

**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION (C) NOS.6950-6953/2024

STATE OF HARYANA & ANR.

PETITIONERS

VERSUS

UDAY PRATAP SINGH & ORS.

RESPONDENTS

WITH

SPECIAL LEAVE PETITION (C) NOS.15407-15410/2024

O R D E R

1. These proceedings have originated out of an interlocutory order dated 10.07.24 passed by a Division Bench of Punjab and Haryana High Court in exercise of its PIL jurisdiction. The Writ Petitioner before the High Court has invoked the PIL jurisdiction, inter alia, seeking directions to the States of Punjab and Haryana and Union of India to remove restrictions on farmers' protest, with a further direction to ensure that all National Highways and railway tracks are not blocked by the agitating farmers and that the States and the Union should ensure smooth passage for general public. The PIL petition was filed in the wake of "Delhi Chalo protest" initiated by the farmers of Punjab and Haryana on 13th

February, 2024. It seems that it was in January 2024 that the farmers had prepared to march towards Delhi and it was at that point of time that prohibition orders were imposed to stop the movement of tractors/trolleys on the National Highways. The police forces were deployed for maintaining the law and order at Shambu Border on Punjab and Haryana boundary.

2. It was alleged that initially there were 15000-20000 agitators who gathered near the above stated Border, equipped with weapons; modified tractors/JCB/proclaim etc. It was further stated that the agitation by the Kisan Unions was aggressive and despite repeated warnings by the Administration, they were hell-bent on flouting the law and order.

3. The agitation was unfortunately marred with incidents of violence on 13th February, 2024, 14th February, 2024 and 21st February, 2024. One of the agitators, Shubh Karan lost his life also.

4. We are consciously not referring to the details of the violent incidents as these incidents are under investigation and some of the related issues are being

scrutinized by a Committee headed by a learned former Judge of the High Court. That Committee which was constituted by the Division Bench of the High Court in these very proceedings vide its order dated 7th March, 2024.

5. The interlocutory Order dated July 10, 2024 which is the subject matter of challenge before us, inter alia, contains the directions to the States of Punjab & Haryana - (i) to open at least the barricades at Shambu Border within a week so as to relieve the general public of inconvenience; (ii) The States should, however, take effective steps to maintain the law and order situation against the protestors if they exceed the limit set down by the State; (iii) All the Kisan Unions were directed to maintain the law and order; (iv) State of Punjab shall ensure that the demonstrators gathered in their territories are duly controlled; (v) Both the States should endeavour that the Sambhu Border and Highway stand for its original glory and is open for one and all; (vi) The border should open for the convenience of public; (vii) The State of Punjab shall remove the obstructions on the highway to ensure free flow of traffic etc.

6. When the matter came up for hearing before a 3-

Judge Bench of this Court on 20th July, 2024, learned Solicitor General of India appeared on behalf of State of Haryana. Learned Advocate General of Punjab was also present, besides other Senior Counsels/counselors for various parties. We impressed upon them to seek instructions regarding "constitution of an independent Committee comprising such eminent persons, who are able to reach out to the agitating farmers" and who could also impress upon the States and the Union of India or other stakeholders to find out some viable solutions to the issues raised by the agitating farmers to the extent such issues were found to be "just, fair, feasible, and most importantly, in the interest of one and all".

7. This Court also permitted the States to suggest the names of suitable persons for constitution of the proposed Committee.

8. On 12th August, 2024, the States of Punjab and Haryana put forward a few names for the purposes of constitution of the Committee indicated in our order dated 2nd August, 2024. Since the States were likely to suggest some more names besides other modalities, the matter was ordered to be heard on 22nd August, 2024 and in the meanwhile a direction was issued to the Director

Generals of Police of both the States to hold a joint meeting along with the police and civil administration of Districts of Patiala (Punjab) and Ambala (Haryana). In that meeting, the modalities for opening of the National Highways initially for the purposes of providing essential services, ambulance, health services to senior citizens, women, young students, and daily commuters of the nearby areas, were ordered to be resolved.

9. This Court was apprised on 22nd August, 2024 that the above directed meeting had taken place and the police authorities of the States have also interacted with the agitating farmers so as to persuade them to open the National Highway partially.

10. Since both the States have readily consented to the constitution of a Committee of eminent persons in terms of our Order dated 24th July, 2024, we further impressed upon them to also suggest the proposed issues to be referred to the Committee. Meanwhile, the representatives of the State Governments were directed to continue the dialogue with the farmers.

11. In deference to the abovementioned orders, the States of Punjab and Haryana have suggested the names for

constitution of the Committee and have also suggested some issues, which according to them, can be referred for consideration to the Committee.

12. We may, at the outset, mention that all the names suggested by the States of Punjab and Haryana are eminent, distinct in their respective fields and are above board. They are persons of high integrity with a dedicated commitment to the field of their specialisation, with special expertise in the field of agriculture and firsthand knowledge of the hardships being experienced by the rural people including farmers. We may hasten to add that there is a sizeable population of non-agriculture communities in the States of Punjab and Haryana - largely belong to the marginalized sections of the society and live below the poverty line. Most of them are the strength and backbone of agricultural activities in their villages/areas. We acknowledge their contribution towards the agricultural growth and are of the view that their legitimate aspirations, if not enforceable rights, also deserve empathy and due consideration by the Committee, while examining the larger issues which are confronting the farming community in the States of Punjab and Haryana.

13. Firstly, on the suggestions given by both the States, we constitute the High-powered Committee comprising the followings:

I. Justice (Retd.) Nawab Singh, Former Judge of Punjab and Haryana High Court - Chairperson;

II. Shri B.S. Sandhu, IPS (Retd.) former Director General of Police, Haryana, who otherwise hails from the State of Punjab - Member

III. Sri Devinder Sharma, Resident of House No. 273, Sector 54, Mohali - Member;

IV. Prof. Ranjit Singh Ghumman, Prof. of Eminence at GNDU, Amritsar (Punjab) and Prof. (Economics) at CRRID - Member; and

V. Dr. Sukhpal Singh, Agricultural Economist, Punjab Agricultural University, Ludhiana -- Member

14. We may hasten to clarify that Prof. Baldev Raj Kamboj, Vice-Chancellor, CCS, Haryana Agricultural University, Hisar, is an outstanding eminent Agriculture Scientist and highly suitable for the arduous nature of duties entrusted to the High-powered Committee. However, owing to his current responsibility of managing a University of national repute as its administrative head, it might not be expedient to direct his attention and energy as a wholetime member of the High-powered Committee. We, therefore, deem it appropriate to impress upon the Chairperson of the High-powered Committee to ask Prof. Kamboj's presence as a Special Invitee to the High-powered Committee as and when his expert opinion is

necessitated.

15. The Ld. Chairperson may appoint a Member Secretary to the High-powered Committee for the purpose of coordinating amongst the members of the Committee, convening the meetings and maintaining records, etc.

16. Though we were earlier of the tentative opinion to identify the issues for consideration of the High-powered Committee. However, on a reconsideration, we feel that it will be more appropriate to firstly request the High-Powered Committee to formulate the issues that may arise for its consideration. For this, the Chairperson of the Committee is requested to convene the meeting within a week. Both the States of Punjab and Haryana shall be at liberty to give their suggestions to the Committee.

17. The Member Secretary of the Committee shall place on record the proposed issues for which the High-powered Committee may also consider the scope of its delineation.

18. However, the High-powered Committee is requested to meanwhile reach out to the agitating farmers at the

Shambu border to impress upon them to immediately remove their tractors/trolleys, tents and other accessories etc. from and near the National Highway so as to enable the civil and police administration of both the States to open the National Highway for the purposes illustrated in para-2 of our Order dated 12th August, 2024.

19. We hope and trust that the one of the major demands of the agitating farmers regarding constitution of a neutral High-powered Committee having been accepted with the consent of both the States, they will immediately respond to the request of the High-powered Committee and will vacate the Shambu border or the other roads connecting the two States without any delay. This gesture will provide huge relief to the general public who are facing extreme hardships due to the blockade of the Highways. It will also facilitate the High-powered Committee and both the States to consider the farmers genuine and just demands in a dispassionate and objective manner. We caution the agitating farmers to keep themselves at a safe distance from the political parties, political issues, and not to insist on such demands which are not feasible to be accepted outrightly. In other words, all their issues will be considered in a phased manner by this Court after taking into consideration the recommendations that may be made by the High-powered

Committee in due course of time.

20. It may be also brought on record that both the State Governments are on affidavit in terms whereof alternative sites for continuing with a peaceful agitation by the agitated farmers have been earmarked. They shall, therefore, be at liberty to shift the venue of their peaceful agitation to such allocated sites.

21. The Chief Secretaries and Director Generals of Police of both the States are directed to provide all the logistic support, vehicles and other infrastructural facilities as may be required by the High-powered Committee to swing into action. In this regard, the Chief Secretaries and Director Generals of Polices of both the States are directed to consult the Chairperson of the High-powered Committee and do the needful.

22. The ancillary issues like honorarium to be paid to the Chairperson and Members of the High-powered Committee, keeping in view the volume of the work entrusted to them or the apportionment of the expenditure between the two States, will be considered by us in consultation with the Chairperson and Members of the High-powered Committee and both the State Governments.

23. Post these matters for further consideration on 14.10.2024.

24. The Member Secretary of the High-powered Committee shall meanwhile place on record the interim status report with advance copies to both the State Governments.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

New Delhi;
September 02, 2024

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).6950-6953/2024

(Arising out of impugned final judgment and order dated 07-03-2024 in CWP-(PIL) No.29/2024 07-03-2024 in CWP-(PIL) No. 30/2024 07-03-2024 in CWP-(PIL) No. 36/2024 07-03-2024 in CWP-(PIL) No.42/2024 passed by the High Court Of Punjab & Haryana At Chandigarh)

STATE OF HARYANA & ANR.

Petitioner(s)

VERSUS

UDAY PRATAP SINGH & ORS.

Respondent(s)

(IA No. 69901/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 69903/2024 - EXEMPTION FROM FILING O.T., IA No.150415/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 93491/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 15407-15410/2024 (IV-B)

(IA No.152875/2024-INTERVENTION APPLICATION and IA No.150798/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-09-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Bk Satija, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Madhav Sinhal, Adv.
Mr. Samyak Jain, Adv.
Ms. Himanshi Shakya, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.

Mr. Tushar Mehta, Solicitor General
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Madhav Sinhal, Adv.
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Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.

For Respondent(s) Mr. Uday Pratap Singh, Adv.
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Mr. Gurbhej Aulakh, Adv.
Ms. Savita Devi, Adv.

Mr. Aadil Singh Boparai, Adv.
Mr. Sumer Singh Boparai, Adv.
Ms. Srishti Khanna, Adv.
Mr. Abhishek Dubey, Adv.
Mr. Amarjeet Singh, AOR

Mr. Pardeep Kumar Rapria, Adv.
Mr. Paras Nath Singh, AOR
Mr. Rizwan Ahmad, Adv.
Mr. Shakeel Ahmad, Adv.
Mr. Pankaj Sheoran, Adv.

Mr. Guru Krishnakumar, Sr. Adv.
Mr. Rahul Khurana, AOR

Mr. Gurminder Singh Ag Punjab, Sr. Adv.
Mr. Mohd Irshaad, A.A.G.
Mr. Mohd Irsaad, A.A.G.
Mr. Siddhant Sharma, AOR

Mr. Tushar Manohar Khairnar, AOR
Mr. Vasu Ranjan Shandilya, Adv.
Ms. Priti Parmar, Adv.

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

1. In terms of the signed order a High-powered Committee has been constituted.
2. List the special leave petitions on 14.10.2024.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(POOJA SHARMA)
COURT MASTER (NSH)