

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

Writ Petition (Crl.) of 2020

IN THE MATTER OF

Manohar Lal Sharma Advocate

S.C.B.L.No.-1

Supreme court of India

New Delhi-01

Resident of , 31, Gyangudery

Vrindaban- Mathura , U.P.

Petitioner

VERSUS

1. Central Bureau of Investigation (C.B.I.)

Through Director

Plot no.5-B , 6th floor ,

CGO Complex

Lodhi Road New Delhi 11,0003

2. Union of India

Through secretary

Ministry of Home affairs

North Block , Central secretariat

Rajpath Marg New Delhi-110011

Respondents

Writ petition (PIL) U/Art. 32 , 21 of the constitution of
India r.w. S.354, 376/511 r.w.120-B of IPC.

To,

The Hon'ble Chief Justice of India

And His Companion Judges of

The Supreme Court of India.

The Petitioner most respectfully Showeth:

- 1) That Petitioner, citizen of India & by profession an advocate practicing at above address, is filing the present writ petition (PIL) under Art. 32 of the constitution of India for invoking his fundamental right & to protect fundamental right of the citizen of India against the violation of 21 of the constitution of India for investigation by C.B.I. under the supervision of the Hon'ble Supreme Court to arrest accused persons and to file their report for further direction to prosecute hundreds of accused persons who organized and committed gang rape (amounts to gang rape) and assault criminal force (sexual harassment) upon hundreds of girls on 6th February 2020 in Gargi Girl college Campus at New Delhi.
- 2) That Petitioner has not filed any representation to the respondents.
- 3) That cause of action arose to the petitioner on 6-7 February 2020 , jut before the polling in State assembly election in Delhi and state did not action in this regards. Its appeared to the petitioner that said mass/gang sexual action offence has been done under planned conspiracy by the political parties for securing political game in the Delhi election voting.
- 4) In brief petitioner came to know that despite police deployment and special reserve force in the Gargi college, hundreds of accused persons having drugs and others came to college compounds, broken college gate, entered in to the school campus, started drinking , smoking, master bating and forcefully grabbing girl student assaulted and tried to rape them. Despite their crying , running here and there for protection neither the college authority nor deputed special reserve Police/ Police persons on duty called police force, arrested any one of them. After committing sexually force upon girl they returned back and no police/ authority dropped them. Despite complaint by the hundreds of girl student no one call police and asked for their arrest during their sexual attack upon girl student. The said crime went on more than 5 hours. "The men came in trucks and entered the campus around 4:30 pm during the fest. They continued to harass the girls for several hours and the ordeal continued till around 9 pm."

- 5) In another social media post it has been said, "Girls were groped, locked in washrooms, stalked to the nearby Green Park metro, cat-called, eve-teased and misbehaved with during the festival."
- 6) That news appears on 9th February 2020 disclosing also twitter social media on 7th February 2020 at 7th Feb 2020 “

Waah Modi Ji Waah@mojitoandfrappe- Feb 7, 2020

Experienced one of the most toxic crowds in my life yesterday at Gargi college. Never in my life have I ever seen an administration this screwed up to just allow a truck full of middle aged men inside the campus. #reverie #gargicollege.”

- a) A Gargi College student said on condition of anonymity,

"The men came in trucks and entered the campus around 4:30 pm during the fest. They continued to harass the girls for several hours and the ordeal continued till around 9 pm."

- b) Social media post that has now gone viral, the students of Gargi College have said,

"There were drunk, middle-aged men harassing us, molesting us and masturbating at us... I was groped thrice by a group of men inside that crowd and when I screamed they laughed...".

- c) That Speaking to IndiaToday.in, the student also said that when they went to the college authorities on the day of the incident, they were told to not attend college festivals if they are "so scared about safety".

True copy of the India Today.in News report dt. February 9,

2020 is being filed as Annexure P-1 **(12-13)**

- 7) That State government took no action. It's a clear criminal conspiracy hatched by the political party to deployed mass accused persons to provoke the Delhi public for effecting voting in their favour. It's a serious crime and this Hon'ble Court

must consider for justice to the hundreds of victims girls and to arrest all accused persons in the interest of justice.

- 8) That How a Music Festival Turned into a 'Mass Molestation' Nightmare for the Girls of Gargi College On 6th February 2020 are as follow;
- 9) On February 6, students of Gargi College were pumped to enjoy the music performance of popular musician Zubin Nautiyal. It was the last day of the three-day annual festival, Reverie 2020, and students from across colleges started queuing up from the afternoon to enjoy the show.
- 10) Days after complaints of mass molestation and abuse inside a fest at Delhi's University's all-girls Gargi College went viral on social media, students on Monday protested against the administration and demanded a full and impartial inquiry into the incident. Students have also called for the resignation of the college Principal as well as of the head of the Student Union for the delay in action against the perpetrators.
- 11) That what started out as an avenue for students to have fun and let their hair down within the safety of the college premises soon turned into a nightmare after the fest was hijacked by the groups of hundreds of accused persons under a planned conspiracy who swarmed the venue and allegedly verbally as well as physically molested women students in the Gargi college.
 - a) At around at 6.30 pm (According to reports and eye-witness accounts), several middle-aged men, who were not students, entered the venue at around 6.30 pm.
 - b) There was no checking of passes or ID cards at all, even of male students who are required to have a pass to enter the girls' college.
 - c) The crowd started to build by 4 pm. By 6.30 pm, the main gate was opened and all the men standing among the gathered crowd outside made their way into the venue unchecked.

- d) Some students claim that many of the men were part of a pro-CAA rally that was taking place that entered the college by scaling gates. Some men were even heard reportedly screaming 'Jai Shree Ram' at the venue.
- i) "When I reached the site at 4 pm, I saw many men and women were entering the venue. This is a girl's college, men entering needed a pass. But the checking was extremely negligent,"
- e) As reports, eye-witness accounts and confessions pages carrying posts by Gargi and other students who attended the fest suggest, the "warning" failed to serve any purpose as multiple women reported being verbally molested or groped. Men even masturbated in front of women. As per Malahat, a Gargi alumna who attended the fest men could constantly be seen catcalling women and groping them. "Few of them even climbed on the table of an empty stall and started shouting "jo larki mujhse pategi usey 50k ki makeup kit dunga, tu pat ja ya tu pat ja (I will buy a makeup kit worth Rs 50,000 to any girl who agrees to go out with me)", she says.
- f) While CRPF and Delhi Police personnel were deployed on campus, several students allege that they were not useless in curbing the mayhem and chaos, nor did college authorities or union bodies try to intervene much.
- g) Several untoward incidents took place near the main-stage but attendees claim that none took any note as everyone was busy "enjoying the fest".
- h) How a Music Festival Turned into a 'Mass Molestation' Nightmare for the Girls of Gargi College. a first-year B Com student from Shivaji Collge who spoke to News18 on the condition of anonymity;
- i) "I was groped from behind, as was my friend. Someone touched our butts and squeezed but by the time we could turn around and find them, they were lost in the crowd. There was really no space to even breathe or turn around as there was nearly thrice the expected crowd,"
- i) On Monday as outrage grew on social media, a General Student Body meeting was called along with the college's Principal as well as members from the staff

association in which students drew up a set of demands for the college administration.

"We demand a fact-finding committee to instantly be instituted to investigate the incident and bring the perpetrators to book,"

- j) The committee which will be formed will consist of one student and one teacher of the 17 departments within the college. While students will vote and choose the student representative, the latter will be chosen by teachers of the particular department; of the college will be members. The function of this committee will be to create a better channel of communication between administration, union, and various departments. The committee has to come into being by February 15. If the committee fails to provide satisfactory findings within two months from the date of its institution, the student body has demanded the resignation of the Principal.
- k) During the day's protests when the Principal addressed students at Gargi College, many demanded to know the details of the budget allocated for the security of the fest. "We want written documentation of financial details and budget allotted for Reverie 2019 and 2010 security. And we also demand this process to be followed each year where administration hands us these details before the event to avoid such negligence," the Arts Faculty Procter said.
- l) Students also expressed anger against the college's lax response to the incident and the moral-policing tone that Gargi authorities took after students complained of harassment at the fest.
 - i) "When we went to authorities, they completely dismissed our complaints and told us to not attend the fest if we felt unsafe,"
- m) A student said on condition of anonymity. Several media websites reported on how students were told not to participate in events such as college fests if they felt unsafe.
 - i) "After the exhausting course work that each of us has to ace, we girls wait the whole year for the very special star night. But alas this year it turned out to

be a great disappointment as the administration was zero concerned about our safety,"

- n) Additional demands made by the student body include a written apology and retraction for all previous statements made by college administration under the office of the Principal following complaints of harassment at Reverie 2020 for the way the administration initially responded to the incident with alleged sexist, homophobic and moral policing comments.
 - o) "The admin has to withdraw all older statements made regarding Reverie 2020 and the security inside the college and replace it with fresh, updated ones that don't attempt to moral police or victim shame the student," Mittiksha, a first-year Zoology student from Gargi, tells News18.
 - p) Students have decided to boycott classes until all the demands are met and the union member who spoke to News18 confirms that the Principal, as well as college authorities, is taking swift and diligent action in the matter. The demands also include a written copy of the FIR filed against the incident.
 - q) Nevertheless, several students at Monday's protest demanded the immediate resignation of the Principal as well as the head of the student union who some students claimed was allegedly on leave today. The union has also been accused by several students on Instagram pages such as 'Speakupgargi' to have failed to protect the women attendees at Reverie. News18 tried to reach her but the union's President Sundaram Thakur remained unavailable for comment. As did the principal Dr. Promila Kumar.
 - r) Meanwhile, the Delhi Commission of Women took suo moto cognizance of the complaints made by some of the students on social media
- 12) That the petition is being filed on the following amongst other

GROUND

- 13) Because on the face of facts it appears that a planned political & criminal conspiracy has been hatched to effect public vote in Delhi election by a political party as message using in social media on 7th Feb 2020. Incident was done on

6, message was viral on 7 and voting was on 8 February 2020. Its serious crime involved political conspiracy therefore it must be investigated under this Hon'ble Supreme court supervision to detect, disclose and prosecute accused persons.

- 14) Because it's a subject matter of mass/ gang sexual assault upon the hundreds of Gil students under a planned criminal and political conspiracy for political object which attract 354 read with attempt to rape u/s 376 /511 of IPC. A serious criminal force did by the hundreds of peoples who forcefully entered in the Gargi girl campus for which they are liable be arrested and prosecuted.
- 15) Because despite being present on spot as well as having complaint by the girls students college administration under the office of the Principal did no action to the incident with alleged sexist, homophobic and moral policing comments.
- 16) Because despite presence of Delhi police and reserve Delhi force on spot on 6th February neither principle nor other state authorities tried to stop & arrest accused persons.
- 17) Because since 6th February till date State took no action about this heinous mass rape and sexual action upon girl students. NCT was duty bound to take action. It's appear that political parties are behind this offence, did it to gain in election by abusing others for vote due to Gargi incidents. Therefore till date of filling neither NCT asked Ministry home affairs to arrest and impose immediate special force to arrest all accused persons.
- 18) Because 6th music fest was under Vedic shoot as well as CCT camera as claimed by the State chief minister as has been deployed in the area. But 7 days is over till now no person has been arrested which a matter of 5 to 6 hours is. Its may be a political game which will be re-confirmed after arrest of the caused persons.

- 19) Because 6th February is amount to gang rape as well as gang rape and gang assault by the group of people who entered on the behest of the Political gam to effect Delhi election and remain succeed in it.
- a) Because Union's President Sundaram Thakur & Principal Dr. Promila Kumar who is prima facie responsible for immediate action disappeared and did on action till date. This further indicates that they know name of the political party/ persons to creat such heinous action to effect Delhi election. Therefore it is the most important to find out who is behind this heinous crime. This is a organised crime by a group of peoples supported fully financially and other resources on 6th February 2020 at Gargi college mass rape (amount to rape) and sexual assault to the girl students in Gargi college campus.
- b) Because despite hue and cry by the girl students no actions was done till date by the Chief Minister of Delhi. Unless this Hon'ble Supreme Court does not take action for arrest and prosecution of the accused persons nothing will be done and in the name of common enquiry by the police will be closed as useless and victims girls will never get justice in according of law.
- c) Because entire incident is being supported/ protected by the State government and no action of arrest has been done till now for justice and to prosecute all accused persons therefore unless this court take action real political persons and accused persons will not be arrested at all. Therefor in the Interest of Justice this Hon'ble court must take action to protect hundreds of girl student and to provide them Justice.
- d) Because of deliberately shouting "Jai Shri Ram" also disclosed that it's a political planned conspiracy by the Political party for political game in the voting on 8th February. Therefore a fair investigation must be done for justice and to prosecute all involved accused persons part of conspiracy as well as heinous crime against women on 6th Feb 2020.
- 20) That Petitioner has not filed any Petition before this Hon'ble Supreme court or in any High court for the relief prayed herein.

PRAYER

Therefore within the aforesaid facts and circumstances and in the interest of justice, equity and fair play this Hon'ble court be pleased to issue appropriate writ of mandamus/ proper writ direction

1. To the C.B.I. to investigate, seize all video, CC TV records surrounding Gargi campus (inside and outside), arrest to the all accused person, including the political leaders behinds this planned criminal conspiracy, and file their report before this Hon'ble court for further action and prosecution u/s 354 & 376/511 r.w. 120-B of IPC to provide complete justice to the girl student who are victim of such heinous crime.
2. Pass such other order or further orders, as this Hon'ble court may deem fit and proper under the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS ARE DUTY BOUND SHALL EVER PRAYS.

Drawn & settled by:

Filed by: Manohar Lal Sharma Advocate

Manohar Lal Sharma Advocate

Petitioner-in-person

Drawn on : 11.02.2020

Filed on : 12.02.2020

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AFFIDAVIT

I, Manohar Lal Sharma S/O Late Shri P.L. Sharma, practicing advocate presently practicing in Supreme Court at S.C.B. Lib. No.-1 Supreme Court of India ,New Delhi, Petitioner do hereby solemnly affirm, state and declares as under

1. That I am the petitioner in the above writ petition and as such I am aware of the facts of this case and I am competent to swear this affidavit.
2. That contents of this accompanied writ & contents of the date of events (page B-C), writ petition (para 1- 20) and (pages 1-10) and contents of the filed applications are true and correct to the best of my knowledge and belief.
3. That filed copy of the annexure P-1 is true and correct to their original.
4. That petitioner have no personal interest, gain motive or oblique reasons, any civil /criminal/revenue litigation involving directly/indirectly to the petitioner in filing the present public interest litigation.

Deponent

Verification

I , the above named deponent do hereby declare and verify on oath that the contents of this affidavit are true to my knowledge ,nothing material has been concealed therefrom and no part of it is false. Verified at New Delhi on this 12.02.2020

DEPONENT

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

Writ Petition (Crl.) no. OF 2020

IN THE MATTER OF

Manohar Lal Sharma Advocate Petitioner

Versus

C.B.I. & Anrs Respondents

WITH

CRL. M.P. No. of 2020 Application for Permission to appear and argue in person

WITH

PAPER BOOKS

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Manohar Lal Sharma Advocate

PETITIONER-IN-PERSON

Mob: 9810279220

mlscourt2@gmail.com