

29th June 2022

To,
The Chief Justice of India,
Supreme Court of India.

SUBJECT: SUPREME COURT SHOULD SUO MOTU CLARIFY THAT ITS JUDGMENT IN THE ZAKIA JAFFREY CASE WAS NOT INTENDED TO HAVE ANY ADVERSE CONSEQUENCES WHATSOEVER ON TEESTA SETALVAD, R.B. SREEKUMAR, AND OTHERS.

We the undersigned persons committed to the rule of law, express our deep distress at the imprisonment yesterday of Teesta Setalvad, RB Sreekumar, and others. They are being hounded because they chose to pursue justice for the over 2000 people who were killed in Gujarat in February 2002.

We must express our agony that the state police justify the arrests on the basis of the Supreme Court's judgment dated 24th June 2022, in the Zakia Jaffrey case.

The Supreme Court judgment in pertinent part reads:

"... At the end of the day, it appears to us that a coalesced effort of the disgruntled officials of the State of Gujarat along with others was to create sensation by making revelations which were false to their own knowledge. The falsity of their claims had been fully exposed by the SIT after a thorough investigation. Intriguingly, the present proceedings have been pursued for last 16 years (from submission of complaint dated 8.6.2006 running into 67 pages and then by filing protest petition dated 15.4.2013 running into 514 pages) including with the audacity to question the integrity of every functionary involved in the process of exposing the devious stratagem adopted (to

borrow the submission of learned counsel for the SIT), to keep the pot boiling, obviously, for ulterior design. As a matter of fact, all those involved in such abuse of process, need to be in the dock and proceeded with in accordance with law." [Emphasis supplied]

The said paragraph, in our view, was not intended to have any legal consequence whatsoever. It is settled law, that any adverse action against a person can be commenced only after giving due notice. The court has neither issued notice of perjury nor contempt, to anyone in these proceedings. In fact, the court has issued no specific notice whatsoever, warning of any adverse consequences.

We are perplexed by the statement, "Intriguingly, the present proceedings have been pursued for last 16 years." The Supreme Court itself ordered an investigation by a Special Investigation Team. After the SIT report, the court also requested an amicus curiae to submit a report in the matter. Then the court in 2013, sent both reports of the SIT and the Amicus curiae, to the magistrate to proceed further in accordance with the law. The matter then traveled up the appellate process till this judgment in 2022. The petitioners or people assisting them, can in no way be blamed for the passage of time, in the law's delay.

Subsequent to the Jaffri judgment, in a media interview, the home minister of the country, chose to comment on the court's observations, in a manner calculated to cause arrests by the Gujarat police.

This sequence of events has sent a chilling message for the practice of law in the courts and for the rule of law in the country. It appears that a petitioner or a witness, who diligently pursues a cause in the courts, runs a risk of being "put in the dock" if the court deems the cause as devoid of merits.

We refuse to believe that our Supreme Court really intended, to sanction in advance, the course of retribution that the current government has chosen to pursue. Even during the emergency, the Supreme Court did not imprison those who sought to use legal processes, by appealing to it. The court may have failed to stand up for the citizen in ADM Jabalpur, but it did not kick down those who chose to fight for citizens' causes in court.

We call upon the court, to suo-motu clarify that the above-quoted paragraph in its judgment, was not intended to have any adverse consequences whatsoever. The absence of such clarification may lead to further consequences when bail is sought, by those whom we believe to have been unjustly imprisoned.

Signed by:

1. Anjana Prakash
2. Dr K S Chauhan Senior Advocate
3. Justice Amar Saran (Retd), Sr Adv
4. Aspi Chinoy
5. Avani Bansal
6. Anand Grover
7. Indira Jaising
8. Paranjay Guha Thakurta
9. Ramachandra Guha
10. Sanjay Hegde
11. Navroz Seervai
12. Anjana Mishra
13. Tushar Gandhi
14. Fuzail Ahmad Ayyubi

15. Capt Mir Afzal Hussain (Rtd)
16. Arvind Narrain
17. Prof. Manoj Kumar Jha
18. Kavita Krishnan
19. Ravi Nair
20. Chander Uday Singh
21. Nitya Ramakrishnan
22. Sanjay Singhvi
23. Raj Gandhi
24. Gayatri Singh Sr Advocate
25. Syed Naqvi
26. Saif Mahmood
27. Adv. Shivani Sanghavi
28. Purnima Upadhyay
29. Sitwat Nabi
30. Radha Kumar
31. Shweta Azad
32. Ajay Kumar
33. Anas Tanwir
34. Shantha Sinha
35. Nandita Narain
36. Hindal Tyabji
37. Dheeraj Dheeraj
38. Madhu Bhaduri
39. Hamza Lakdawala
40. Saanya
41. Arundhati Savadatti
42. V.Venkatesan

43. Ujjaini Chatterji
44. Tariq Adeeb
45. Advocate Arshad Shaikh
46. Lata Krishnamurti
47. Lara Jesani
48. Amit Bhaduri
49. R. Rajagopal
50. Mayura Priyan
51. Amitabha Pande
52. Romar Correa
53. Vivek Sharma
54. Veena Johari
55. Aneesh Correa
56. Prabir Kc
57. Shakeel Ur Rahman
58. Md Shahid Anwar
59. Reena Mohan
60. Gautam Mukhopadhaya
61. Gurbir Singh
62. Tamanna Meghrajani
63. Ronita Bhattacharya Bector
64. Meenaz Kakalia
65. Mohammad Abdi
66. Deepali Kasul
67. Prakriti Shah
68. Sreeram VG
69. Abhisht Hela
70. Pyoli

71. Manjula
72. Amita
73. Saurabh Chauhan
74. Dhruv Mankad
75. Amala Popuri
76. Subhasis Bandyopadhyay
77. Khalida Parveen
78. Nadeem Shaikh
79. K Sudha
80. Dimple
81. Ravi Sagar
82. S. Jeevan Kumar
83. S. M. T. Naqvi
84. Varsha Bhargavi
85. Shivani
86. A M Khan
87. Rahil Fazelbhoy
88. Imran
89. Malini Subramaniam
90. Charmaine
91. Arun
92. Nisha Biswas
93. Indira Hirway
94. Alla Bakash
95. N Ramesh
96. Sumitra
97. Somara Rahul
98. M. R. Nandan

99. Rama Melkote
100. Shivakumari
101. Vakasha Sachdev
102. P. Rajasekhara Reddy
103. Jagdeep Chhokar
104. Siva Lakshmi
105. Khalid Hasan
106. Sivanagireddy
107. Girija Paidimarri
108. Katepogu Ratnam Yesepu
109. Sagar Dhara
110. Latha LR
111. Alwyn D'souza
112. Anurag Katarki
113. Devika S
114. Vigneshwar Ramasubramanian
115. Ravi Prakash
116. Gauravjeet Singh Narwan
117. Janardan Sahai
118. Subhashini Ali
119. Dr. V. Suresh
120. Divya Dwivedi
121. Meena Srivastava
122. Jacqueline
123. Rosamma Thomas
124. Charu Govindan
125. Devdatta Uchil
126. Navjot Altaf

127. S Subramanian
128. Revuru Nagesh
129. Mathew John
130. Rajameenakshi
131. Tanveer Khan
132. Thomas Franco
133. Amanulla Khan
134. Susan Abraham
135. Anuradha
136. Jagannath La
137. Arti Raghavan
138. Sanjay Jha
139. Sharaf Sabri
140. Anna Mathew
141. Sumathy Natarajan
142. Bamadev Mishra
143. Amritananda Chakravorty
144. Frazer Mascarenhas
145. Veena Gowda
146. Anubha Rastogi
147. Nilima Dutta
148. Nikhil
149. Dr. Suresh Khairnar
150. Prashant Kothadiya
151. Cynthia Ghodke
152. Sanjay Lakade
153. Vivan Gandhi
154. Charu Satam

155. Dev Desai
156. Ibad Mushtaq
157. Vinayak Joshi
158. Avinash Gokhale
159. Madhukar Dube
160. Amrita Johri
161. Kasturi Gandhi
162. Suvarnareha Jadhav
163. Tulshidas Kaldate
164. Nafisa Lal
165. Vijay Tambe
166. Shashikant Sadashiv Patil
167. Jitendra Kumar
168. Preeti Reddy
169. Ujwala Mehendale
170. Chandrashekhar Chavan
171. Supriya Daniel
172. Shamsul Islam
173. Anil Thakur
174. K. Arun
175. Lal Bahadur Singh
176. Abdul Mabood
177. Sujata Paul
178. Jaswant
179. Samar Abbas Naqvi
180. Pankaj Bisht
181. Mahipal
182. Malathi Maithri

183. Prateeksha Sharma
184. JPS Virdi
185. Manish Deshpande
186. Indranee Dutta
187. Biswaroop Chatterjee
188. Jaipal Singh
189. Madhumanjari Chakravorty
190. Sanjeev Ahuja
191. Roshmi Goswami
192. Roop Rekha Verma
193. Ramakant Pathak
194. Abdussalam Puthige
195. Arunabha Adhikari
196. Sharda Dixit
197. Abdul Aziz
198. Pritpal Singh
199. Khasim Ahmed
200. Harcharan Singh Chahal
201. Majhel Singh Kalkat
202. Abdulrahman
203. Deepak Goswami
204. Suhail
205. Ahmed Muneer
206. Abdul Khadir
207. Abdul Hakeem
208. Zakria
209. NT Abroo
210. Muhammed Ashkar

211. Rahamath Tarikere
212. Tapas
213. Aftab
214. Attakkattil Siddik
215. Sudesh M R
216. Suhail
217. Mohammad Iqbal
218. Nand Singh Mehta
219. Ansar Moideen
220. Abdul Gafoor
221. Anas
222. Shameera
223. Jabiulla B S
224. Feroze Mithiborwala
225. Afaque Azad
226. Subhasish Mukherjee
227. K. P. Suresha
228. Jafar
229. Kiran Kumar
230. Gurnam Singh
231. Nishikant Tharthare
232. Tanveer Ahmed
233. Ravi Kanwar
234. Ajay Jadhav Vijay Jadhav
235. Harbans Mukhia
236. Jagjit Singh
237. Amit Jaiswal
238. Baldev Singh Shergill

239. Muniza Khan
240. Luqman
241. R Nagesh Aralakuppe
242. Lenin Raghuvanshi
243. N Manu Chakravarthy
244. M S Baath
245. Dr Geraldine Sanjay
246. Wasi Haider
247. John Dayal
248. Mohammad Moosa Azmi
249. Mohammed Irshan
250. Hyder
251. R Doraiswamy
252. Mohammed M Masood
253. Dr Ashraf Malik
254. Khursheed Ahmed
255. Syed Ali Akbar
256. Sundesha Olledu
257. Narasimha Gowda D
258. Nuzhat Kazmi
259. Bhoj Raj Gupta
260. Syed Rahatul Karim.
261. Shalu Nigam
262. Sujata Madhok
263. Radha Manohar
264. Ashok Choudhary
265. T. S. Purushothaman
266. A.S. Natataj

267. Yash Pal
268. N. Jayaram
269. Kavita Srivastava
270. Nageena Begum
271. Roma
272. Vijayabhoopathy
273. Promukh Bhattacharya
274. Mohammad Siddiqi
275. Aditi Mehta
276. Brinelle D'souza
277. Pradip Kumar Karmakar
278. Mathew S Thomas
279. R. Kaleem Ullah
280. Gopi Pakkirisamy
281. Syed Fareed Ahmed
282. Vasanthi Raman
283. R.Rajendiran
284. Venkatesh
285. Afthab Ellath
286. Santanu Mukherjee
287. Sukhjit Singh
288. Suman Raj
289. Manorama Sharma
290. Sirimane Nagaraj
291. Jawarimal Parakh
292. Nat Committee Iftu Aparna
293. Poonam Kaushik
294. Dinesh Abrol

295. V Sridhar
296. Mahendra Mishra
297. Arvind Kurian Abraham
298. Basawa Prasad Kunale
299. Veena Shatrugna
300. Tariq Hameed
301. Sanjeev Narrain
302. Prasad Chacko
303. Clifton D' Rozario
304. A P Josy