

IN THE SUPREME COURT OF INDIA
EXTRAORDINARY ORIGINAL CIVIL JURISDICTION

CrI.M.P.20460/13

IN

WRIT PETITION (Criminal) NO. 158/2013

(Under Article 32 of the Constitution)

In the matter of :-

Supreme Court Bar Association

.....Petitioner

Versus

Union of India and others

.....Respondents

And in the matter of:

Common Cause,

(A Registered Society)

Through its Director,

Shri Kamal Kant Jaswal,

5, Institutional Area,

Nelson Mandela Road,

VasantKunj, New Delhi-110 070

.....Applicant

APPLICATION FOR IMPLEADMENT/ INTERVENTION

To,

The Hon'ble Chief Justice

And his Companion Justices of the

Supreme Court of India

The Applicant above-named respectfully states as under:

1. The present intervention is being filed by the Applicant Society which is a public interest organization to place before this Hon'ble Court the reports circulated in the electronic media as well as a part of the print media, relating to a

purported 'sting operation' conducted by a news channel, Headlines Today in connection with Muzaffarnagar riots. The reports are the result of a special investigation, called "*Operation Riot for Votes - Police officers reveal inside story of how 'political interference fuelled Muzaffarnagar riots'*". The burden of the said report/ special investigation is that at the behest of the U.P. Minister for State, Azam Khan, or other members of the ruling establishment, police officials were made to let go of culprits involved in the riots and file false FIRs. The Applicant seeking an investigation into the veracity of the tapes/sting operation, as well as a full probe into the events and matters referred to in the said tapes.

2. The Applicant Society has been in the forefront of the campaign for governance reforms and probity in public life since its inception. It was established by Late Shri H. D. Shourie in 1980. The Petitioner Society has filed several public interest petitions before this Hon'ble Court as well as the Hon'ble Delhi High Court. In a writ petition filed by Common Cause, this Hon'ble Court vide its order dated May 1, 1990 (AIR 1996, SC 1619) issued directions for discharge of the accused in all cases where the period of pendency / detention was disproportionately long in relation to the gravity of the offence. Common Cause has also filed a writ petition wherein the Petitioners have made comprehensive suggestions for ensuring speedy justice and liquidating the backlog of court cases. In another writ petition bearing W.P. No. 24/1995 filed by the applicant society, this Hon'ble Court, vide its order dated April 4, 1996 (AIR 1996 SC 3081), directed action against the defaulting political parties that had failed to file returns of income and had violated the statutory provisions of the Income Tax Act, as well as against the Income Tax officers concerned. The Court also held that a political party which is not maintaining audited accounts and has not filed income tax returns was not entitled to any relief in respect of the expenditure incurred in connection with the election of its candidates. In another writ petition filed for

enactment of a law to establish the institution of Lokpal for curbing the bane of corruption, this Hon'ble Court ordered the cancellation of irregular allotments of petrol pumps made by the then Minister of Petroleum. Common Cause is also co-petitioner in a PIL filed before this Hon'ble Court, for police reforms. Common Cause had filed a writ petition bearing WP No. 1141/1998 wherein this Hon'ble Court vide its order dated July 1, 1993 (1993 AIR SC 1403) issued time-bound directions for establishment of district consumer forums in accordance with the provisions of the Consumer Protection Act 1986, providing an effective mechanism for redress of consumer grievances. Common Cause joined hands with Peoples Union for Democratic Rights and Nirman Mazdoor Panchayat Sangam to file a PIL in the High Court of Delhi [Writ Petition (Civil) 524 of 2010] for securing the long-denied rights of construction workers engaged in projects related to Commonwealth Games 2010.

3. The above captioned writ petition has been filed by the Supreme Court Bar Association in public interest and seeks directions for the effective control, as well as proper investigation and appropriate remedial action pertaining to the communal riots that erupted in the Muzaffarnagar area of Uttar Pradesh earlier this month. By virtue of its long standing involvement in governance issues, particularly those relating to police reforms and the management of riot situations, the Applicant society has several submissions to place on the matter before this Hon'ble Court. The Applicant Society believes that it would be able to relevantly assist this Court on the subject and, therefore, seeks to be impleaded/ to intervene in the said matter.

4. In particular, as is mentioned above, the Applicant Society wishes to place before this Hon'ble Court the reports circulated in the electronic media as well as a part of the print media, relating to a purported 'sting operation' conducted by a news channel, Headlines Today. The reports are the result of a special investigation, called "*Operation Riot for Votes - Police officers reveal inside story*

*of how 'political interference fuelled Muzaffarnagar riots' ”. The burden of the said report/ special investigation is that at the behest of the U.P. Minister for State, Azam Khan, or other members of the ruling establishment, police officials were made to let go of culprits involved in the riots and file false FIRs. The tapes shall be produced for this Hon'ble Court's appraisal. The news articles containing the transcript of the conversations as available on the websites of Headlines Today (<http://indiatoday.intoday.in>) are annexed hereto as **Annexure A (From page nos. _____ to _____)**.*

5. The Applicant submits that the said tapes reveal a serious matter that calls for an immediate, thorough and independent probe. If it is correct that a responsible member of the State Cabinet, or any other Ministers, are interfering with the control and investigation of the riots and are seeking to protect culprits, then the lives of citizens are in peril, and such an administration's capability to rule is in question. On the other hand, if this is not true, and a fabricated version has been put into currency, it reveals a malicious design to destabilize society and escalate the already tense situation. Already 48 persons are officially reported dead and many more injured and rendered homeless and bereft of livelihood.

6. It would therefore be in the fitness of things, and eminently in the interest of justice that this Hon'ble Court direct both an investigation into the veracity of the tapes/sting operation, as well as a full probe into the events and matters referred to in the said tapes. The dictates of probity and impartial investigation would, obviously, require that the same be conducted by an agency completely independent of the Government of U.P. and unconnected with the police force of that state.

7. The Applicant has not filed any other petition in any other Court seeking the same reliefs. In fact, it is to avoid multiplicity of proceedings that the applicant is

seeking to intervene in the aforesaid pending proceedings, rather than file a separate petition for the reliefs prayed for.

PRAYER

It is therefore prayed that this Hon'ble Court may be pleased to:

- a) Permit the applicant society to intervene/be impleaded as a party in the abovementioned writ petition;
- b) Permit oral and written submissions to be made in the case on behalf of the Applicant Society.
- c) Call for the original recordings from Headlines Today and submit the same to an independent and reputed Forensic Laboratory to certify the genuineness or otherwise of the recordings of "*Operation Riot for Votes.*"
- d) Direct an investigation by the CBI, NIA or any independent agency into the police officers and their utterances and other circumstances surrounding and arising from the same;
- e) Pass such other orders as thought fit in the interests of justice.

Applicant

Through

Counsel for the Applicant

New Delhi

Dated: