

ITEM NO.28 TO 32 Court 1 (Video Conferencing) SECTION X/PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1118/2020

RAKESH VAISHNAV & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 98868/2020 - EX-PARTE AD-INTERIM RELIEF)

WITH

W.P.(C) No. 1152/2020 (PIL-W)

W.P.(C) No. 1168/2020 (PIL-W)

W.P.(C) No. 1165/2020 (PIL-W)
(FOR ADMISSION)

W.P.(C) No. 1174/2020 (PIL-W)

(FOR EX-PARTE STAY ON IA 103591/2020

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 107119/2020)

W.P.(C)No. 1404 of 2020
(FOR ADMISSION)

W.P.(C)NO. 1406 OF 2020

W.P.(C)NO. 1421 OF 2020

(FOR ADMISSION AND PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C)NO. 1441/2020

(FOR ADMISSION AND PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. K.Parameshwar, AOR
Mr. M.V. Mukunda, Adv.

Mr. Sukumar Patthjoshi, Sr. Adv.

Mr. k.K.L. Gautam, Adv.

Mr. Manoj Sharma, Adv.

Mr. A.K. Suman, Adv.

Mr. Sandeep Kumar Singh, Adv.
 Mr. Vijendra Kasana, Adv.
 Mr. Aditya Agarwal, Adv.
 Mr. Sanjeev Malhotra, AOR

Mr. Vivek K. Tankha, Sr. Adv.
 Mr. Varun Tankha, Adv.
 Mr. Sumeer Sodhi, AOR
 Mr. Prashant Sivarajan, Adv.
 Mr. Ujjawal Anand Sharma, Adv.
 Ms. Jhanvi Dubey, Adv.
 Ms. Suditi Batra, Adv.
 Mr. Hussain Ali, Adv.

Mr. P. Wilson, Sr. Adv.
 Mr. D. kumanan, AOR
 Mr. Richardson Wilson, Adv.

Mr. Om Prakash Ajitsinghh Parikhar, AOR
 Mr. Dushyant Tiwari, Adv.
 MR. Yudhvir Dalal, Adv.

Mr. Harisha S.R., Adv.

Petitioner-in-Person

Mr. Pradeep Kumar Yadav, Adv.

Mr. Harish N. Salve, Sr. Adv.
 Mr. Deepak Goel, AOR
 Mr. Kamal Kumar Pandey, Adv.
 Mr. Vipin Kumar, Adv.
 Ms. Madhuri Gupta, Adv.

For Respondent(s)

Mr. K.K. Venugopal, AG
 Mr. Tushar Mehta, SG
 Mr. K.M. Nataraj, ASG
 Ms. Suhasini Sen, Adv.
 Mr. Kanu Agarwal, Adv.
 Ms. Chinmayee Chandra, Adv.
 Mr. Rajat Nair, Adv.
 Ms. Swati Ghildiyal, Adv.
 Mr. B.V. Balramdas, Adv.
 Mr. Raj Bahadur Yadav, AOR

Mr. Tushar Mehta, SG
 Mr. Anil Grover, Sr. AAG
 Ms. Noopur Singhal, Adv.
 Mr. Rahul Khurana, Adv.
 Mr. Satish Kumar, Adv.
 Mr. Sanjay Kumar visen, AOR

For State of Punjab	Mr. P. Chidambaram, Sr. Adv. Mr. Atul Nanda, AG Ms. Uttara Babbar, Adv.
	Mr. Rahul Mehra, Advocate Mr. Chirag M. Shroff, Advocate Ms. Abhilasha Bharti, Advocate
	Mr. Ajay Bansal, Adv. Mr. Gaurav Yadava, Adv.
For U.P.	Ms. Garima Prashad, Adv.
For Intervener (BKU-Bhanu)	Mr. A.P. Singh, Adv. Mr. V.P. Singh, Adv. Mr. Sharwan Kumar Goyal, Adv. Mr. Sadashiv, Adv.

UPON hearing the counsel the Court made the following
O R D E R

W.P.(C) Nos.1404/2020, 1406/2020, 1421/2020 and 1441/2020

While issuing notice to the respondents on 16.12.2020, the petitioners were allowed to serve copies of these petitions upon the impleaded farmers' Associations and these matters were directed to be posted today to enable the Court to hear the farmers who are agitating at the Borders of National Capital Region of Delhi. However, none of the impleaded respondents-farmers' associations have appeared today though the petitioners claim to have informed them over their respective mobile/whatsapp numbers. However, the Bharatiya Kisan Union (Bhanu Group) appeared through Mr. A.P. Singh, learned counsel.

The preliminary issue before this Court is the claim of the citizens who are the residents of NCT of

Delhi/Haryana, having a population of more than two million people, that the manner in which the protest is being carried on is seriously inhibiting the supply of essential goods to the city because of restrictions on the free movement of goods vehicles. According to the petitioners, this will result in a sharp increase in the prices of goods which would be difficult for people to bear in these times of Pandemic.

Mr. P. Chidambaram, learned senior counsel appearing for the State of Punjab, submits that the State of Punjab welcomes the constitution of the aforesaid committee to resolve the present dispute between the farmers and the Government of India.

The contention on behalf of the petitioners is that no fundamental right is absolute and it would be necessary for the Court to determine the contours of the right of free speech and expression involved in the farmers' protest and the extent to which this right can be exercised consistently with the rights of other citizens.

According to the respondents, the roads are blocked by the police in order to prevent the entries of the protesters/farmers to the city of Delhi.

We clarify that this Court will not interfere with the protest in question. Indeed the right to protest is part of a fundamental right and can as a matter of fact, be exercised subject to public order. There can certainly be no impediment in the exercise of such rights as long as

it is non-violent and does not result in damage to the life and properties of other citizens and is in accordance with law.

We are of the view at this stage that the farmers' protest should be allowed to continue without impediment and without any breach of peace either by the protesters or the police.

We are informed that the protest is mainly directed against the three laws viz., (1) Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, (2) Esstential Commodities (Amendment) Act, 2020 and (3) Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, enacted by the Parliament recently. The writ petitions challenging the said laws have been filed before this Court and will be decided in due course.

In order to bring about an effective solution to the present stalemate between the protesters and the Government of India, we consider it appropriate in the interests of justice to constitute a Committee comprising of independent and impartial persons including experts in the field of Agriculture for the purpose. This may not be possible without hearing all the necessary parties. Till the parties come before us, it would be advisable to obtain suggestions about the constitution of the said Committee from all the parties which may be submitted by them on the date of next hearing in the matter.

List these matters after the ensuing winter vacation with liberty to move the Vacation Bench if necessary, after service is complete.

In the meantime, the petitioners are given liberty to serve the unserved respondents/ impleaded farmers.

The pendency of these matters will not prevent the parties from resolving the issue amicably.

W.P.(C) Nos.1118/2020, 1152/2020, 1174/2020, 1168/2020 & 1165/2020

List these matters in due course.

(MADHU BALA)
AR-CUM-PS

(SANJAY KUMAR-II)
Asstt.Registrar-Cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR