

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION NO. OF 2006

In the matter of:

National Council for Civil Liberties
Through it's President
SHRI V K SAXENA
Having its address at
401, Vraj Avenue,
C-2, Swastik Society,
Navrangpura, Ahmedabad.

...Petitioner

Versus

1. Union of India
(Notice to be served through:
The Secretary,
Ministry of Home Affairs
New Delhi.
2. State of Gujarat
(Notice to be served through:
The Secretary,
Department of Water Resources and Narmada
Sachivalaya, Gandhinagar.
3. State of Madhya Pradesh
(Notice to be served through:
The Secretary,
Department of Home Affairs,
Sachivalaya, Bhopal.
4. Smt. Medha Patkar
B – 13 Shivam Flats,
Ellora Park,
Baroda – 390 007.
5. Narmada Bachao Andolan
through Smt. Medha Patkar

62, M G Marg,
Badwani, (MP).

6. Rahul Banarjee
Adivasi Morcha Sangathan
C/o Narmada Bachao Andolan
Village & Post Katkut
Thana Balwada
Dist. Khargaon (MP)

7. Director,
Central Bureau of Investigation,
CGO Complex,
Lodhi Road,
New Delhi

...Respondents

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
FOR ENFORCEMENT OF FUNDAMENTAL RIGHT OF THE
PETITIONER UNDER ARTICLE 14 AND 21 OF THE
CONSTITUTION DUE TO ARBITRARY INACTION ON THE PART
OF THE RESPONDENTS AND FOR PROTECTION OF A BETTER
RIGHT TO LIVE OF THE CITIZENS

Grounds

This petition under article 32 of the Constitution of India raises the following grave and substantial questions of law involving public importance: -

- A) In the facts and circumstances as narrated in the petition, can subversive, antinational and seditious activities be permitted to be continued in the name of so-called opposition and agitation which has lead to an atmosphere of terror upon the functionaries and implementing authorities, government servants and police machinery and to public order and law and order in general by activities such as destruction to government property, armed attacks, attempted ambushing of government servants and police officials, preventing government officials to perform their official duty in implementation of their projects and causing grave harm and danger by engineering brutal attacks, laying of land mines and conducting fire arms training to adivasis, inciting the people against the Government thereby causing large scale loss of life and property?
- B) In the facts and circumstances as narrated in the petition, can an unregistered organization such as Narmada Bachao Andolan led by Smt. Medha Patkar whose opposition and agitations from the last 17 years has virtually led to delay and suspension of several hydel projects of national importance such as Sardar Sarovar Project, Maheshwar Project, Maan Project, Indrasagar Project, Omkareshwar Project and others all in Narmada valley and on River Narmada resulting into spiraling costs, colossal loss and damage to national assets and creation of national wealth having thereby direct impact on the national economy, be permitted to continue its activities ?

C) In the facts and circumstances of the case can foreign organizations and financial institutions be permitted to interfere and conduct themselves by proxy activities through funding of local non governmental organization that directly jeopardize national projects of importance thereby virtually having deep and long term jeopardizing economic impact on nation's progress and as to whether there is the need and necessity for laying down a national policy guidelines and regulations in that regard?

D) In the facts and circumstances as narrated in the petition and looking to the continuous damaging and retrograde impact having caused to the national economy, national wealth, due to the activities of the Narmada Bachao Andolan and its support groups, that hence there is more than justifiable reasons to direct an inquiry / investigation into the activities of the Narmada Bachao Andolan and its support groups spearheaded by Smt. Medha Patkar to be conducted by Central Agency with further directions to report to this Hon'ble Court within time prescribed with further directions to inquire / investigate into financial sources of the said organizations and more particularly foreign funding in particular as well as compliances to other statutory regulations such that the activities of the Narmada Bachao Andolan, an unregistered organization which is conducting its activities in blatant disregard to all statutory provisions, with impunity and whose activities that have been found against the interest of the nation are ostensibly foreign funded and hence the investigation agency to probe into those larger perspectives that are against the interest of the nation in particular.

- E) In the facts and circumstances of the case, there is an emergent need for issuance of appropriate directions and guidelines to state Government as well as Union of India to ensure that activities of such similar organizations causing detrimental impact, seriously jeopardizing national interests are nipped in the bud by stringent action, thereby saving depletion of national wealth as well as saving of costs resulting into the impact on national economy.
- F) In the facts and circumstances as narrated in the petition it will be seen from various FIRs lodged in the State of Madhya Pradesh itself by various Govt. Officials, contractors and the local people that Respondents No. 4 & 5 have been creating hurdles in implementation and further progress of the project by vandalizing the rehabilitation process and on the other hand they have been crying hoarse before the Hon'ble Court that the dam project cannot be permitted to proceed due to non – completion of the rehabilitation process.
- G) In the facts and circumstances as narrated in the petition, looking to the widespread long standing activities of the Narmada Bachao Andolan along with their support groups which having resulted into gross delay in implementation of the Sardar Sarovar Project which but for the timely intervention of the Hon'ble Supreme Court on its several important stages, such projects of national importance has today seen the light of the day and its benefits have shown to have far outweighed all its rival contentions. Such is the damaging and irreparable impact of the activities Narmada Bachao Andolan along with their support groups which activities have itself proven to be violative of fundamental rights of the general citizens and all such beneficiaries of the above referred to hydel projects who have remained silent victims and thus their

fundamental rights having been impinged this petition under Article 32 be entertained by this Hon'ble Court as PUBLIC INTEREST LITIGATION.

47. The Petitioner has not filed any other petition either before the Hon'ble High Court or this Hon'ble Court for the same relief.

PRAYER

It is, therefore, most respectfully prayed that Your Lordships may graciously be pleased to:

- a. Direct the respondent no. 1, 2, 3 and 7 to investigate into the routing of foreign funds into the activities of the respondent no. 4, 5 and 6 and of its subordinate and supportive organizations that have been referred to in this petition and that may be revealed during the course of such investigation and its utilization for purposes that are found to be seditious in nature and for purposes that are against national interest and are directed against smooth implementation of projects of national importance and to report to this Hon'ble Court within such time as this Hon'ble Court may deem fit to prescribe ;
- b. Issue interim directions to the respondent nos. 2 and 3 to place before this Hon'ble Court the status report on pending prosecutions lodged against the respondent no. 4, 5, 6 and their activists along with that of the support groups and organizations as enumerated in this petition, and this Hon'ble Court be pleased to issue such appropriate directions upon receipt of such status report

to ensure expeditious disposal of pending investigation and/or trials within such time period as may be found fit and appropriate by this Hon'ble Court;

- c. Pending hearing and final disposal of this petition the respondent no. 3 be directed to place before this Hon'ble Court a specific action taken report in view of the vigilance report / Devas police report after the Mehendikheda firing incident in the State of M.P. and to issue appropriate directions on receipt of such status report further directing such investigation to be conducted by the respondent no. 7;
- d. Issue appropriate directions to the respondent no. 7 to undertake detailed investigation into the affairs of the respondent no. 4, 5, 6 and their support groups as enumerated in this petition and more particularly in respect of the activities in the nature of source, supply and acquisition of arms, explosives, detonators, gelatin sticks, bullets and connections with naxal organizations as well as supply and free usage of arms and explosives more particularly with a view to thwart the progress of projects of national importance by terrorizing government officials and locals, facts of which have come to be revealed in the final report submitted by SDO Bagli M.P. to Additional Sessions Judge, Bagli District : Devas;
- e. Direct the Central and State Government to evolve a proper mechanism for implementation a project of national importance where project developer be directed to provide all available information to the people of that

particular area regarding cost of project, time schedule for implementation, why the project is being implemented, its likely impact on citizens (positive or negative), how the Govt. plans to compensate the citizens, who are likely to be displaced or adversely affected and benefits after the implementation etc. to curb the misinformation spread by vested interest. Such information should be freely and easily available to all.

f. Any other direction which this Hon'ble may deem fit.

FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND
SHALL EVER PRAY.

FILED BY

(E. C. AGRAWALA)
ADVOCATE FOR THE PETITIONERS

NEW DELHI
DRAWN ON: 17.1.2006
FILED ON: