

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION [CIVIL] NO. _____ OF 2020

[Under Article 32 of the Constitution of India read with Order XXXVIII, Rule 12 (1) (d) & 2 of The Supreme Court Rules, 2013)

BETWEEN:

1. G.S. Mani, Advocate,

...Petitioner

AND

1. Union of India, Rep. by its Secretary,
Ministry of Home & Affairs,
North Block, New Delhi.

..1st Respondent

2. Union of India, Rep. by its Secretary,
Ministry of Law & Justice,
Shashthri Bhavan,
New Delhi-110 001.

..2nd Respondent

3. Chief Secretary, Govt. of NCT of Delhi,
Delhi Secretariat, I.P.Estate,
New Delhi- 110002.

..3rd Respondent

4. Chief Secretary, Govt. of Punjab
Punjab Secretariat,
Chandigarh-160017.

..4th Respondent

5. Chief Secretary, Govt. of Haryana,
Harayana, Civil Secretariat,
Chandigarh-160009.

..5th Respondent

6. National Human Rights Commissions,
Rep. by its Secretary, Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110023.

..6th Respondent

All are contesting Respondents

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA READ WITH ORDER XXXVIII, RULE 12 (1) (D) & 2 OF THE SUPREME COURT RULES, 2013 TO ISSUE AN APPROPRIATE WRIT OR ORDER OR DIRECTION ESPECIALLY IN THE NATURE OF WRIT OF MANDAMUS DIRECTION:- (A) DIRECTING THE RESPONDENT, CENTRE & STATE TO CONSIDER THE REASONABLE DEMANDS OF PUNJAB AND HARYANA FARMERS WHO ARE IN CONTINUOUS PEACEFUL PROTEST, DEMONSTRATION AND AGITATION IN ALL THE DELHI BOARDERS SEEKING TOTAL REPEAL OF "FARMERS' PRODUCE TRADE AND COMMERCE (PROMOTION AND FACILITATION) ACT, 2020 AND BRING THEIR PROTEST TO A POSSIBLE CONCLUSION AND AMICABLE SETTLEMENT BY WAY OF A CREDIBLE CONCILIATORY TALK WITH THE AGITATING FARMERS; (B) DIRECTING THE RESPONDENT, CENTRE & STATES ENSURE ARRANGEMENTS OF ADEQUATE FACILITIES, BASIC AMENITIES VIZ. SAFETY, SECURITY, PROPER SHELTER, ACCOMMODATION, DRINKING WATER, HYGIENIC FOOD, FIRST AID, MEDICAL & SANITATION ETC. TO THE AGITATING FARMERS AND PROTECT THEIR FUNDAMENTAL RIGHTS OF LIFE, LIBERTY AND LIVELIHOOD GUARANTEED UNDER ARTICLE 19 & 21 OF THE CONSTITUTION; (C) DIRECTING THE RESPONDENT, CENTRE & STATES TO ENSURE FREE MOVEMENTS OF PUBLIC AND TRANSPORTATION VEHICLES ACROSS THE DELHI BOARDERS; (D) DIRECTING THE RESPONDENT/NATIONAL HUMAN RIGHT COMMISSION TO SUBMIT ITS REPORT AFTER AN ENQUIRY OVER THE ISSUE OF HUMAN RIGHTS VIOLATION OF POLICE FORCE BRUTAL ATTACK AND ASSAULT ON AGITATING FARMERS BY WHICH A SERIOUS INJURIES AND DAMAGES CAUSED TO THE AGITATING FARMERS AND THEIR FAMILIES AND DIRECT THE CONCERNED AUTHORITIES THEREAFTER TO PROVIDE ADEQUATE COMPENSATION TO THE VICTIM FARMERS AND THEIR FAMILIES & FOR THE VIOLATION OF THE RIGHTS UNDER ARTICLE 14, 19 & 21 OF CONSTITUTION OF INDIA.

To, The Hon'ble The Chief Justice of India
And His Companion Justice of the
Supreme Court of India

The Humble Petition of the
Petitioner above named

MOST RESPECTFULLY SHOWETH:-

1. The Petitioner as a regular practicing Advocate of this Hon'ble Court and as a PROBONO PUBLIC has filed the present (PIL) Writ Petition under Article 32 of the Constitution of India before this Hon'ble Court Issue an appropriate Writ or Order Especially in the nature of Writ of Mandamus Direction:- (a) directing the Respondent, Centre & State to consider the reasonable demands of Punjab and Haryana Farmers who are in continuous peaceful protest, demonstration and agitation in all the Delhi Borders seeking total repeal of "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 and bring their Protest to a possible conclusion and amicable settlement by way of a credible conciliatory talk with the agitating farmers; (b) ensure arrangements of adequate facilities, basic amenities viz. safety, security, proper shelter, accommodation, Drinking Water, Hygienic Food, First Aid, Medical & Sanitation etc. to the Agitating Farmers and protect their fundamental rights of life, liberty and livelihood guaranteed under Article 19 & 21 of the Constitution; (c) ensure free Movements of Public and Transportation Vehicles across the Delhi Borders; (d) and directing the Respondent/National Human Right Commission to submit its report after an enquiry over the issue of human rights violation of Police Force brutal attack and assault on agitating farmers by which a serious Injuries and damages caused to the Agitating Farmers and their Families and direct the concerned authorities thereafter to provide adequate compensation to the victim Farmers and their families; and for the enforcement of fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution for the general public who are lawyers, litigants and general public.

- 1B.** The petitioner has sent a representation to the Respondents/State on 29th November, 2020 through Speed Posts and Email with a request sought in the above said representation. The said representations were duly served on the Respondent/States. But, the respondent/states neither send any reply to the above said representation nor have not taken any effective steps or action over the Farmers Agitation till date. Hence, PIL Writ Petition is filed.
- 1C.** The Respondents herein are the proper authorities representing the Government of India and concerned State Governments. They are all covered by the definition of 'State' in Article 12 of the Constitution, and as such, the present Petition is maintainable against them.

2. FACTS OF THE CASE:

The Brief Facts giving rise to the present petition are as follows: -

- 2.1 The Farm law namely "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 was enacted and published in the official gazette on 27.09.2020 by the Central Government. A true copy of the "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 dated 27.09.2020 is filed as **Annexure-P1 (Pages**
- 2.2 The Hindu, a daily English Newspaper on 28.11.2020 had published a news in the caption that "Dilli Chalo protest/Not leaving border,

prepared to say for six months, says farmers” and indicated that the Farmers from the States of Punjab and Haryana are in continuous protest over the new enactment of “Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, 2020” and sought its total repeal by the Central Government. A true copy of the The Hindu, a daily English Newspaper dated 28.11.2020 is filed herein as **Annexure-P2 (Pages**

2.3 The Petitioner has sent a representation to the Respondents/State on 29th November, 2020 through Speed Posts and Email with a request sought in the above said representation. The said representations were duly served on the Respondent/States. But, the respondent/states neither send any reply to the above said representation nor have taken any effective steps or action over the Farmers Agitation till date. A true copy of the representation dated 29.11.2020 sent by the Petitioner to the respondents through Speed Post is filed herein as **Annexure-P3 (Pages**). A true copy of the representation dated 29.11.2020 sent by the Petitioner to the respondents through Email is filed herein as **Annexure-P4 (Pages**

2.4 The Hindustan Times News Paper on 05.012.2020, in its Chanaky Article has written that “The government’s big mistake was in not allowing the farm bills to go through the parliamentary committee route — stakeholders would have not only got a chance to express their views and concerns, but it would have added legitimacy to the process. And even if this meant some delay, the democratic participation within the constitutional framework was worth it. The government also clearly underestimated the depth of anger, especially in Punjab, even though it was apparent that given the well-entrenched *mandi* system and the more widespread procurement of produce at MSP in the state, resistance could be fierce. The Centre’s

actions led to the perception of unilateralism and only alienated those sceptical of the reforms further, providing the ground for a sustained movement". A true copy of an Article namely "Chanakya" written in the Hindustan Times daily newspaper dated 05.12.2020 is filed herein as **Annexure-P5 (Pages**

2.5 The Hindu, a daily English Newspaper on 06.12.2020 had published a news in the caption that "Dilli Chalo/Support widens for Bharat Bandh Call" and indicated that all India Bharat Banth is called for on 08.12.2020 in support of the Farmers from the States of Punjab and Haryana who are in continuous protest over the new enactment of "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020" and sought its total repeal by the Central Government. A true copy of the The Hindu, a daily English Newspaper dated 06.12.2020 is filed herein **Annexure-P6 (Pages**

2.6 Hence, the present PIL Writ Petition is filed.

3. FOUNDATIONS:

The Petitioner seeking relief on the following grounds: -

- 3.1 Because the respondent's government machinery totally failed in making public and farmers awareness about the government policy on open marketing operating in each districts and failed to seek their response before enacting farm bills namely "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020" in the Parliament.
- 3.2 Because the fellow farmers are compelled to go for peaceful protest seeking total repeal of newly enacted "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020" by the Central Government for the reasons that the right of Judicial Review is taken

out from the purview of the Act and limited the appeal of disputes to the Divisional Magistrate.

- 3.3 Because the fellow farmers are compelled to go for peaceful protest seeking total repeal of newly enacted "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020" by the Central Government for the reasons that the said Farm Laws passed in the Parliament without any discussion and debate considering diverse stake holders.
- 3.4 Because the fellow farmers are compelled to go for peaceful protest seeking total repeal of newly enacted "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020" by the Central Government for the reasons that the large number of Farmers believe that the open market will create monopoly without any government control.
- 3.5 Because the fellow farmers are compelled to go for peaceful protest seeking total repeal of newly enacted "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020" by the Central Government for the reasons that there is no provision in the said Act providing fixation of Minimum Support Price (MSP) without which will lead to chaos in the market.
- 3.6 Because the ongoing Farmers protest in the Delhi boarder is seems to be indefinite which may seriously affects the health of the old aged Farmers if they further continue with the protest.
- 3.7 Because the fellow farmers are compelled to go for peaceful protest seeking total repeal of newly enacted "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020" by the Central Government for the reasons as written in an Article namely Chanakya in the Hindustan Times a daily English Newspaper on 05.12.2020 that "the government's big mistake was in not allowing the farm bills to go through the parliamentary committee route — stakeholders would have

not only got a chance to express their views and concerns, but it would have added legitimacy to the process. And even if this meant some delay, the democratic participation within the constitutional framework was worth it. The government also clearly underestimated the depth of anger, especially in Punjab, even though it was apparent that given the well-entrenched *mandi* system and the more widespread procurement of produce at MSP in the state, resistance could be fierce. The Centre's actions led to the perception of unilateralism and only alienated those sceptical of the reforms further, providing the ground for a sustained movement"

- 3.8 Because maximum Print and Electronic media is publishing and telecasting heartbreaking news which is spreading among the general public at large like a "Forest Fire" that "A large number of old aged/senior citizen/poor Farmers belonging from Punjab and Haryana States are now in continuous Peaceful Protest, Demonstration & Agitation of Day Night Sitting and Staying Dharna since many weeks in all the Delhi borders in the peak winter and Covid-19 seasons without having a Proper Shelter, Basic Amenities over the three new enactment of "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 enacted by the Central Government and published in the official gazette on 27th September, 2020 etc. etc.
- 3.9 Because the State as defined under Article 12 of the Constitution irrespective Center or State is duty bound to protect & fulfill the demands and reasonable rights of farmers through a possible conciliatory talk with the agitating farmers. In meanwhile, State is duty bound to provide fundamental rights of basic amenities viz. proper shelter, accommodation, clear drinking water, Food, First Aid, Medical, & Sanitation etc. to the farmers who are in continuous agitation. Although the farmers in agitation are arranging and managing for their food and water supply themselves, but that alone is not sufficient for

senior citizen and old aged farmers who are in continuous and indefinite strike in the Delhi Borders in the peak winters and Covid-19 seasons. There is a clear infringement of above said fundamental rights of fellow farmers belonging from the State of Punjab and Haryana. A serious threat to the life, liberty, livelihood of fellow farmers is persist and exists. If government keep silence and unwilling to take any action seriously over the Farmers Protest, the innocent Farmers would be put to hardships, irreparable loss and injuries.

- 3.10 Because Respondent, Centre & State ought to have consider the reasonable demands of Punjab and Haryana Farmers who are in continuous peaceful protest, demonstration and agitation in all the Delhi Borders seeking total repeal of "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 and actively tried to bring their Protest to a possible conclusion and amicable settlement by way of a credible conciliatory talk with the agitating farmers.
- 3.11 Because the Respondent, Centre & States duty bound to ensure arrangements of adequate facilities, basic amenities viz. safety, security, proper shelter, accommodation, Drinking Water, Hygienic Food, First Aid, Medical & Sanitation etc. to the Agitating Farmers and protect their fundamental rights of life, liberty and livelihood guaranteed under Article 19 & 21 of the Constitution.
- 3.12 Because the Respondent, Centre & States is bound to ensure free Movements of Public and Transportation Vehicles across the Delhi Borders.
- 3.13 Because the Respondent/National Human Right Commission may be directed to submit its report after an enquiry over the issue of human rights violation of Police Force brutal attack and assault on agitating farmers by which a serious Injuries and damages caused to the Agitating Farmers and their Families and direct the concerned

authorities thereafter to provide adequate compensation to the victim Farmers and their families.

4. NATURE OF INJURY CAUSED OR LIKELY TO BE CAUSED TO THE PUBLIC:

An arbitrary exercise and inaction action of Respondents, Centre and States as stated in the instant writ petition will cause the fundamental rights of life, liberty, safety, security, equality guaranteed under Article 19, 21 and 14 of the Constitution of large number of innocent public are likely to be caused.

5. NATURE AND EXTENT OF PERSONAL INTEREST, IF ANY, OF THE PETITIONER:

The Petitioner is a regular practicing Advocate of this Hon'ble court and has no personal interest over filing of present PIL Writ Petition filed against the Respondent/State Authorities.

6. DETAILS OF LEGAL NEXUS OF PETITIONER WITH PRESENT PIL:

The Petitioners have not involved in any civil, criminal or revenue litigation in legal nexus with the issue(s) involved in the Public Interest Litigation:

7. AFFIDAVIT OF NO PERSONAL GAIN OR MOTIVE:

The Petitioners have filed an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation with this petition. The Petitioner further states that the petitioner has spent his own money for this PIL Writ Petition.

8. REPRESENTATION MADE:

The petitioner has sent a representation to the Respondents/State on 29th November, 2020 through Speed Posts and Email with a request sought in the above said representation. The said representations were

duly served on the Respondent/States. But, the respondent/states neither send any reply to the above said representation nor have not taken any effective steps or action over the Farmers Agitation till date. Hence, the PIL Writ Petition is filed.

9. COURT MAY IMPOSE EXEMPLARY COSTS IF ANY:

The issue involved in the present WP is a purely a legal issues and it is filed in the larger public interest and to protect the fundamental rights of life, liberty and equality and for its enforcement. The Court may impose exemplary costs on the petitioner(s) if it finds that the petition was frivolous or instituted with oblique or mala fide motive or lacks bona fides.

10. DECLARATION OF NO CASE FILED EARLIER:

That the petitioners state that no other similar petition has been filed before this Hon'ble Court or before any other Court earlier either by the Petitioners or any other persons.

11. PRAYER:

In view of the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Court may be pleased to issue an appropriate Writ or Order or Direction especially in the nature of Writ of Mandamus Direction:-

- e) Directing the Respondent, Centre & State to consider the reasonable demands of Punjab and Haryana Farmers who are in continuous peaceful protest, demonstration and agitation in all the Delhi Borders seeking total repeal of "Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 and bring their Protest to a possible conclusion and amicable settlement by way of a credible conciliatory talk with the agitating farmers; and

- f) Directing the Respondent, Centre & States ensure arrangements of adequate facilities, basic amenities viz. safety, security, proper shelter, accommodation, Drinking Water, Hygienic Food, First Aid, Medical & Sanitation etc. to the Agitating Farmers and protect their fundamental rights of life, liberty and livelihood guaranteed under Article 19 & 21 of the Constitution; and
- g) Directing the Respondent, Centre & States to ensure free Movements of Public and Transportation Vehicles across the Delhi Borders; and
- h) Directing the Respondent/National Human Right Commission to submit its report after an enquiry over the issue of human rights violation of Police Force brutal attack and assault on agitating farmers by which a serious Injuries and damages caused to the Agitating Farmers and their Families and direct the concerned authorities thereafter to provide adequate compensation to the victim Farmers and their families; and
- i) Pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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

DRAWN & FILED BY

G.S. MANI,
Petitioner in Person

Place: New Delhi
Filed On:07.12.2020