

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)

I.A NO. _____ OF 2016
IN

Writ Petition (Civil) No. 678 of 2013

IN THE MATTER OF:

Common Cause	Petitioner
Versus		
Union of India & Anr.	Respondents

Application for Direction on behalf of the Petitioner

1. The accompanying writ petition has been filed by the petitioner praying this Hon'ble Court to:

a. issue a writ of mandamus or any other appropriate writ or direction of similar nature against Union of India for initiating steps for the removal of Respondent No. 2 as Chairperson of NHRC by making a reference to this Hon'ble Court under Section 5(2) of the Protection of Human Rights Act, 1993 for holding an inquiry against Respondent No. 2; and/or

b. pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

2. In the writ petition, the petitioner had pointed out with detailed evidence against Respondent No. 2 about alleged amassment of benami properties & disproportionate assets in the names of his

relatives and associates. In this regard the petitioner had sought his removal as the Chairperson as NHRC.

3. The entire details of the benami properties worth crores having been acquired by the kin of Respondent No. 2 beyond their known sources of income has been laid out in detail in the accompanying writ petition (Annexure P4 to Annexure P24 of WP). A compilation table of all properties owned by the kin of Respondent No. 2 is annexed with the accompanying writ petition as Annexure P25.
4. In this regard the petitioner had filed the accompanying writ petition with a prayer for direction to Union of India for initiating steps for the removal of Respondent No. 2 as Chairperson of NHRC by making a reference to this Hon'ble Court under Section 5(2) of the Protection of Human Rights Act, 1993 for holding an inquiry against Respondent No. 2.
5. However, the tenure of Respondent No. 2 as the Chairman of National Human Rights Commission came to an end on 11.05.2015 and therefore, the aforementioned prayer ('a') no longer survives. On the basis of the same facts as stated in the accompanying writ petition, the petitioner requests this Hon'ble Court to allow for the substitution of the existing prayer ('a') with the following prayer:

“issue a writ of mandamus or any other appropriate writ directing an independent investigation by an SIT or the CBI into the alleged possession of disproportionate assets by Respondent No. 2.”

6. In light of the incriminating evidence against Respondent No. 2 who has held some of the most important public posts in the country, the petitioner requests this Hon'ble Court to add the following additional grounds to be treated as part of the main writ petition in addition to the 'Grounds' already pleaded in the writ-petition:

A. Because Respondent No. 2 has held very important public posts such as that of Chief Justice of India and as Chairman, National Human Rights Commission and if there is evidence of disproportionate assets against him, it must be independently investigated.

B. Because an institution such as the National Human Rights Commission which is independent of government control must demonstrate the highest standards of conduct and integrity to be associated with its members and especially from its top most post such as the Chairman. That fact that despite serious allegations of misconduct and disproportionate assets against the Respondent No. 2, he was allowed to complete his term and no enquiry was conducted into the said allegations itself calls for an independent enquiry.

C. Because even though Respondent No. 2 has retired from the post of Chairman, National Human Rights Commission, the alleged issue of disproportionate assets and misconduct of Respondent No. 2 is a matter of grave importance and needs to be thoroughly investigated in the interest of justice.

D. That the prevailing corruption in high places violates the right to clean and corruption free environment, which is a violation of rule of law and Articles 14 and 21 of the Constitution.

PRAYER

In these circumstances the Petitioner prays that your Lordship may be pleased to pass the following ad-interim order:-

- a) Direct that the 'Prayer' stated in paragraph 5 of this application be treated as the 'Prayer' No. ('a') of the Writ Petition in substitution of the existing prayer, and also that the 'Grounds' stated in paragraph 6 of this application be treated as part of the Writ Petition in addition to the 'Grounds' already pleaded in the Writ Petition.
- b) Any other writ, order or direction this court may deem fit and proper under the facts and circumstances of this case.

PETITIONER THROUGH:

PRASHANT BHUSHAN

DATE: .01.2016

COUNSEL FOR THE PETITIONER

NEW DELHI