

In the High Court of Delhi at New Delhi
Civil Original Jurisdiction
C.M. of 2020
in
Writ Petition (Criminal) 665 of 2020
[Under Article 226 of the Constitution of India]

In the Matter of:

Shaikh Mujtaba Farooq &Ors

...Petitioners

Versus


Union of India &Anr

...Respondents

INDEX

SL. No.	Particulars	Page Nos.
1.	Application for Directions along with supporting affidavit	1- 8
2.	Annexure A-1 A true copy of "Coronavirus: Delhi's Eidgah relief camp cleared out, riot-hit victims hunt for another shelter" published by The Indian Express, dated- 25.03.2020.	9- 11
3.	Annexure A-2 A true copy of the order of Delhi High Court in W.P. (C) 2948/2020 dated 23.03.2020.	12- 15
4.	Annexure A-3 A true copy of "Delhi violence victim sheltered at Idgah camp asked to vacate following Covid19" published in Business Standard dated 25.03.2020.	16- 19

Filed by


Sneha Mukherjee
Advocate for Petitioners
576, Masjid Road
Jangpura
New Delhi – 110 014
Ph: 9999602308

In the High Court of Delhi at New Delhi
Civil Original Jurisdiction
C.M. of 2020
in
Writ Petition (Criminal) 665 of 2020
[Under Article 226 of the Constitution of India]

Shaikh Mujtaba Farooq &Ors

...Petitioners

Versus

Union of India &Anr

...Respondents

**APPLICATION FOR DIRECTIONS UNDER SECTION 482 OF THE
CODE OF CRIMINAL PROCEDURE**

TO,

THE HON'BLE CHIEF JUSTICE DELHI HIGH COURT

AND HIS LORDSHIP'S COMPANION JUDGES

OF THE HON'BLE HIGH COURT.

THE HUMBLE APPLICATION OF

THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. This petition is filed by victims of the attack that took place on peaceful protestors by the police and gangs affiliated to the party in power at the

centre seeking immediate relief for victims who have suffered from loss of life, property and livelihood.

2. The Hon'ble High Court vide order dated 20.03.2020 in the present matter directed the respondents to take steps to address the following:

- i. Provisions of a Fire Engine, Ambulance and mobile toilets at the subject camps;
- ii. Maintenance and upkeep of cleanliness (including cleaning of the drains)/hygiene and sanitation; and further enhancing essential public utilities, including provision of beds;
- iii. Taking necessary steps to secure the health of the riot victims;
- iv. Ensuring the availability of the counselors for the riot victims; and
- v. Setting up of three additional camps at Bapu nagar- 25 feet road, santosh marriage hall- Mustafabad and Madrasa Babul Ulloom- Jafrabad.

Report on behalf of the Petitioner regarding The situation in the riot affected areas at Delhi and at the Idgah Relief Camp, Mustafabad

3. Information received from Anastasia Gill, Member, Delhi Minorities Commission, who visited the camp yesterday i.e. 23.03.2020 and met the inmates is as follows:

- I. The entire riot affected area is full of mounds of garbage and filth and despite the order of the High Court passed on 20.3.20 for maintenance of hygiene and sanitation the cleaning of the entire area has not happened and there is garbage everywhere. This is a particularly alarming situation given the lock down on account of the Corona virus.
- II. It is reported that the authorities have taken a decision to close down the Idgah relief camp which is an utterly arbitrary and cruel decision. Hundreds of persons have been forced to leave the camp on account of the fear of the corona virus. They had nowhere to go particularly during the clamp down and they are currently scattered and in dire straits. The food supply which was earlier organized very well is faltering, the toilets are over flowing, government doctors are missing and only a few volunteer doctors were seen in the camp. Advocates and media persons are being stopped by the security to prevent the news from getting out. Voluntary organisations have also been stopped from entering the camp.
- III. Riot affected families who have returned to their homes are most insecure as the security in these areas of the police/CRPF is visibly missing. The communal tension continues and the victims who have returned to their homes are living in fear.
- IV. On 25.03.20, it was reported in the Indian Express that the Idgah Camp had been cleared. At Annexure A-1 is the newspaper article. Notwithstanding the two orders of the Delhi High Court dated 20.03.20 in W. P. (CrI) 665/2020 and order dated 23.03.2020 is W. P. (C) 2948/2020 (at Annexure A-2). The Government of NCT of Delhi, the Delhi Police and the Union of India forced the residents to leave and

close down the camp. Certain amounts of money were paid to the families by private parties and NGOs and some grain. Thus while making a pretence that the victims moved voluntarily, a pre planned attempt was made starting from 20.03.20 immediately after the High Court order to push people out. First the government doctors did not come to the camp at all, and so voluntary help was relied upon. The toilets began overflowing. The water supplies both for drinking and otherwise was in short supply. Despite the two orders of the High Court the garbage was not cleaned and mountains of garbage could be seen everywhere. One cannot help but feel that the willful not cleaning of the area had something to do with the fact that this was a minority area where discrimination on the basis of religion was practiced during and after the riots. A true copy of "Coronavirus: Delhi's Eidgah relief camp cleared out, riot-hit victims hunt for another shelter" published by The Indian Express, dated- 25.03.2020 is marked and annexed herewith as Annexure A-1.

A true copy of the order of Delhi High Court in W.P. (C) 2948/2020 dated 23.03.2020 is marked and annexed herewith as Annexure A-2.

A true copy of "Delhi violence victims sheltered at Idgah camp asked to vacate following Covid19" published in Business Standard dated 25.03.2020 is marked and annexed herewith as Annexure A-3.

V. When the matter was heard before the High Court on 20.03.2020, Counsel for Delhi Government agreed to the request of the petitioner that 3 more camps should be set up. He then spoke to the DCP North East who said he had no objection. Not a word was said to the court

about the forcible closure. The stand of the Delhi Government that the departure of victims was voluntary is malafide. To insist that persons took small amounts of money and some grain and left voluntarily at the very same time as the lockdown was announced by the Prime Minister is disgraceful. No transportation was available. Whatever money or grain was given by private parties was soon exhausted. Victims had to find sleeping spaces in the riot affected areas itself. The very minimum health facilities that were available came to an end and with that also water, food, counseling, beds and so on and particularly security. The victims were left to fend for themselves. All this planning was at an advanced stage and known to counsel when they argued before the Court on 20.03.2020 and 23.03.2020 and yet this information was hidden from the court. On the contrary promises were repeatedly made to the court that everything would be done. This amounts to misleading the court in the grossed possible manner.

PRAYER

4. In view of the facts stated above, it is humbly prayed that orders be made:
 - A. Directing a large contingent of cleaning staff from the East Delhi Municipal Corporation to go immediately to the area to carry out the cleaning on a war footing and continue cleaning the area and the drains twice a day.
 - B. Directing the respondents to re-open the relief camp at Idgah, Mustafabad and to provide proper food supplies, sanitation, cleaning of toilets, adequate water and security.

6

C. Directing the respondents to publically announce on television and in the Newspapers that the Idgah camp is open and all those who seek refuge there are welcome to return.

D. Directing the respondents to provide doctors and medical care immediately.

E. Restraining the respondents from preventing or interfering with the work of genuine NGOs and media persons providing assistance.

F. Directions for the security to be upgraded with immediate effect.

G. Directions for appointment of a responsible person as Court Commissioner to visit the riot affected areas and the relief camps and to make a report about the conditions and to make recommendations regarding what is needed to be done urgently.

H. Pass any other order which this Hon'ble Court may deem fit and proper to do complete justice to the matter/case.

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

Filed by



(Sneha Mukherjee)

Advocate for Petitioner

576, Masjid Road, Jangpura

New Delhi-110014

Phone: +91-9999602308

Date: 25.03.2020

Place: Delhi

7

In the High Court of Delhi at New Delhi
Civil Original Jurisdiction
C.M. of 2020
in
Writ Petition (Criminal) 665 of 2020
[Under Article 226 of the Constitution of India]

Shaikh Mujtaba Farooq &Ors

...Petitioners

Versus

Union of India &Anr

...Respondents

Affidavit

I, Shaikh Mujtaba Farooq, S/o. Abdul Wahab Shaikh, 60 aged about years,
R/o. Plot 132, Aurangabad Times Colony, Katkat Gate, Aurangabad,
Maharashtra- 431001, currently in New Delhi, hereby, solemnly affirm and
declare on oath as under:

1. That I am the Applicant in the above said case. I am fully conversant with the facts and circumstances of this case and as such I am competent to swear this affidavit.
2. That I have read and understood the contents of accompanying application on pages 1 to 4 at paras 1 to 4 and state that the same are filed under my instructions and the contents thereof are true and correct to the best of my knowledge and belief.
3. That the contents of the accompanying application are true and correct to the best to my knowledge and belief and no part of it is false.

 8
DEPONENT

VERIFICATION:

Verified at New Delhi on this the ____ day of _____ of the year 2019
that the contents of the above affidavit are true and correct to my
knowledge, that no part of it is false and that nothing material has been
concealed therefrom.


DEPONENT

ANNEXURE A-1

INDIAN EXPRESS

Wednesday, March 25, 2020

Coronavirus: Delhi's Eidgah relief camp cleared out, riot-hit victims hunt for another shelter

Authorities provided Rs. 3000 in cash and ration to last a few days to the riot-hit victims before clearing out the relief camp.

Written by Anand Mohan J, Jignasa Sinha | New Delhi | Updated: March 25, 2020 12:16:55 am

Authorities cleared out the camp, which was home for more than 600 riot victims on Tuesday. (Photo: Praveen Khanna)

Shabana Ansari has five daughters to look after and no home to return to. After riots broke out in Northeast Delhi last month, the Eidgah relief camp in Old Mustafabad has doubled up as a home to her and 600 other riot victims.

However, with the coronavirus outbreak, she and the other families are forced to look for a place to stay in 24 hours after authorities began clearing the camp.

Shabana, who has no spare clothes, ration, medicines or even a spare blanket, said, "My house is a smouldering ruin. Now I have to look for a home as they cleared out the relief camp. Where do I go with my five daughters?"

On Tuesday morning, organisers offered riot victims Rs 3,000 in cash to help pay rent and ration to last a few days and told them to look for a house. Many, however, dread going back to their homes, fearing attacks by neighbours.

Most families also claimed they haven't received money for the rent.

AAP MLA Haji Yunus told The Indian Express, "We are clearing out the camp due to coronavirus. But we are giving them ration and rented accommodation. I myself saw two families being given houses in Babu Nagar, they said they liked it."

Volunteers at the camp told The Indian Express that they have been planning on vacating it for a week since it was becoming difficult to manage healthcare and food. "Only 30-40 families are left in the camp," said Wasim, a volunteer. On Saturday, the Delhi High Court had directed the Delhi government to ensure that adequate healthcare facilities are provided at the camp within two days.

Advocate Afsha Pracha, who represents riot victims, said the "authorities should have provided healthcare services as per the High Court directions instead of clearing out people".

Like Shabana, others too are looking for a roof above their heads.

Isra (45) has been trying to get medicines for her son who has fever. She was given Rs 1,000 and five sets of clothes and told to vacate the camp. "They told me I could get infected with coronavirus and spread it around," she said. Jameela Begum (55), a widow, had fled her home after it was attacked with petrol bombs. She now has high fever and a sore throat. "Officials said I cannot go to my house for a month. It is completely destroyed," she said.

Haseena (50), a resident of Shiv Vihar, has been wearing the same clothes ever since she ran away from her house which was looted. "My native place is in Uttar Pradesh. Will they give us special trains to leave Delhi?" she asked. She said she has received compensation money from the government.

Mumtaz (40) has left the camp for her relative's house, which has a single room and no bathroom. "But they will only let me stay for a week," she said. Her house was set ablaze — the mob also made away with the jewellery she saved for her daughter — and her husband sustained acid attack injuries.

"The government gave Rs 40,000 for the injuries sustained by my husband and daughter. But we still haven't received money for our home. We filled the form two weeks ago and officials also verified everything. We haven't heard from them yet. My husband can't work because he lost his vision," said Mumtaz.

Imran Khan (32), who lived in Shiv Vihar, said volunteers told him and his family of eight to find a new place. "I worked at a printing shop, which is now burnt. Today, we left in the rain. my mother was crying, we have now found a room but the landlord will ask for money later. The government has not paid for damage to our house."

According to officials, 15 households are yet to receive compensation while the rest have been given the relief amount.

S-5.

• IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2948/2020 and CM APPL. 10244/2020

MD. AKHTAR AND ANR. Petitioners

Through: Mr. M. Shoeb Alam, Mr. Ritesh Dhar
Dubey and Mr. Mojahid Karim Khan, Advocates

versus

GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Anuj Aggarwal, ASC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

23.03.2020

%

1. The present petition has been placed before us at 2:30 PM on urgent mentioning.
2. The two petitioners, who are both residents of Eidgah Old Mustafabad Camp, have sought directions to the respondents/Govt. of NCT of Delhi, to deploy a team of qualified doctors and public health officials for screening, testing and treating residents of Eidgah Old Mustafabad Camp, particularly, in the light of the Covid-19 pandemic in Delhi. The second relief prayed for is for issuing directions to the respondents/GNCTD to deploy sanitation workers for keeping up the hygiene of the camp and the adjoining areas so as to prevent spread of any infection and/or communicable/contagious diseases.

W.P.(C) 2948/2020

Page 1 of 4

for
 23.3.2020
 COURT MASTER
 DELHI HIGH COURT
 NEW DELHI

COURT MASTER

3. Mr. Shoeb Alam, learned counsel for the petitioners submits that the petitioners and their family members have been housed at the Eidgah Old Mustafabad Camp since 02.03.2020, after violence had broken out in various places in North-East Delhi. Presently, the said Camp houses over 600 persons. He submits that the petitioners have been compelled to approach the Court for urgent relief in view of the poor health and sanitation conditions prevailing at the Camp, which is likely to result in the spread of Covid-19, besides other communicable/contagious diseases, fungal infection due to the damp surroundings and adversely impact the health of the petitioners and their family members besides other occupants of the Camp. Learned counsel refers to certain newspaper clippings that refer to the poor health conditions noted by a team of doctors, who are a part of a non-profit non-affiliated organisation working in the area.

4. Issue notice.

5. Mr. Anuj Aggarwal, learned ASC, who appears on advance copy, accepts notice and states that the much larger issue, over and above what has been raised in the present petition, relating to the prevailing conditions at Camp site, is subject matter of W.P.(CRL.) 665/2020, that was listed before a Coordinate Bench on 20.03.2020 and is now adjourned to 24.03.2020, wherein the following orders have been passed:-

“Mr. Amit Mahajan, learned Central Government Standing Counsel appearing on behalf of the Union of India, Mr. Rahul Mehra, learned Standing Counsel (Criminal) appearing on behalf of the Government of NCT of Delhi, as well as, the Delhi Police (on instructions from Mr. Dineshji Tiwari, ACP, Court Cell, Police Headquarters), as well as, Mr. Abhinav S.

W.P.(C) 2948/2020

Page 2 of 4

for

23-3-2020
COURT MASTER
DELHI HIGH COURT
NEW DELHI

7. It is therefore directed that in the event the respondent/GNCTD has so far not set up any health facility in the Eidgah Old Mustafabad Camp equipped with doctors, public health officials, equipments etc. for emergency medication, then steps in this regard shall be taken at the earliest, preferably within two days from today. Govt. of NCT of Delhi shall ensure that a team of doctors and public health officials with sufficient medicines, adequate equipments etc. visit the Camp site within 48 hours.
8. Further, adequate sanitation workers with equipments shall be deputed at the Camp site, if not already deputed, for maintaining hygiene in the area and keeping the surrounding areas clean, to avoid any infection/contagious diseases. Needful shall be done forthwith. As East Delhi Municipal Corporation under whose jurisdiction the area in question falls, has not been impleaded by the petitioners in the present petition, a copy of this order shall be furnished by the respondent/GNCTD directly to the Deputy Commissioner of the area by tomorrow, for perusal and compliance.
9. The petition is disposed of alongwith the pending application. *DASTI* to the parties under the signatures of the Court Master.

sd
HIMA KOHLI, J

sd

SUBRAMONIUM PRASAD, J

MARCH 23, 2020

rkb

W.P.(C) 2948/2020

fy
~~_____~~
23-3-2020
COURT MASTER
DELHI HIGH COURT

Page 4 of 4

Business Standard

Delhi violence victims sheltered at Idgah camp asked to vacate following Covid19.

New Delhi[India], Mar 25 (ANI): The Delhi violence victims at the Idgah relief camp in Mustafabad are unaware where they should go after they have been asked to vacate the premises in the wake of Delhi lockdown due to the coronavirus outbreak.

Haroon, 33 Years old, who was a resident of Shiv Vihar before he started staying in Idgah Camp in Mustafabad said, "We have been asked to move from Idgah camp as Delhi is under lockdown due to Coronavirus and we also agree that we should maintain distance however our only problem is we don't know where to go. We have been looted, our houses were burnt. Also here many of our identity documents, bank passbooks were either lost

or burnt. No one wants to die but tell me where shall I go? Where shall we go?"

Another resident of the Idgah camp Sufia said, "Delhi Waqf Board have asked to leave this place and go to our respective homes but do not they why we are here? Are we staying here by choice? They must tell us where we shall go in such a critical situation. First riots then Covid19, we are at a total loss now."

After they were asked to vacate the camp many staying at the camp went to look for the rented house however all of them were turned down following Coronavirus fear.

Idgah Mustafabad relief camp was set up on March 2 by Delhi government and the Waqf Board after violence in Delhi broke out which displaced the local residents in huge numbers.

With worrisome hygiene and sanitation issues, people sheltered at Idgah camp complained about the shortage of water. Moreover, during rain, the camp's dilapidated condition went from bad to worse with soaked beds and muddy water throughout the camp.

The camp has the strength to accommodate around 1000 people of which currently around 300 are staying there comprising of men, women, senior citizens, and children.

Among these many are yet to receive the compensation offered by the Delhi government to the riot victims.

People staying at the camp also complained that authority has removed most of the tents. There are altogether eight to nine tents divided between men and under which people have taken shelters.

Khaleel Mohammad, 48 told, "Government is instructing each and everyone to stay at home but the irony is we don't have a home to lock us into please tell me where shall we go? Where my four children and wife go?"

Delhi government announced lockdown from March 23 till March 31 after adopting strict social distancing and isolation measures to contain the spread of COVID19 in NCR of Delhi.

In the wake of the coronavirus outbreak, as many as 20 states and union territories have undergone complete lockdown.

With riot-hit, these victims on one hand and coronavirus pandemic on other people staying in Idgah camp are still unknown of their future be it compensation or safety.

According to the Ministry of Health and family welfare to date, 519 positive cases have been reported with nine deaths in India.

(This story has not been edited by Business Standard staff and is auto-generated from a syndicated feed.)