

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) (Criminal) No(s). 280/2026

SHAILENDRA MANI TRIPATHI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

W.P.(Cr1.) No. 279/2026 (X)

(IA No. 213827/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 215310/2026 - INTERVENTION APPLICATION and IA No. 216101/2026 - INTERVENTION/IMPLEADMENT)

W.P.(Cr1.) No. 286/2026 (PIL-W)

W.P.(Cr1.) No. 282/2026 (PIL-W)

(IA No. 215863/2026 - EX-PARTE AD-INTERIM RELIEF)

W.P.(Cr1.) No. 283/2026 (PIL-W)

W.P.(C) No. 917/2026 (PIL-W)

(IA No. 217509/2026 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 958/2026 (PIL-W)

ITEM NO. 26

Writ Petition(s) (Civil) No(s). 973/2026

ITEM NO. 29

Writ Petition(s) (Criminal) No(s). 324/2026

(IA No. 241573/2026 - APPLICATION FOR TAGGING/DETAGGING, IA No. 241569/2026 - EX-PARTE AD-INTERIM RELIEF and IA No. 241576/2026 - EXEMPTION FROM FILING O.T.)

ITEM NO. 31

Transfer Petition(s) (Criminal) No(s). 836/2026

Date : 18-08-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

HON'BLE MRS. JUSTICE V. MOHANA

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Mr. Ribhav Pande, Adv.
Mr. Madhav Aggarwal, Adv.

in Item 29

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Mr. Sharan Dev Singh Thakur, AAG
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Mr. Kartikeya Rastogi, DAG
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 Ms. Rishika, Adv.
 Mr. Kunal Mittal, Adv.
 Ms. Anindita Mitra, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. The instant batch of writ petitions brings to the fore, *inter alia*, the alleged excessive and disproportionate use of force by the police, paramilitary forces, and other security personnel against peaceful protestors assembled at Jantar Mantar, New Delhi, and at various other locations across the country.
2. As already noticed in our earlier order dated 28.07.2026, the Petitioners have, in their petitions and the affidavits filed subsequently, broadly alleged the following instances, each illustrative of the indiscriminate and excessive use of force resorted to by the police and other security personnel under the guise of crowd control:
 - i. the deployment of pellet guns against peaceful protestors, occasioning grievous and, in several instances, irreversible bodily injury;
 - ii. acts of violence perpetrated by police officials in plain clothes, thereby evading identification and accountability while inflicting harm upon the protestors;
 - iii. the use of electric batons upon protestors, resulting in injuries of a nature disproportionate to any legitimate

exercise of crowd-control measures;

- iv. the excessive and disproportionate use of force through indiscriminate lathi charges and the deployment of tear gas, often without adequate warning or provocation;
 - v. threats held out by the police to fabricate evidence and to plant incriminating material upon protestors, with the object of intimidating and deterring them from the exercise of their constitutional right to peaceful assembly and dissent; and
 - vi. acts of violence perpetrated against women and children present at such assemblies, marked by a particular callousness towards their safety and dignity.
3. In turn, it was contended by the Respondents that certain anti-social elements with serious criminal antecedents, masquerading as aggrieved students, indulged in acts of violence during the course of the said protests, resulting in violent clashes with the police, in consequence whereof the police forces have sustained grievous injuries.
4. Thus, when the matter was first taken up on 28.07.2026, this Court issued certain interim directions to the NCT of Delhi and other States regarding the coercive measures taken against protesting students. In this regard, all States and investigating authorities were directed to refrain from proceeding with such measures and to forthwith release any

children below the age of 18 years who may have been detained or arrested in connection therewith. It was, however, clarified that such protection would not extend to those with criminal antecedents, namely those accused of 'grave and heinous offences'.

5. In the same breath, this Court also directed the Respondents, as well as the police authorities, to ensure that the personal information and digital data of the protestors, collected in the course of the said protests, be preserved and not disclosed or published in the public domain.

THE NEED FOR CONSTITUTING AN INDEPENDENT COMMITTEE

6. Having regard to the allegations levelled by the Petitioners as well as the vehement contentions advanced by the Respondents, and taking into consideration the demands made by the Petitioners, this Court viewed that a *prima face* case for an independent and impartial investigation and consequentially the need to constitute a High-Powered Enquiry Committee (HPEC) for the said purpose was made out. The relevant portion of the order dated 28.07.2026, thus, reads as follows:

"4. Be that as it may, the allegations made by the petitioners, prima facie, establish a compelling case for an independent and impartial investigation into the incidents of violence. Such an investigation will adequately address the allegations presented by the family members of the police personnel, as well as the issues raised by the learned Solicitor General of India."

7. When the matter came up for hearing on 18.08.2026, this Court

clearly communicated its intent to constitute the HPEC, so as to ensure that the proceedings, and the issues to be considered therein, could be appropriately streamlined.

8. It would also be imperative to summate in this regard that, during the course of the proceedings, there was intense deliberation and elaborate submissions made before this Court by either side in respect of: (a) the constitution of the HPEC and the members comprising it; (b) the issues into which the HPEC ought to conduct an enquiry; (c) the manner in which the HPEC could assist the Court, through periodical reports; and (d) the logistics and modalities governing the functioning of the HPEC.

9. In this vein, parties on either side were requested to render their assistance to the Court and to furnish their suggestions and terms of reference in respect of the constitution of the HPEC, as well as to highlight the various issues into which such Committee could enquire.

a. The Constitution of the HPEC

10. Having given our anxious and holistic consideration to the entirety of the material placed before us along with the multitude of recommendations and propositions, we deem it appropriate and expedient, in the interest of justice, that the HPEC shall comprise:

i. Hon'ble Mr. Justice (Retd.) R. Subhash Reddy, Former Judge

of the Supreme Court of India - Chairperson;

ii. Hon'ble Mr. Justice Ravi Shankar Jha, Former Chief Justice of Punjab and Haryana High Court - Member;

iii. Hon'ble Mrs. Justice Shalinder Kaur, Former Judge of the Delhi High Court - Member;

iv. Shri Rishi Kumar Shukla, Former Director of the Central Bureau of Investigation - Member; and

v. Dr. L.R. Bishnoi, Retired Director General of Police, Meghalaya - Member;

11. This HPEC has been constituted bearing in mind a wide variety of considerations, including the individual expertise and experience of each of its members, as well as the diversity of the Committee, among other factors. We are confident that the recommendations of the HPEC will be of invaluable assistance to this Court, and the Committee will be able to undertake a comprehensive assessment of all such issues as merit due contemplation.

b. Issues to be considered by the HPEC

12. On the issues to be deliberated upon by the HPEC, the parties were afforded wide latitude to place before us their respective suggestions. Having perused the material placed on record by all the parties, we have been able to broadly segregate the issues emphasised by the Petitioners that call for consideration as follows:

i. The use of excessive force and violence against protestors

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by police authorities and other agencies, including the deployment of pellet guns, electric batons, lathi charges, and tear gas without adequate warning or proportionality, resulting in severe bodily harm and injuries, some of which are alleged to be of a grievous and lasting nature;

- ii. The question of ensuring a proportionate and measured police response during protests, public gatherings, and peaceful assemblies, so as to strike an appropriate balance between the maintenance of public order and the constitutional right to peaceful dissent;
- iii. The desirability of banning the use of metallic kinetic projectiles or pellets fired from pump-action rifles or projectile-action guns, having regard to the grave and, at times, irreversible bodily harm occasioned by their deployment against protestors;
- iv. The necessity of ensuring that police and security personnel wear proper uniforms and visible nameplates at the time of effecting arrests or using force during crowd-control operations, so as to secure accountability and enable the identification of individual officers;
- v. An enquiry into the allegations pertaining to the monitoring and surveillance of protestors by police personnel, and the extent to which such measures, if undertaken, were consistent with the protestors' constitutional rights to privacy and free assembly
- vi. The alleged incidents of targeted violence, harassment, molestation and/or any secondary victimisation directed

against female protestors, which, given the gravity and sensitivity of the allegations, warrant a focused and expeditious enquiry;

vii. The provision of medical and other requisite support, including award of compensation, to victims of alleged police abuse, including the manner and adequacy of such support extended thus far;

viii. Regulation of the issuance of blanket prohibitory orders under Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023, so as to prevent their use as a routine or pre-emptive measure that forecloses the exercise of the right to peaceful assembly rather than as a genuine, proportionate response to a real and imminent threat to public order; and

ix. The establishment of strict constitutional thresholds and safeguards to prevent Section 152 of the Bharatiya Nyaya Sanhita, 2023 from being invoked as an instrument to stifle political dissent and peaceful protest, thereby ensuring that the provision remains confined to its intended purpose and is not permitted to operate as a chilling restraint upon constitutionally protected speech and assembly.

13. Similarly, the Respondents have also placed on record their own grievances, and submitted that the HPEC so constituted ought to consider the following issues:

i. The alleged use of force and violence by protestors against police officials and other security personnel, which,

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according to the Respondents, has been understated in the narrative advanced by the Petitioners and warrants an equally rigorous and unbiased examination;

ii. The damage occasioned to public property on account of the actions of the protestors during the course of the said demonstrations, including the destruction of and injury caused to government installations, vehicles, and other assets belonging to the State and to private citizens alike; and

iii. The injuries sustained by the police forces in the course of discharging their duties, as well as the consequent mental and emotional trauma borne by their kith and kin merits due recognition and consideration on a par with the grievances raised by the Petitioners.

