

**IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION  
CR .M.P.NO. \_\_\_\_\_ OF 2020**

**IN**

**WRIT PETITION (CRIMINAL)NO. 118 OF 2018**

**IN THE MATTER OF:**

People's Union for Civil Liberties                      ...PETITIONER

**VERSUS**

Union of India &Ors.    ...RESPONDENTS

**CR .M.P.NO. \_\_\_\_\_ OF 2020**

**APPLICATION FOR DIRECTIONS**

**WITH**

**CR .M.P.NO. \_\_\_\_\_ OF 2020**

**APPLICATION SEEKING EXEMPTION FROM FILING DULY  
AFFIRMED AFFIDAVIT, VAKALATNAMA AND LETTER OF  
AUTHORISATION**

**PAPER – BOOK**

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**ADVOCATE FOR THE PETITIONER / APPLICANT: APARNA BHAT**

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**APPLICATION FOR DIRECTIONS**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS LORDSHIP'S COMPANION JUSTICES OF THE

HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION

OF THE ABOVE NAMED

PETITIONER / APPLICANT

**MOST RESPECTFULLY SHOWETH:**

1. That the aforesaid matter is pending before this Hon'ble Court.

2. That the Petitioner-PUCL is filing this urgent Application for directions in the pending Writ Petition No. (Crl) 118/2018 wherein the Petitioner has questioned the encounters which have taken place in the State of Uttar Pradesh from 1.1.2017 to 31.3.2018 and which have continued thereafter. In the said Writ Petition, the Petitioner has mentioned not only the number of encounters that have taken place during the present regime in the State of Uttar Pradesh but also the reaction/ response of the Chief Minister and the Police Officials favouring encounters. The Petitioners have sought independent investigation by the CBI or SIT comprising of Police Officers of integrity and who have not served in the State of Uttar Pradesh. The Petitioner has also prayed that a Monitoring Committee, headed by a retired Supreme Court Judge should enquire into the role played by all authorities/persons who have directly or indirectly supported the encounter killings by abdicating their legal duties and responsibilities. The applicant-Petitioner craves leave to refer to and rely upon the contents of the Petition at the time of hearing of this application.
3. That in the present Writ Petition was filed on 2.5.2018. The petition took into account the encounters that had taken place, during the

period 1.1.2017 to 31.3.2018, when more than 1000 encounters had taken place resulting in death of 49 persons and injuries to 370. During pendency of the petition before this Hon'ble Court, the number of encounters increased to 2000 and deaths to 66 as mentioned in the Rejoinder Affidavit dated 8.10.2018. The number has increased to 5178 encounters in which 103 persons have been killed and 1859 have been injured in 2019.

4. The present Application has been filed in the wake of an incident which has taken place on 10.7.2020 resulting in the encounter of one VikasDubey. It is clear from the reports that two other persons, namely, Amar Dubey and Prabhat Mishrasaid to be associated with him, have also been killed in separate encounters. In view of the current situation, the Petitioner is relying on facts as appeared in the newspapers. According to these reports, the facts as stated about killings of these three persons, are as follows:

a. VikasDubey was being escorted to Kanpur from Ujjain, where he was arrested near Mahakal temple. During the transit from Ujjain to Kanpur, one of the police vehicles overturned near Bhaunti. The accused and the policemen got injured in the accident. According to the police, quoting Kanpur SP (West), the

deceased Dubey took advantage of the road accident and tried to flee after snatching a pistol of an injured policeman. The police surrounded him from all four sides and tried to make him surrender, but he fired at them. In self-defence, police fired two bullets at Dubey, injuring him. Dubey had fired at the police team with an “intent to kill,” according to the police. Post this, a stretcher bearing Dubey, with blood stains on his chest was later taken inside a hospital, where he was declared dead.

- b. Re: Amar Dubey: After receiving inputs that Amar Dubey was spotted at Artara village under Maudaha police station, a police team rushed to the spot. According to the police version, on seeing them, the assailants opened fire. In retaliation the police also fired in which Amar Dubey got injured. Two cops - an inspector-rank officer and a constable - also sustained bullet injuries. All injured persons were rushed to the hospital where doctors declared Amar Dubey dead, said the SP.
- c. Re: Prabhat Mishra: According to the Police Stories, Prabhat Mishra, snatched pistol of a police official and fired from it while being taken to Kanpur on transit remand, a senior police official said, adding that the man died following the retaliatory action. Addressing a press conference, senior police official said

Kartik alias Prabhat Mishra, was a wanted criminal and was arrested from Faridabad on July 8. While he was being brought to Kanpur on transit remand, he snatched police pistol and fired at two policemen who suffered injuries. In retaliation, police fired upon him and he was later pronounced dead in the hospital.

5. That the police version of the encounter raises many serious questions, in particular, whether they are simple administrative liquidations.
  
6. The Petitioner-PUCL has taken up the issue pertaining to police encounters, among several other human rights issues, as it defies the Rule of Law and administration of law enforcing machinery in accordance with the Constitution. The landmark judgment in *PUCL v. Union of India*, (1997) 3 SCC 433 brought out the acts of administrative liquidations taking place in the State of Manipur. Though the State had defended their actions in the response, when judicial inquiry was conducted, the fake encounter committed by the police was exposed. The said case was taken up by the PUCL as it involved gross violation of human and constitutional



rights. Similarly, the case of massive encounter killings in Maharashtra, particularly in Mumbai, was taken up by the PUCL and pursuant thereto, extensive guidelines have been laid down in *PUCL v. State of Maharashtra*, (2014) 10 SCC 635. The Petitioner-PUCL had also participated in the NHRC proceedings which had led to framing of extensive guidelines/directions by the National Human Rights Commission.

7. That it is further submitted that police encounter/administrative liquidation is a serious crime- murder/culpable homicide and is an offence against the entire society. If such a crime is committed with the support of the State or where the State condones such an offence, it takes a very serious dimension, questioning the entire Rule of Law and governance in accordance with the Constitution.
8. That it has been noticed that in spite of the PUCL Judgment (Supra), the States are not following the directions of this Hon'ble Court. The State of UP is flouting the said judgment and indulging in massive encounters with impunity.
9. That the incidents, which have been revealed in the killings of the VikasDubey and his associates, are very shocking in

particular, keeping in view continuous cases of mass encounters in the State of UP which have taken place from 1.1.2017 onwards.

10. That the Petitioners have not repeated the facts mentioned in the Writ Petition and crave leave to rely /refer upon the same at the time of arguments.

### **PRAYER**

The Petitioners, therefore, pray that in the facts and circumstances of the present case this Hon'ble Court may be pleased to:

- A. Constitute a Special Investigation Team to investigate into the present encounters of Vikas Dubey, Amar Dubey and Prabhat Mishra;
- B. Constitute a committee headed by a retired Supreme Court Judge to enquire into the encounters that have been taking place in the State of Uttar Pradesh and the Criminal Political nexus which has been prevailing in the State;
- C. Pass any other Order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case.

**AND FOR THIS ACT OF KINDNESS, THE PETITIONER / APPLICANT  
AS IN DUTY BOUND SHALL EVER PRAY.**

Filed by:

**APARNA BHAT**

Advocate for the Petitioner / Applicant

Place: New Delhi

Filed on: 11.07.2020

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL WRIT JURISDICTION**

**CRL.M.P. No. of 2020**

**IN**

**WRIT PETITION (CRIMINAL ) NO.118 OF 2020**

**IN THE MATTER OF:**

**PEOPLE'S UNION FOR CIVIL LIBERTIES & ANR. ..PETITIONERs**

**Versus**

**UNION OF INDIA & Ors. ....RESPONDENTS**

**AFFIDAVIT**

**I,**

**do hereby solemnly affirm and state as under:-**

- 1. That I am the National General Secretary of the Petitioner and as such well conversant with the facts and circumstances of the case and in that capacity am duly competent to swear and depose as under.**
- 2. I have read and understood the contents of the accompanying application and I say that the contents thereof are true and correct to the best of my knowledge and belief.**

**3. That the annexures annexed to the application are true and correct copies of their respective originals.**

**DEPONENT**

**VERIFICATION**

**Verified that the contents of paragraph 1 to 3 of my above affidavit and I say that the same are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.**

**Verified at on the 10th day of July 2020.**

**DEPONENT**

**IN THE SUPREME COURT OF INDIA  
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CR .M.P.NO. \_\_\_\_\_ OF 2020  
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**APPLICATION SEEKING EXEMPTION FROM FILING DULY  
AFFIRMED AFFIDAVIT, VAKALATNAMA AND LETTER OF  
AUTHORISATION**

TO

THE HON’BLE CHIEF JUSTICE OF INDIA

AND HIS LORDSHIP’S COMPANION JUSTICES OF THE

HON’BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION

OF THE ABOVE NAMED

PETITIONER / APPLICANT

**MOST RESPECTFULLY SHOWETH:**

1. That the accompanying Application for Directions is being filed by the  
Petitioner-PUCL seeking urgent directions in the pending Writ Petition

No. (Crl) 118/2018 wherein the Petitioner has questioned the encounters which have taken place in the State of Uttar Pradesh from 1.1.2017 to 31.3.2018 and which have continued thereafter.

2. That it is prayed that in the prevailing circumstances of the COVID-19 pandemic, exemption from filing duly affirmed affidavit be granted for the time being.
3. That it is prayed that in the prevailing circumstances of the COVID-19 pandemic, exemption from filing duly signed and stamped vakalatnama and letter of authorisation be granted for the time being.

### **PRAYER**

In the facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- A. Grant exemption from filing duly affirmed affidavit in the prevailing circumstances;
- B. Grant exemption from filing duly signed and stamped vakalatnama and letter of authorisation in the prevailing circumstances;

C. Take on record the scanned affidavit and vakalatnama;

D. Pass such other order(s) 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 PETITIONER / APPLICANT  
AS IN DUTY BOUND SHALL EVER PRAY.**

Filed by:

**APARNA BHAT**

Advocate for the Petitioner / Applicant

Place: New Delhi

Filed on: 11.07.2020





fees and our pocket expenses, agree to ratify all acts done by the aforesaid Advocate in pursuance of his authority.

Dated this the day of JULY, 2020

ACCEPTED, Certified and identified

**Petitioner No. 1**

**Petitioner No. 2**

(APARNA BHAT)

ADVOCATE FOR THE PETITIONERS

Supreme Court of India

**MR. Pukhrambam Ramesh Kumar**

**No Objection Certificate**

**MEMO OF APPEARANCE**

To

The Registrar

Supreme Court of India,

New Delhi-110 001.

Sir,

Kindly enter my appearance in the above mentioned Petition made on behalf of the Petitioner.

Yours faithfully,

(APARNA BHAT)

ADVOCATE FOR THE PETITIONERS

NEW DELHI

DATED: