doctor's Prescription dated 24.07.2026 prescribed to the Applicant is annexed as **ANNEXURE A3(Pg 22 to 23)**).
7. That while returning from Dr. Ram Manohar Lohia Hospital, the Applicant booked an auto-rickshaw to Jantar Mantar. However, after travelling barely 50 metres, at about 12:00 midnight, the auto-rickshaw was intercepted by a white Scorpio vehicle without a number plate, which came in front of the auto, stopped it and about 4–5 police personnel forced the Applicant and his friend into the said vehicle, directed them to keep their head bowed down, blindfolded them, and drove for approximately 30–45 minutes to an undisclosed location. During the journey, the police took

possession of their mobile phones, compelled them to unlock them, and conducted a thorough search of their contents.

8. That thereafter they were taken to the second floor of a building and kept in what looked like an interrogation room. The applicant and his friend were detained in this room throughout the night and were questioned by senior police officers through the night.

9. It is submitted that the next morning i.e., on 25.07.2026 at about 11 am, a senior police officer questioned the Applicant and his friend regarding source of funds for the distribution of food at the protest site etc. The Applicant and his friend were abused several times, kept blindfolded and following statements and questions were put to the Applicant and his friend in an intimidating and threatening manner with the apparent object of coercing and pressurising them:

- i. *Where are the funds coming for the food and protests?*
- ii. *Who is funding you, tell us the names*
- iii. *Agar Patti hatt gyi to tumhari rihai ke chance band hojaege*
- iv. *Hamne tumhari washroom me Jane ki video ki video ban li he agar protest site par bye phirse to video viral kar denge*
- v. *Ek mauka de rhe hen, Agli baar NSA laga denge*
- vi. *UP se ho tum, agar tum zyada upar niche karoge, to sidhe upar phuncha denge*

10. It is submitted that thereafter, at around 11:30 am, the Applicant and his friend were taken blindfolded to another car on the pretext that they would be dropped at the Applicant's

residence. However, the officials drove on for approximately 5-6 hours. Throughout this period, the Applicant and his friend were in the custody of the officials and were not informed of the purpose of their abduction/ detention.

11. That the Applicant and his friend were abandoned in a jungle situated approximately 16 kilometres from the Dehradun–Mussoorie Road. Before leaving, police officers asked them to face towards the mountains, after which they drove away in the vehicle, leaving them on the road. Their mobile phones were returned to them with a direction that they should not switch them on for an hour. That after the officials left, applicant's friend took a photograph of a police station situated approximately 100 metres away. A copy of the said photograph is annexed as **ANNEXURE A4(Pg 24)**).

12. That thereafter, the Applicant and his friend hired an auto-rickshaw and subsequently booked an Uber cab from Dehradun Ghanta Ghar to Delhi. A copy of Uber-cab receipt booked from Dehradun is annexed as **ANNEXURE A5(Pg 25)**).

HARRASSMENT AND INTIMIDATION TO APPLICANT'S FAMILY MEMBERS

13. It is submitted that on 23.07.2026, at around 2 pm, the Applicant's father was picked up from his residence by police

officials and taken to Police Station, Masuri, Ghaziabad, where he was detained and questioned till about 8 pm. During the course of such questioning, he was interrogated regarding the bank account details of the entire family and was repeatedly asked to disclose the whereabouts of Applicant, who, according to the officials, was participating in protests with "anti-national elements". He was released only at around 8 pm.

- 14.** That on 24.07.2026, at around 10 am, a police team of 10–12 officials raided the residence of Applicant. During the raid, the officials broke a bed, forcibly opened cupboards, conducted an extensive search of the premises, and demanded the bank account details and identity documents of all family members.
- 15.** It is submitted that two police officials, namely Parmod Kumar and Tinku Tyagi, were specifically identified by the family members as being part of the raiding team that conducted the aforesaid search.
- 16.** That on the very same day, a separate police team of 4-5 police officials reached the house of Applicant's married sister at Meerut and picked up her father-in-law and brother-in-law. They were taken to Police Station Masuri and Jhal Chowki, where they were detained and questioned. It was only after the intervention of their advocates that they were released at around 9:30 pm.

17. It is submitted that during the aforesaid raids and detentions, the family members were repeatedly pressured by the police officials to contact the Applicant, persuade him to return home, refrain from participating in the protest and to appear before the police station, and disclose the source of funds being used for the protests.
18. That the questioning and coercive actions against the family members were carried out, *inter alia*, by the DSP (Rural), Ghaziabad, the ASP Masuri, the SHO Masuri, and two Intelligence Bureau officers from Delhi, who also questioned the family members of Applicant's married sister.
19. It is submitted that the detention of the family members of the Applicant, without any lawful justification or authority, constitutes a grave violation of their fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. No paperwork, diary entry, or any other official record was prepared or furnished in relation to their detention.
20. That the protection guaranteed under Article 21 extends to every person and operates as a constitutional restraint upon the exercise of State power. This Hon'ble Court in ***Maneka Gandhi v. Union of India, (1978) 1 SCC 248***, has authoritatively held that any procedure depriving a person of his life or personal liberty must be fair, just and reasonable and cannot be arbitrary, fanciful

or oppressive. The detention of the family members, particularly when undertaken purportedly to exert pressure upon the Applicant, represents an abuse of the coercive powers of the State and strikes at the very core of the constitutional guarantee of personal liberty. Such conduct cannot be justified as a legitimate exercise of police power and warrants strict judicial scrutiny to ensure that the machinery of the State is not employed as an instrument of intimidation, coercion or retaliation against persons exercising their fundamental rights.

21. That this Hon'ble Court has consistently recognised that peaceful protest and dissent form an integral part of the constitution. In ***Himat Lal K. Shah v. Commissioner of Police, (1973) 1 SCC 227***, this Hon'ble Court recognised the right to hold public meetings as flowing from the fundamental freedoms guaranteed under Article 19 and held that such right cannot be made dependent upon the unfettered discretion of the executive.

22. In ***Anita Thakur & Ors. v. Government of Jammu & Kashmir & Ors., (2016) 15 SCC 525***, this Hon'ble Court held that the use of excessive and disproportionate force by police authorities against persons participating in a peaceful protest, resulting in bodily injuries, constitutes a violation of the fundamental rights guaranteed under Articles 14 and 21 of the Constitution. This Hon'ble Court further recognised the

availability of public law compensation as a constitutional remedy for such violations and awarded compensation to the injured petitioners, reiterating that the State cannot evade its constitutional liability for acts of excessive police force. The relevant paras are quoted herein below:

16.In curbing such violence or dispersing unlawful assemblies, police has to accomplish its task with utmost care, deftness and precision. Thus, on the one hand, law and order needs to be restored and at the same time, it is also to be ensured that unnecessary force or the force beyond what is absolutely essential is not used. Policemen are required to undergo special training to deal with these situations. Many times the situations turn ugly or go out of control because of lack of sufficient training to the police personnel to deal with violence and challenges to their authority. There are various documents in the form of police manual and even international covenants proscribing use of unnecessary force and mandating that force should only be used when it is absolutely necessary. **Even when used, it should be minimum and proportional to the situation and its use to be discontinued as soon as the danger to life and property subsides.**

17. In those cases where assembly is peaceful, use of police force is not warranted at all. However, in those situations where crowd or assembly becomes violent it may necessitate and justify using reasonable police force. However, it becomes a more serious problem when taking recourse to such an action, police indulges in excesses and crosses the limit by using excessive force thereby becoming barbaric or by not halting even after controlling the situation and continuing its tirade. This results in violation of human rights and human dignity. That is the reason that human rights activists feel that police frequently abuses its power to use force and that becomes a serious threat to the rule of law.