14. In our opinion, all of the issues enumerated hereinabove merit analysis by the HPEC, upon due consideration of the material and submissions placed before it by the parties. The HPEC is also at liberty to consider any other issues incidental thereto, as it may so deem fit.

15. It goes without saying that the HPEC constituted by us shall be empowered to enlist the assistance of forensic, technical, and domain experts in the course of its enquiry, should it view it necessary so to do.

c. Manner in which the HPEC ought to deliberate on the
aforementioned issues

16. Taking into account the catena of issues raised herein, and keeping in view the seriousness and gravity of some of the issues so outlined, we deem it appropriate to clarify, as a matter of abundant caution, that the enquiry undertaken by the HPEC shall not be a one-time exercise. Rather, the Committee shall undertake a continuous and periodic assessment of the issues enumerated hereinabove, and shall submit its interim findings periodically so as to enable this Court to take appropriate measures and issue such directions as may be warranted.
17. This Court, on the basis of the dialogue undertaken with the parties on either side, would recommend that the HPEC address certain issues on a priority basis, foremost amongst which is the matter relating to the alleged incidents of targeted violence, harassment, and molestation of female protestors, as encapsulated in item (vi) of paragraph 12 hereinabove, bearing in mind the sensitivity attendant upon the issues contained therein.
18. Similarly, the HPEC may also assess the grievous harm and injury allegedly caused to protestors by police authorities and security personnel, as encapsulated in item (i) of paragraph 12 and investigate aspects such as the chain of command resulting in such excesses, those responsible for such actions and

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whether there were any breaches of any of the existing laws, rules or norms in exercising such force. Additionally, the HPEC may also examine issues pertaining to the grant of interim compensation to those injured on either side, whether police personnel or protestors, as provided in item (vii) of paragraph 12, as well as item (iii) of paragraph 13.

19. At this juncture, we consider it necessary to enter a caveat that the broader constitutional questions arising herein shall be dealt with by this Court in due course, after hearing the contentions advanced by either side. These are matters that call for a measure of judicial nuance and circumspection, and merit determination by this Court only upon a careful consideration of the submissions advanced before it.
20. The parties are, accordingly, granted liberty to approach the HPEC and submit such relevant material, documentary evidence, and suggestions as they may deem fit, in such manner as may be decided by the HPEC through its Chairperson. Liberty is also granted to complaints, representations and material to be provided anonymously so that the identity of the complainants and witnesses are protected.
21. Further, and with a view to consolidating and streamlining the process before us, as also to establish a clear and abiding conduit of communication between this Court, the HPEC, and all stakeholders concerned, we deem it appropriate to appoint the following counsel as nodal officers in this matter:

- i. Ms. Ashima Mandla, Advocate-on-Record (+91 9999720092) and Mr. Daksh Kadian, Advocate (+91 9465979398) on behalf of the Petitioners;
- ii. Ms. Astha Singh, Advocate-on-Record (+91 9909792652) on behalf of the Respondents.
22. We also deem it necessary, for clarity, to direct that the Police Authorities, Para-Military Forces, and other Investigating Agencies, who were directed vide order dated 28.07.2026, preserve all CCTV footage, drone footage, body-worn camera recordings, videography, wireless communication records, and PCR call logs pertaining to the student protests, furnish the entire record to the HPEC and extend their full cooperation.
23. It is further clarified that the constitution of the HPEC by us shall in no way deter or debar the Police authorities or other security forces from taking administrative or disciplinary action against such of their officers as may be found to be in contravention of the rules governing their conduct.
- d. Logistics and modalities governing the functioning of the HPEC
24. The Union of India is directed to provide such honorarium, perks and facilities to the Chairperson as may be commensurate to a sitting Supreme Court, including the provision of transit stay in New Delhi.
25. The Members of the HPEC shall be paid such honorarium, for

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their valuable time and effort, as may be determined/suggested by the Chairperson, the funds whereof shall be provided by the Union of India.

26. The HPEC shall employ a Member Secretary as may be chosen by the Learned Chairperson. Similarly, requisite secretarial assistance shall be made available by the Union of India forthwith as per the requirements of the HPEC.
27. We request the HPEC to complete its inquiry and deliberations on the issues encapsulated in (i) and (vi) of Paragraph 12 and submit its 'First Interim Report' at the earliest.
28. Meanwhile, issue notice in all fresh matters, returnable on 10.09.2026.
29. Let, notice also be issued in I.A. Nos. 218078/2026 and 223792/2026 (in W.P. (Criminal) No. 280/2026) and I.A. No. 242559/2026 (in W.P. (Civil) No. 917/2026).
30. Ordered accordingly.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR