

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(CIVIL) NO. \_\_\_\_\_ OF 2019

(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

Shakir Shabir

...PETITIONER

VERSUS

Union of India &Ors.

...RESPONDENTS

(PAPER-BOOK)

[FOR INDEX KINDLY SEE INSIDE]

PETITIONER IN PERSON

SYNOPSIS

(B)

The present Writ Petition is being preferred by the petitioner herein seeking appropriate directions to respondents herein and quashing of an impugned notification G.S.R.551(E) C.O. 272 of 2019 dated 05.08.2019 for amending Article 367 of the Constitution of India being illegal, unconstitutional, and void ab initio and ultra vires to the Constitution of India in the interest of justice and to preserve the Constitutional morality of India. A true Typed copy of the impugned notification G.S.R.551(E) C.O. 272 of 2019 dated 05.08.2019 is annexed herewith as **Annexure A-1** (24 to 25).

The actions taken by the Union Government are reckless, absent of any power or constitutional authority. The lives of millions of the inhabitants of the region of Jammu and Kashmir are jeopardized by the Respondents, by passing a constitutional Order 272 of 2019, illegally through back-door.

The people of the region have been forcefully detained in their homes and the entire state has been turned into garrison. The very fundamentals of a democratic nation are shook by the illegal and arbitrary actions of the respondents. The rights guaranteed by the Part III of the Constitution of India are being violated on an unprecedented level. The petitioner herein seeks indulgence of this Hon'ble Court, from preventing a blot, that will

C

tarnish the democratic fabric of the our Nation, that stands proud as the biggest democracy in the world.

Moreover, the Governor of the State of Jammu and Kashmir exercised his powers illegally and absent of the aide and advice of the Council Of Ministers, who are the elected representatives. The decision was taken unilaterally by the Executive, without any consultation of the Legislative assembly of the State, thus, the actions of the Respondents herein challenge the very vires of the balance of power as enshrined in the fundamentals of our Nation.

#### LIST OF DATES

**15.08.1947** Union of India declared its independence from the colonial rule of British empire. The British India was divided into 2 Countries namely Union of India and Islamic republic of Pakistan. The princely states of the region were given a choice to join either of the countries or remain independent. However the efforts of the Fathers of our nation brought all the state holders on a table and promised a Union of States that will stand up for justice, human rights, equality and rule of law. Almost all the princely states had joined either of the parties, with an

D

exception of a few states including that of Jammu and Kashmir :

**Sep. 1947** The state of Jammu and Kashmir was attacked by the tribal's, allegedly aided by the Pakistani army. The then Ruler of Kashmir Maharaja Hari Singh sort indulgence and protection from the Union Government. The Union agreed for help on the condition that the Maharaja has to sign and ratify the Accession of the State Of Jammu and Kashmir to India.

**26.10.1947** The treaty of accession of the State of Jammu and Kashmir was ratified between the representatives of the Union of India and Maharaja Hari Singh, and was also ratified by the popular leadership in the state of Jammu and Kashmir. A true typed copy of the Instrument of Accession of the State of Jammu and Kashmir to union of India is annexed herewith as **Annexure A-2 (26 to 32)** .

**27.10.1947** The troops from the Union reached Kashmir for aide against the unwelcomed invaders and the Indian Army was able to pull back the invaders till they reached Tithwal valley where they came in face to face with the Pakistani Army and a stand still was initiated with armies of both the countries



holding their respective posts.

**Nil. 1947** The dispute was referred to the United Nation Organization. India took this matter to the UN Security Council, which passed resolution 39 (1948) and established the United Nations Commission for India and Pakistan (UNCIP) to investigate the issues and mediate between the two countries. Various mediation Committees were established till 1953 by the UNSC, but both the countries did not agree on any of the mediation efforts of the UNSC.

**26.01.1950** The C.O. no 10 of 1950 dated 26.01.1950 was passed by the then President of the Union, via which the powers of the Union Government were extended to the state of Jammu and Kashmir, under powers conferred under Article 370 of the constitution of India. A true typed copy of the C.O. no. 10 of 1950 dated 26.01.1950 is annexed herewith as **Annexure A-3(33to43)**.

**Nil. 1952** An agreement was signed between the then Union Government and the Constituent assembly of the state of Jammu and Kashmir, that ratified that the

State of Jammu and Kashmir will exercise the residuary powers in case of Jammu and Kashmir and any and all powers exercised by the Union government shall be exercised in consonance and on aide and advise of the elected representatives of the state. A true typed copy of the Delhi Agreement between the Union Of India and the Representatives of the state is annexed herewith as **Annexure A-4 (44 to 47)**.

**Nil. 1975** A pact was signed between the then Prime Minister of the Union of India Smt. Indira Gandhi and the then Chief Minister of the State of Jammu and Kashmir Shri Shiekh Abdullah, known as the Indira-Shiekh Pact of 1975. The then Union Government agreed that the State of Jammu and Kashmir was to be governed by Article 370 of the Indian Constitution and enlighten a few other aspects of the relation between the two States. A true typed copy of the Indira-Shiekh pact 1975, is annexed herewith as **Annexure A-5(48 to 49)**.

**1975-1990** There was a demand from the a section of

politicians in the Union that Article 370 should be removed unilaterally, which caused a huge uproar in the state of Jammu and Kashmir and gave the foreign interests a window to cause violence in the state of Jammu and Kashmir that still haunts the state to this date.

**2003**

The Union Government led by Shri Atal Bihari Vajpay intervened and brought all the stake holders in the state on table, which led to improvement in the condition in the state and gave of promise of peaceful and prosperous future to the People of the Disputed state. However the subsequent Governments failed to continue on the path laid down by a great visionary of the Nation.

**22.11.2018** The legislative assembly of the state of Jammu and Kashmir was dissolved vide order dated 22.11.2018, by the Governor of Jammu and Kashmir.

**03.08.2019** Restrictions were imposed in the State of Jammu and Kashmir, especially in the Kashmir Valley,

detaining the people of the State in their homes and an atmosphere of fear was created by the Armed Forces deployed by the Union Government.

**05.08.2019** The President of India published Constitutional order via the Gazette of India, dated 05.08.2019, G.S.R.551(E) C.O. 272 of 2019 dated 05.08.2019, exercising the powers conferred by clause (1) of Article 370 of the Constitution of India, thereby paving way for removal of special status to the State of Jammu and Kashmir, illegally, arbitrarily and void of any constitutional authority.

**08.05.2019** Hence this writ Petition

THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(CIVIL) NO. \_\_\_\_\_ OF 2019

(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

Shakir Shabir



.....PETITIONER

VERSUS

1. UNION OF INDIA  
CABINET SECRETARIAT,  
SHASTRI BAWAN,  
NEW DELHI – 110001
2. MINISTRY OF HOME AFFAIRS  
THROUGH SECRETARY,  
NORTH BLOCK,  
NEW DELHI-110001
3. GOVERNOR  
STATE OF JAMMU AND KASHMIR,  
GOVERNOR HOUSE,  
SRINAGAR, J AND K 190001

... RESPONDENTS

A WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA IN THE NATURE OF  
PUBLIC INTERST LITIGATION FOR ISSUANCE OF A  
WRIT IN THE NATURE OF MANDAMUS OR ANY  
OTHER APPROPRIATE WRIT AGAINST THE  
RESPONDENTS THEREBY DIRECTING THE  
RESPONDENT TO QUASH IMPUGNED  
NOTIFICATION G.S.R.551(E) C.O. 272 OF 2019  
DATED 05.08.2019 FOR AMENDING ARTICLE 367  
OF THE CONSTITUTION OF INDIA BEING ILLEGAL,



UNCONSTITUTIONAL, AND VOID AB INITIO AND  
ULTRA VIRES TO THE CONSTITUTION OF INDIA  
AND VOILATIVE OF ARTICLE(S) 13, 19 (1) a, 19 (1)  
b, 19 (1) (c), 19 (1) (d), 21 and 29 OF THE  
CONSTITUTION OF INDIA, IN THE INTEREST OF  
JUSTICE AND TO PRESERVE THE CONSTITUTIONAL  
MORALITY OF INDIA.

TO

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

THE HUMBLE PETITION OF  
THE PETITIONER OF THE  
PETITIONER ABOVE NAMED

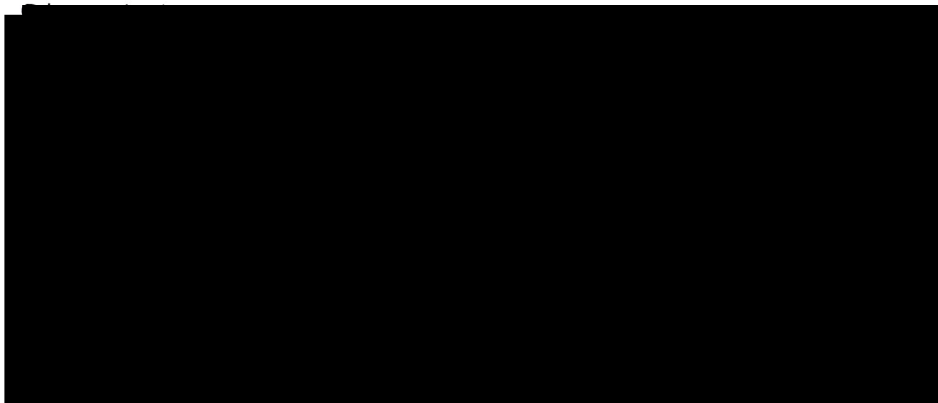
**MOST RESPECTFULLY SHOWETH:**

1. That the Petitioner above named has preferred the instant Public Interest Litigation vide the present writ petition under Article 32 of the Indian Constitution seeking indulgence of this Hon'ble Court to issue appropriate directions to the respondents herein to quash impugned notification G.S.R.551(E) dated 05.08.2019, THE CONSTITUTION ( APPLICATION TO JAMMU AND KASHMIR ) ORDER 2019, C.O. 272, for amending Article 367 of the Constitution of India being arbitrary, whimsical and *void ab initio* and *ultra vires* to the Constitution of India, beyond the scope of powers as conferred

by the Constitution of India, in the interest of justice and to preserve the Constitutional morality of India.

1A. That the petitioner herein is a Permanent Resident Of State of Jammu and Kashmir and is an active member of society, working as an advocate, registered with the Bar Council Of Delhi, practicing ordinarily in Delhi Courts, including this Hon'ble court. The details of the Petitioner are as under:

Name : Shakir Shabir



1B. That the petitioner has not filed any other petition in Hon'ble Supreme Court or any High Court challenging the Subject matter.

1C. That the petitioner has been in constant contact with various residents of the state, who are under detention right now and is moving to this Hon'ble court on behalf of himself and various citizens who are unable to come before the court because of the prevailing situation in the state of Jammu and Kashmir.

2. FACTS:-

2.1 That The President of India published Constitutional order via the Gazette of India, dated 05.08.2019, G.S.R.551(E) C.O. 272 of 2019 dated 05.08.2019, exercising the powers conferred by clause (1) of Article 370 of the Constitution of India, thereby paving way for removal of special status to the State of Jammu and Kashmir, illegally, arbitrarily, beyond the scope of Powers granted by the Constitution of India and void of any constitutional authority.

2.2 That The actions of the Union Government ensured that there will be innumerable incidents of Violence in the State of Jammu and Kashmir and gross violation of human rights across the state. However owing to the currently popular vote bank politics in the nation, the present day Government with the utter disregard to the Human Rights, basic structure of the constitution of India and the fundamentals of democracy moved ahead with a reckless action without making any preparations and following the constitutional authority, passed the impugned order vide C.O. 272 of 2019 dated 05.08.2019

- 2.3 That The prevailing condition in the state of Jammu and Kashmir , especially in Kashmir valley are violative of all the Rights Guaranteed by the Hon'ble Constitution of India.
- 2.4 That The innocent citizens of the state have been made captive in their own homes and emergency like situation is prevailing in the entire state of Jammu and Kashmir. It is imperative to mention here that the government has not officially declared any curfew or emergency in the state however has been exercising the same powers illegally and without any constitutional authority.
- 2.5 That the bonafide and innocent citizens are being made to suffer and all the rights Guaranteed under Part III of the Indian Constitution are being violated by the State.
- 2.6 That the Governor of the state of Jammu and Kashmir acted in absence of the council of Ministers, which is a great violation of the democratic spirit of our nation, that we take pride in.
- 2.7 That the impugned order, C.O.272 of 2019 was passed illegally via back door without the

consent of the Parliament or involving any stake holders, thus tarnishes the very fabric of democracy on which our nation stands.

2.8 That the interference by this Hon'ble Court is necessary to preserve the idea of Democracy and uphold the constitutional morality of the Nation.

3. The present petition is filed before this Hon'ble court because a need to preserve the constitutional morality has risen in the nation and Indulgence of this Hon'ble Court is imperative to prevent violation of Human Rights . This Hon'ble Court being empowered under Article 32 and 142 to pass any orders or decree as is necessary for doing complete justice for any cause or matter pending before it and the said decree shall be enforceable throughout the territory of India.

4. That the petitioner has preferred the present petition on the following grounds:-

#### **GROUND**

A. BECAUSE, the impugned notification dated 05.08.2019 is ultra vires to the extent that it was passed in an arbitrary and whimsical manner without following the due course of



Law as laid down by the constitution of India and without the mandate of the both the people of the State of Jammu and Kashmir as well as their elected representatives.

B. Because the amendment sought to be done by way of a presidential order could not have been done in the present manner, as it is only the parliament that could amend Article 370. The order issued by the President under Article 370(1)(d) was arbitrary, whimsical, unconstitutional and void of any constitutional mandate. Article 370 (1) (d) of the Constitution empowers the President to provide for the application of "*such of the other provisions*" of the Indian constitution, with any modifications he decides, as he specifies through the Order. The use the term "other" in the phraseology of Article 370(1) clearly indicates that the word "other" has been intended by the makers of the Constitution to mean provisions other than Articles 1, 238 and 370, which are the only provisions that have been expressly referred to in the same Article. Therefore, a better perusal of Article 370 would go on to indicate that the order issued by the President was without any authority by changing the use of words in Article 370 since the same could have been achieved only by way of an amendment passed by the Parliament.

C. Because the impugned notification runs completely counter to the judgment of this Hon'ble Court in judgment in **State Bank of India v Santosh Gupta [(2017)2SCC 538]** wherein this Hon'ble Court has held as under:

*"14. The first thing that is noticed in Article 370 is that the marginal note states that it is a temporary provision with respect to the State of Jammu & Kashmir. However, unlike Article 369, which is also a temporary provision limited in point of time to five years from the commencement of this Constitution, no such limit is to be found in Article 370. Despite the fact that it is, therefore, stated to be temporary in nature, clause (3) of Article 370 makes it clear that this article shall cease to be operative only from such date as the President may by public notification declare. And this cannot be done under the proviso to Article 370(3) unless there is a recommendation of the Constituent Assembly of the State so to do.*

*15. This takes us to an interesting judgment of this Court, namely, Sampat Prakash v. State of J&K, AIR 1970, SC 1118. In this case, a writ petition under Article 32 was filed challenging the detention of the petitioner, in which it was contended that Article 370 contained only temporary provisions which cease to be*

*effective after the Constituent Assembly of the State had completed its work by framing a Constitution for the State. The detention of the petitioner was continued without making a reference to the Advisory Board inasmuch as Article 35(c) of the Constitution had given protection to any law relating to preventive detention in Jammu & Kashmir against invalidity on the ground of infringement of any of the fundamental rights guaranteed by Part III of the Constitution initially for a period of five years, which was then extended to ten years and fifteen years. These extensions were the subject-matter of challenge, and it was sought to be contended that the power of the President, depending on the concurrence of the Government of the State of Jammu & Kashmir, must be exercised under Article 370 before dissolution of the Constituent Assembly of the State, and that such power must be held to cease to exist after dissolution of the Constituent Assembly. This argument was repelled by the Constitution Bench by giving three reasons. First and foremost, it was stated that the reason for the article was that it was necessary to empower the President of India to exercise his discretion from time to time in applying the Indian*

*Constitution. This being so, Article 370 would necessarily have to be invoked every time the President, with the State's concurrence, feels it necessary that amendments to the Constitution of India be made applicable to Jammu & Kashmir, given the special proviso to Article 368 which applies only to the State of Jammu & Kashmir. Further, it was also held that the article will cease to operate under sub-clause (3) only when a recommendation is made by the Constituent Assembly of the State to that effect. It was found that in fact the Constituent Assembly of the State had made a recommendation that the article should be operative with one modification to be incorporated in the Explanation to clause (1) of the article, namely, that the Maharaja of Jammu & Kashmir be substituted by the expression "Sadar-i-Riyasat of Jammu & Kashmir". Also, it is important to note that Article 370(2) does not in any manner state that the said article shall cease on the completion of the work of the Constituent Assembly or its dissolution. Having regard to all these factors, this Court clearly held that though the marginal note refers to Article 370 as only a temporary provision, it is in fact in current usage and will continue to be in force until the*

*specified event in clause (3) of the said article takes place. It was further held by Sampat Prakash judgment that Section 21 of the General Clauses Act, 1897 was also applicable so that the power under this article can be used from time to time to meet with varying circumstances.*

*16. Article 370 begins with a non obstante clause stating that notwithstanding anything contained in the Constitution, first and foremost, under clause (1)(a) the provisions of Article 238 shall not apply in relation to the State of Jammu & Kashmir. Article 238 has since been repealed and is not of any importance today. It only referred to the application of the provisions of Part VI to States in Part B of Schedule I. Since the scheme of Article 370 was different, the said article was stated not to apply. But more importantly, the power of Parliament to make laws for the said State shall be limited, in sub-clause (b)(i), to the matters in the Union List and the Concurrent List of Schedule VII to the Constitution of India, which in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession. If other matters contained in the said Constitution outside the Instrument of*



*Accession in the said lists are to be extended, then they can be extended only with the concurrence of the State.*

*17. The difference between consultation and concurrence was highlighted in Prem Nath Kaul case, AIR 1959 SC 749. At this stage, it is necessary to refer to this case in some detail as it goes into the legislative history of Article 370, and the Presidential Orders made under the said article. We are not directly concerned here with the Jammu & Kashmir Big Landed Estates (Abolition) Act, 1950, whose validity was challenged in the said judgment. The judgment goes into great detail as to how the Instrument of Accession to the Union of India was made by Maharaja Hari Singh. What is of importance is to note that after the reins of power were handed over to his son Yuvraj Karan Singh by a proclamation dated 20-6-1949, Yuvraj Karan Singh, by a proclamation dated 25-11-1949, stated that the Constitution of India, which was yet to be promulgated, would apply to the State of Jammu & Kashmir. Also, by a proclamation dated 20-4-1951, a Constituent Assembly was to be set up on the basis of adult franchise in order that this Assembly give to the State its own Constitution. The judgment*

*then goes on to refer to the Jammu & Kashmir Presidential Order of 1950 and its amendments, which was then supplanted by the 1954 Order. It then goes on to state that, whereas clause (1)(b)(i) of Article 370 requires only consultation with the Government of the State, paragraph (ii) requires concurrence, which scheme applies under sub-clause (d) of the said article in relation to the extension or modification of other provisions of the Indian constitution. Under sub-clause (d) of the said article in relation to the extension or modification of other provisions of the Indian constitution as well. Under sub-clause (d), other provisions of the Constitution may, by Presidential Order, be held to apply to the State of Jammu & Kashmir. If matters specified in the Instrument of Accession are to be applied, then there is only consultation with the Government of the State, and if not, there must be concurrence. The scheme of Article 370(1), therefore, is clear. Since the Instrument of Accession is an agreement between the erstwhile Ruler of Jammu & Kashmir and the Union of India, it must be respected, in which case is a matter is already provided for in it, it would become applicable straightaway without more, and only consultation with*

*the Government of the State is necessary in order to work out the modalities of the extension of the provisions of the Government of India Act corresponding to the Constitution of India referred to in it. However, when it comes to applying the provisions of the Constitution of India which are not so reflected in the Instrument of Accession, they cannot be so applied without the concurrence of the Government of the State, meaning thereby that they can only be applied if the State Government accepts that they ought to be so applied. Under Article 370(2), the concurrence of the Government of the State, given before the Constituent Assembly is convened, can only be given effect to if ratified by the Constituent Assembly. This legislative scheme therefore illustrates that the State of Jammu & Kashmir is to be dealt with separately owing to the special conditions that existed at the time of the Instrument of Accession."*

D. BECAUSE the impugned notification was issued without taking all of the stake holders, including the residents of the area, in confidence, thus being a unilateral decision, which is against the very idea of democracy.

- E. BECAUSE the Governor of the State of Jammu and Kashmir was appointed by the Union, without any form of consent of the citizens, as per the procedure, thus does not have the necessary powers to take unilateral decisions on behalf of the citizens, being an "un-elected representative". The Governor has to act with aid and advice of Council Of Ministers, which ceased to exist vide Order dated 21.11.2018, passed by the Governor of State of Jammu and Kashmir, hence the powers exercised by the Governor Of the State of Jammu and Kashmir in absence of the aide and advice of the council of Ministers are arbitrary, whimsical, and *ultra vires* to the basic structure of the constitution.
- F. BECAUSE, this Hon'ble Court in *AIR 1972, 963* held that the powers exercised by the Governor of the State of Jammu and Kashmir, acting with the aide and advice of the Council Ministers to be valid and did not shed any light on the subject of Governor of Jammu and Kashmir acting without aide and advice of the Council of Ministers, who are democratically elected representatives of the citizens.
- G. BECAUSE the amendatory powers have not been validly exercised while issuing the impugned Notification dated 05.08.2019 and the present day Government by use of misinformation has justified an act, that has far reaching consequence on the very fabric of democracy, enshrined in

the very fundamentals on which India stands as a proud democratic Nation.

- H. BECAUSE, the impugned notification was issued with utter disregard to human rights, life and liberty of millions of the residents of the state, casting doubt on the very fundamentals our Nation Stands for.
- I. BECAUSE the impugned notification is issued in utter disregard to Human Rights and Rights conferred under the Part III of the constitution of India. The prevailing conditions in Kashmir, where people are restricted to move, assemble, meet each other or even come out of their homes, amounts to unlawful detention, violating the rights guaranteed by Part III of the constitution of India. The actions of the respondents by passing C.O. 272 of 2019 dated 05.08.2019 caused a trauma to millions of aggrieved citizens, which as history behold, will result in acts of Mob violence and death of tens of thousands of innocent citizens of the state.
- J. BECAUSE no power or greater good can over ride the sanctity of lives of tens of thousands of people, who's lives will be spent on the arbitrary and whimsical actions taken by the Respondents herein. Democracy is by people, not against them. An act void of any constitutional authority and beyond the scope of powers of the Respondents herein cannot be justified in the name of greater good.



K. BECAUSE the actions of the respondents amount to gross violation of Human Rights of Millions of Inhabitants of the State of Jammu and Kashmir, and this Hon'ble Court has come to rescue in such times where the democratic fabric of the country is tarnished. It is in the alleys of this Hon'ble court where justice has found a voice in the history of our Nation.

L. Because the case of the petitioner herein is not against the objective of C.O. 272 of 2019 dated 05.08.2019, as stated in public by the Respondents, however it is against the process adopted for the purpose, the impugned order was passed via back door, without involving any stake holders. Such actions of the respondents are arbitrary, beyond the scope of powers conferred upon the respondents and *ultra vires* to the basic structure of the constitution and the entire democratic process is rendered incapacitated.

M. BECAUSE the impugned notification was issued in reckless, whimsical and arbitrary fashion, thus endangering lives of millions of residents of the state of Jammu and Kashmir, who are citizens of the Union of India and enjoy all rights enshrined under Part III of the constitution.

N. BECAUSE the amendment by way of s. 2 (d) C.O. 272 dated 05.08.2019 replacing the words "Constituent Assembly of the state" to read as "Legislative Assembly of the state",



while the S. 2 (c) of C.O. 272 dated 05.08.2019, construed as including references to the Governor of Jammu and Kashmir acting on aide and advice of his Council Of Ministers, who cease to exist vide Order dated 21.11.2018, passed by the Governor Of State of Jammu and Kashmir. Thus, the C.O. No 272 of 2019, dated 05.08.2019. is absurd and the powers exercised by the Governor of Jammu and Kashmir are ultra vires and lack any constitutional backing.

O. BECAUSE the subject matter of the impugned notification is Sub-judice in this Hon'ble court and the Government has exercised its powers illegally and void of any constitutional authority. It is also imperative to mention here that a big part of the state of Jammu and Kashmir is still in effective control of Pakistan. The application of the impugned notification will result in the Union forgoing a major part of the state of Jammu and Kashmir to Pakistan, which ineffect will defeated all the purpose and the objectives of the Union.

P. BECAUSE the Constitution of Jammu and Kashmir provides for the assembly seats that are currently in occupation of Pakistan, implementation of the impugned notification scraps off the Constitution of Jammu and Kashmir and hence there are no provisions for such assembly seats. The reckless and arbitrary actions of the Respondents herein has helped

Pakistan strengthen their claim over the disputed areas of the state.

**Interim relief Prayed for:**

- a. Issue appropriate directions to the respondents to not take any actions that will lead to unstable conditions in the region, in furtherance of C.O. No 272 of 2019 dated 05.08.2019 during pendency of the present petition;
- b. Issue appropriate directions to the Respondents to keep vigil and take appropriate actions to ensure there is no violation of rights guaranteed under part III of the Constitution;
- c. Pass any appropriate order(s), thereby allowing the petitioner to bring on record more material by way of affidavit, as necessary, with permission of This Hon'ble Court.

**PRAYER**

In the facts and circumstances of the case, as mentioned above, it is therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

- a. Issue a Writ of Mandamus or any other appropriate writ quashing the impugned notification G.S.R.551(e), C.O. 272 of 2019 dated 05.08.2019 for amending article 367 of the Constitution of India being illegal, unconstitutional, and *void ab initio* and *ultra vires* to the constitution of India and in violation of Article(s) 13, 19 (1) a, 19 (1) b, 19 (1) (c), 19 (1) (d), 21 and 29 of the constitution of India;
- b. Issue Writ of mandamus or any other appropriate Writ thereby declaring all actions of Respondent no. 2 in furtherance of C.O. 272 of 2019 as void ab initio, ultra vires and further directing the Respondent no. 2 to prevent all forms of human rights violations and exercise constrain while dealing with the bonafide citizens of the Nation.
- c. Issue a Writ of Mandamus or any appropriate Writ thereby declaring the powers exercised by Respondent No. 3 in furtherance of C.O. 272 of 2019 dated 05.08.2019, in violation of Article(s) 13, 21 and the basic structure of the Constitution of India.
- d. Pass any order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.

AND FOR THIS ACT OF KINDNESS, THE

PETITIONER SHALL, AS IN DUTY THE BOUND EVER  
PRAY.

DRAWN BY:-

SHAKIR SHABIR

FILED BY

ADVOCATE

NEW DELHI

PETITIONER IN PERSON

Drawn on: 08.08.2019

Filed on: 09.08.2019