18 When we examine the present matter in the aforesaid conspectus, we find that initially it was the petitioners/protestors who took the law into their hands by turning their peaceful agitation into a violent one and in the process becoming unruly and pelting stones at the police. On the other hand, even the police personnel continued the use of force beyond limits after they had controlled the mob. In the process, they continued their lathi-charge. They continued to beat up all the three petitioners even after overpowering them. They had virtually apprehended these petitioners making them immobile. **However, their attack on these petitioners continued even thereafter when it was not at all needed. As far as injuries suffered by these petitioners are concerned, such a situation could clearly be avoided. It is apparent that to that extent, the respondents misused their power. To that extent, fundamental right of the petitioners, due to police excess, has been violated.** In such circumstances, in exercise of its power under Article 32 of the Constitution, this Court can award compensation to the petitioners. (See *Saheli v. Commr. of Police* [*Saheli v. Commr. of Police*, (1990) 1 SCC 422 : 1990 SCC (Cri) 145] , *Joginder Kaur v. Punjab State* [*Joginder Kaur v. Punjab State*, 1969 ACJ 28 : 1968 SCC OnLine P&H 247] , *State of Rajasthan v. Vidhyawati* [*State of Rajasthan v. Vidhyawati*, 1962 Supp (2) SCR 989 : AIR 1962 SC 933] and *Nilabati Behera v. State of Orissa* [*Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746 : 1993 SCC (Cri) 527].) The ratio of these precedents can be explained thus: First, it is clear that a violation of fundamental rights due to police misconduct can give rise to a liability under public law, apart from criminal and tort law. Secondly, that pecuniary compensation can be awarded for such a violation of fundamental rights. Thirdly, it is the State that is held liable and, therefore, the compensation is borne by the State and not the individual police officers found guilty of misconduct. Fourthly, this Court has held that the standard of proof required for proving police misconduct such as brutality, torture and custodial violence and for holding the State accountable for the same, is high. It is only for patent and incontrovertible violation of fundamental rights that such remedy can be made available. Fifthly, the doctrine of sovereign immunity does not apply to cases of fundamental

rights violation and hence, cannot be used as a defence in public law.

23. That this Hon'ble Court in **D.K. Basu v. State of W.B.,**

(1997) 1 SCC 416 held as under:

34. In addition to the statutory and constitutional requirements to which we have made a reference, we are of the view that it would be useful and effective to structure appropriate machinery for contemporaneous recording and notification of all cases of arrest and detention to bring in transparency and accountability. ...

35. We, therefore, consider it appropriate to issue the following requirements to be followed in all cases of arrest or detention till legal provisions are made in that behalf as preventive measures:

(1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

(3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the

police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.

(9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the Illaqa Magistrate for his record.

(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(11) A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.

...

38. These requirements are in addition to the constitutional and statutory safeguards and do not detract from various

other directions given by the courts from time to time in connection with the safeguarding of the rights and dignity of the arrestee.

24. That in ***In Re: Ramlila Maidan Incident, (2012) 5 SCC 1***, this Hon'ble Court examined the State's response to a public demonstration and emphasised that the State and its instrumentalities are bound to act within constitutional limitations while dealing with assemblies and demonstrations. The exercise of police power must, therefore, be guided by reasonableness, necessity and restraint and cannot result in the arbitrary deprivation of rights guaranteed under Articles 19 and 21 of the Constitution of India.

25. That in ***Mazdoor Kisan Shakti Sangathan v. Union of India, (2018) 17 SCC 324***, this Hon'ble Court recognised that the right to protest is traceable to the fundamental freedoms guaranteed under Articles 19(1)(a), 19(1)(b) and 19(1)(c) of the Constitution. While such rights may be subject to reasonable regulation in the interests of public order and the rights of others, the constitutional mandate is one of balancing competing rights and interests, and not of suppressing legitimate dissent.

26. It is submitted respectfully that the statutory power of the police to disperse an assembly is a power to restore public order

and not a licence to assault or punish citizens. That such power, being an exercise of coercive State authority, remains subject to the constitutional guarantees under Articles 14, 19 and 21 and cannot be exercised arbitrarily or through excessive or disproportionate use of force.

27. In light of the above, it is prayed that the petitioner be allowed to intervene in the present proceedings and no coercive action be taken against him or his family in connection with the student's protests at Jantar Mantar held in June-July 2026.

28. Furthermore, the applicant prays for an enquiry into his illegal detention, threats to his family and legal action against police officials.

PRAYER

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

- (a) Allow the present Application and pass an order allowing the intervention of the Applicants in Writ Petition (Criminal) No.283 of 2026 titled *Prof Manoj Kumar Jha vs Union of India & Ors.* and permit the Applicants to make submissions and assist this Hon'ble Court in adjudication of the said writ petition;

- (b) Pass such other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case.

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

**NEHA RATHI
(COUNSEL FOR THE APPLICANT)**

FILED ON : 27.07.2026

PLACE : NEW DELHI