

# WORK REPORT (Aug-Dec 22)

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**31<sup>ST</sup> DEC 2022**

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**NNF NYAY NEETI FOUNDATION**  
**[www.nyayneetifoundation.org](http://www.nyayneetifoundation.org)**

*\*The work report is for internal circulation only*



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## **I. Introduction**

NNF Nyay Neeti Foundation started its journey on 1<sup>st</sup> August 2022 with overwhelming support from our Legal fraternity including Senior Advocates, Advocates and other well-wishers. The Foundation strives to achieve the wider goal of effectuating our constitutional ambition primarily through giving quality and efficient legal support to the marginalized and other disadvantaged groups, with aid and assistance from members of the bar and other concerned citizens and organizations. NNF Nyay Neeti Foundation is currently limited to litigation and fact-finding in collaboration with other civil society organizations. The foundation has started its litigation wing called “Lawyers’ Alliance” with three lawyers and a court clerk.

From August, 2022 to December, 2022, NNF appeared in 15 cases, representing over 210 people before the Supreme Court, the Delhi High Court, District Court and the Labour Court. The issues included stay on eviction of slum dwellers residing at different slum colonies like Mehrauli, Mangolpuri, Gyaspur, Shahadara in Delhi and Jogeshwari in Mumbai. In many of these cases, demolitions were carried out illegally, without adequate notice and rehabilitation, rendering hundreds of people homeless, including children, elderly, pregnant and lactating women during the monsoon and severe winter. In Aftab Alam, eviction notice was served to a family where 4 members were physically disabled, with nowhere else to go. Most of the slum dwellers are Dalits or scheduled tribes. In Chote Lal, we appeared before DHC, seeking opening of anganwadi center at chilla khadar slum, and also sought filling of vacant positions of ASHA workers throughout Delhi in a time bound manner. In Lenin, we challenged the HC order upholding illegal termination of the petitioner; in Munisha, we appeared for the wife of a deceased employee, who sought a compensation of 12 lakhs.

In Akanksha, petitioner was a man who had abused, assaulted and exploited the respondent for an extended period of time, and the petitioner filed a restitution petition. NNF appeared for the women and got the petition dismissed. In Shambhavi, NNF appeared for two women, who were physically assaulted by the accused as a result of an altercation over metro seats reserved for women. In Bijayani, we challenged the bail granted to the accused where he was charged with kidnapping and murdering of the petitioner’s mother.

Apart from litigation, NNF also organized meetings with the communities of waste pickers at Jahangirpuri, Bhalaswa and Bhowapur where more than 150 people participated. Major grievance of the waste pickers was lack of space for segregation of waste, food, sanitation, health and lack of livelihood amongst others. There was also harassment by police, and obstruction, abuse and physical assault by the private goons of the waste pickers. Further, NNF conducted fact finding at fatehpur beri where more than 25 houses were forcefully demolished without notice and our team also visited Mehrauli where DDA had served an eviction notice to more than 30,000-40,000 residents. NNF also assisted a women in drafting of the detailed complaint to be sent to ICC who suffered sexual harassment

at workplace. NNF also intervened in a matter where a student suffering from cerebral palsy (74%) was not allowed registration at Medical Council of India even after getting an order from Nagpur High Court. NNF approached the Medical Council of India, and got the student registered. **Details of the cases discussed above is in the table below at page 3 onwards.**

## **I. Mission**

NNF has a broad vision to accomplish the constitutional ethos enshrined in the Constitution of India by our Constitutional makers. To enable constitutional values we are bound to provide the following assistance to the public with the support of people like you:

- To disseminate awareness of human rights and Indian constitutional ethos.
- To enable free and quality legal aid to the marginalized & low-income groups of the country.
- To promote constitutional literacy amongst the citizens.
- To advise and assist civil liberty organizations and governments in reviewing legislation, policy, and ensure human rights are upheld.
- To undertake legal action to promote or protect the human rights of the people in need.
- To provide legal support to the ground movements in defence of the Constitution of India.
- To uphold the Constitution of India
- To provide training to young lawyers, students, researchers or public-spirited citizens who are from the Minority, Dalit, Tribal and other deprived communities passionate about working in the defense of constitutional ethos.
- To provide free courses and training for Law Students/first-Generation Lawyers/Researchers in the field of law and other individuals who fight for social justice and constitutional ethos.
- To provide cost-effective legal aid/ opinion to the economically weaker section and low-income groups of the society. To conduct research, data collection, and field reports on human rights issues.
- To provide free and effective legal aid to the poor and marginalized under-trials/convicted prisoners.
- To conduct policy research on various Socio-Legal issues.
- To help government institutions in the implementation of governmental and other Social-Welfare schemes & Welfare Legislations.
- To publish Digital-Print Fact-Finding/Research reports assisting Legislators in the process of policy-making.

### III. Litigation

#### List of cases filed

Sn	Cause Title & No	Forum	Facts	Status
1.	Anusha Tarasam v. MMRDA, SLP DD No.22598 of 2022	Supreme Court of India	More than 120 families, residing in the slum colony at Jogeshwari Railway Station, Mumbai for over 10 years, were evicted by the MMRDA for the construction of a metro line. The petition seeks rehabilitation as all the petitioners have documentary proof and hence are eligible for rehabilitation under the Resettlement and Rehabilitation Policy for Mumbai Urban Transport Project (MUTP), 2000. Petitioners are daily wage workers employed as sanitation workers, construction workers and rag pickers. (Right to Housing)	Pending
2.	Aftab Alam & Ors v. DDA & Ors, WP(C) No.11650 of 2022	Delhi High Court	This petition was filed challenging the action of DDA, who threatened to demolish the houses of the petitioners, without notice and rehabilitation. Petitioners were residing at Mehrauli since 2001. Petitioner no.1 is physically disabled with 85% permanently disability in relation to his whole body and is engaged in selling tea at GandhakkiBaoli, Mehrauli. Petitioner no.1 also the president of Hind YuvaDivyangMehrauli Society, an organisation working for the welfare of physically disabled persons by providing them with wheelchairs, assistance in getting widow	Disposed off. Court directed DUSIB to decide whether they will rehabilitate the petitioners after giving petitioners a hearing, and further, directed DDA to maintain status quo till the matter is decided by DUSIB. Currently,

			pension, computer course for children, and distribution of ration during covid-19 pandemic with the help of civil society organisations. Petitioner no.2 is also physically disabled with 69% permanent disability in relation to his left leg and is also engaged in selling tea. Petitioner no.3 is a housewife, and her two daughters are also physically disabled; her daughter Arshadi, aged 22 years, has 75% permanent physical disability in relation to her whole body, and Saheen Parveen, aged 20 has 90% permanent physical disability in relation to her both upper limbs and both lower limbs. (Right to Housing)	matter is pending before DUSIB.
3.	Praveen Kumar &Ors v. PWD &Ors, WP(C) No.12048 of 2022	Delhi High Court	This writ petition was filed challenging the order of the SDM Rohini, dated 16.08.2022, ordering demolition of petitioner's houses at Furniture Market Mangolpuri to BudhVihar & Y-Block Mangolpuri Kanjhawala Road Delhi-110085 without rehabilitation and in violation of article 21 of the Constitution of India, 1950 and various judgments of this Hon'ble Court and the Hon'ble Supreme Court. Twenty five families, belonging from the GadiaLohar Community are residing at the colony for more than 30 years. (Right to Housing)	Directed DUSIB to file reply.
4.	Mohd. Sahid v. DDA, CM No.38810 and 38141 of 2022 in	Delhi High Court	This application for impleadment and direction was filed, seeking rehabilitation of about 27 families, residing at the Gyaspur Slum Colony. Applicant's houses were	Notice issued. Pending.

	WP(C) No.9628 of 2022		demolished by DDA as per the order of the High Court. Applicant's case is that they are eligible for rehabilitation under the 2015 policy of DUSIB and the order for demolition was obtained by the DDA and DUSIB under false pretexts. (Right to Housing)	
5.	Lenin Kumar Ray v. M/s Express Publications (Madurai) Ltd, SLP(C) DD No.28171 of 2022	Supreme Court of India	In 2003, Petitioner was working as an assistant engineer at Indian Express in Odisha, when his services were terminated by the express, shortly after the Petitioner raised his voice in a meeting for the regularisation of his fellow workmen. A case was filed challenging the order of termination, where labour court passed an order in favour of the petitioner. Express challenged the order of the Labour Court in High Court of Odisha, where the order of termination was upheld. Hence, this SLP was filed.	Pending
6.	Lakshmi S. v. Vivek R. TP. DD No.18499/2022	Supreme Court	This petition was filed seeking transfer of the petition No. HMOP 732 of 2021, filed under section 9 of the Hindu Marriage Act, 1955 before the Court of Subordinate Judge at Poornamalle, Chennai, Tamil Nadu, by the husband of the petitioner/respondent, seeking Restitution of conjugal rights. Petitioner left for her paternal home after being constantly harassed, physically and mentally tortured on account of her dowry being judged as insufficient by the Respondent and his family.	Pending



7.	Manoj Kumar &Ors v. North Delhi Municipal Corporation, WP(C) No.14442/2022	Delhi High Court	This petition was filed challenging clause 2(a)(i) of the Delhi Slum & JJ Rehabilitation and Relocation Policy (Part-A), 2015, to the extent it required a slum dweller to be residing in a Jhuggi Jhopri Basti, to be eligible for rehabilitation. It was averred that any person belonging from the socio-economic weaker section, and residing in Delhi for a long time, should be considered eligible for rehabilitation. Further, this petition challenged section 2(g)(iii) of the Delhi Urban Shelter Improvement Board Act, 2010 to the extent it restricts the number of households to 50 to be called a 'JhuggiJhopriBasti'. This petition further challenged the demolition drive conducted by respondent no.1, North Delhi Municipal Corporation (NDMC) of the petitioners houses at Janta Colony, Naveen Shahdara, North East Delhi, Delhi-110032 on 20.9.2022 without notice and rehabilitation and in violation of article 14, 19 and 21 of the Constitution of India, 1950 and various judgments of this Hon'ble Court and the Hon'ble Supreme Court.	Petition was withdrawn with liberty to approach single judge.
8.	Manoj Kumar &Ors v. North Delhi Municipal Corporation,	Delhi High Court	This petition is filed challenging the demolition drive conducted by respondent no.2, North Delhi Municipal Corporation (NDMC) of the petitioner's houses at Janta Colony, Naveen Shahdara, North East Delhi,	Petition was dismissed on the ground that the petitioner's houses were not in the list



	WP(C) No.14781/ 2022		Delhi-110032 on 20.9.2022, without notice. On 20.9.2022, officials of the NDMC along with the police and bulldozers visited the petitioners and forcefully dragged the petitioners out of their houses and 14 houses were fully demolished by the NDMC. Petitioners including women, children and the elderly were rendered homeless and they are now residing in open. Further, two pregnant women, one with 8 and the other with 9 months of labour, required immediate basic facilities.	of DUSIB for rehabilitation and that the houses were less than 50 to be eligible for rehabilitation. (order in challenge)
9.	Bijayani Mishra v. Basanta Panda, SLP(Cr) DD No.31715/2022	Supreme Court of India	This petition was filed challenging the order of the High Court of Odisha at Cuttack, wherein bail was granted to the accused. On 9.6.2011, mother of the petitioner was kidnapped and murdered by the accused. The High Court granted bail ignoring the fact that the most crucial witnesses in the matter are yet to be examined. Furthermore, the accused was hiding for about 8 years under a false identity before he was arrested. The accused and his family were threatening the witnesses and also offering them money.	Dismissed since the bail was granted for only 3 months.
10.	Aftab Alam&Ors v. DDA &Ors, WP(C) No.11650 of 2022	Delhi High Court	This petition was filed challenging the order of DUSIB, rejecting the case of the petitioner for rehabilitation. Further, this petition challenged the notice dated 12.12.2022 of	Dismissed holding that since petitioners were not part of a slum

			DDA, who threatened to demolish the houses of the petitioners, without notice and rehabilitation. Petitioners were residing at Mehrauli since 2001. Petitioner no.1 is physically disabled with 85% permanently disability in relation to his whole body and is engaged in selling tea at GandhakkiBaoli, Mehrauli. Petitioner no.1 also the president of Hind YuvaDivyangMehrauli Society, an organisation working for the welfare of physically disabled persons by providing them with wheelchairs, assistance in getting widow pension, computer course for children, and distribution of ration during covid-19 pandemic with the help of civil society organisations. Petitioner no.2 is also physically disabled with 69% permanent disability in relation to his left leg and is also engaged in selling tea. Petitioner no.3 is a housewife, and her two daughters are also physically disabled; her daughter Arshadi, aged 22 years, has 75% permanent physical disability in relation to her whole body, and SaheenParveen, aged 20 has 90% permanent physical disability in relation to her both upper limbs and both lower limbs. (Right to Housing)	cluster, they cannot claim benefit under the 2015 rehabilitation policy of DUSIB, however, Court granted time to vacate the premises by 31.1.2023.
11.	Mohd. Isreal & Ors. Vs. DDA & Anr.	Delhi High Court	This Writ Petition was filed impugning notices pasted by the DDA on the Petitioners' residence claiming that the property should be vacated as they intended to demolish the	Dismissed. The Hon'ble Single judge was of the Opinon that since

	[WP(C) No.17520/ 2022]		same in the middle of the harsh winter. The Petitioners are slum dwellers who live in the houses with their families and in some cases, their extended families. The DDA itself however admits that there was a stay operating in relation to certain areas in which the Petitioners were residing.	some of the Petitioners were caretakers, they had no right to stay in the premises if the DDA wanted to renovate/demolish the space.
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**Pending matters for which appearances were made**

Sn	Cause Title & No	Forum	Particulars	Status
1.	Chhote Lal v. Govt of NCT of Delhi, WP(C) No.10846 of 2015	Delhi High Court	14.12.2022: This Public Interest Litigation was filed in 2015 seeking appointment of 2 ASHA workers at Chilla Khadar slum colony which was non-existent at the time, further the petition sought basic medications like ORS packets, paracetamol tablets, Iron and Folic Acid, baby suspension weighing machines, baby blankets, warm bag torch, etc. The petition also sought a direction to the Delhi Govt. to fill the ASHA vacancies in a time bound manner. Pleadings complete, matter listed for final arguments.	The matter could not reach. Pending
2.	Bahai House of worship Vs. Smt. Munisha	Delhi High Court	16.12.2022: The Present matter was an employee's compensation award of Rs. 12 Lakhs approximately, that was directed by	Dismissed. The Hon'ble Single judge directed the

	[FAO 506/2018]		the Labour Commissioner to be paid to the Employee's wife (the Respondent herein) since he died of over-exertion in service. The matter had been pending since 2018 and the Respondent decided to approach the counsel a day prior to the date. Arguments had to be made on short notice as a result.	Commissioner to release the money due to the Respondent within a period of two weeks.
3.	Keshav Kumar Vs. Akansha [HMA No. 1268 of 2021]	Principal judge, Family Court, TizHazari	Multiple appearances: This was a restitution petition. The Petitioner was a man who had abused, assaulted and exploited the Respondent for an extended period of time. He had drugged and subsequently blackmailed her into living with him and had repeatedly assaulted her when she attempted to quit the situation. The assault left her grievously injured on occasions including leading to a fractured hand once. When the Respondent finally managed to escape the Petitioner's clutches, he filed the present Restitution Petition to embarrass the Respondent and her family who were living in Delhi.	Dismissed. After filing multiple applications to have the matter dismissed, the learned judge eventually dismissed the matter only once a formal reply was filed from our side. However the Court did so without speaking on merits. The matter was dismissed in default.
4.	State Vs Ashish Sharma; Ashish Sharma Vs. Shambhavi	Metropolitan Magistrate, Saket	Multiple appearances: The criminal case and the counter complaint case were filed with regard to an incident which took place in 2012 culminating in our clients, both women, getting assaulted by the accused as a result of an altercation over metro seats reserved for women. The accused	Pending. The Counter complaint is at the stage of prosecution evidence. The Original complaint's final arguments are

	Saxena and Anr. [FIR No. 6/12; M.C No. 23/2012]		later filed a counter complaint against our clients.	complete and the same is tagged with the counter complaint.
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#### IV. Legal Aid (Consultations/meetings/Representations)

Sn	Issue	Date	Action taken
1.	Waste pickers from Jahangirpuri, Delhi-33, engaged in door to door collection of waste, and its segregation were being illegally arrested and harassed by one Police Constable, MrLalit Yadav, employed at PS Jahangirpuri. There were a series of arrests from 28th June, 2022 to 29th July, 2022, where waste pickers were illegally picked up and detained for more than 24 hours under frivolous grounds. One of the waste picker was severely beaten up by Mr. Yadav, resulting in injuries. As per the information received, the constable Lalit Yadav was purposely trying to harass waste pickers in order to gain protection money for use of the land where the waste pickers segregate waste. Further,	30.7.2022	On 1.8.2022, a complaint was filed to the SHO, Jahangirpuri, Assistant Commissioner of Police, Jahangirpur and Deputy Commissioner of Police, North-West Delhi, against Constable Lalit Yadav for illegally arresting and harassing the complainants who are employed as waste pickers in Jahangirpuri, Delhi-33.  No arrest has been done after the complaint.

	some waste pickers including women were also threatened of arrest.		
2.	Waste pickers residing at Bhowapur, I.E. Sahibabad, Ghaziabad, have been engaged in the work of door to door collection of waste and its segregation for more than 40 years. They mostly collect waste from Vaishali sector 1- 5, Sahibabad, Kaushambi, Seemant Vihar, and other nearby areas. In January, 2022, Ghaziabad Municipal Corporation gave the contract of collecting waste to a private company. From June, 2022, waste pickers are being physically assaulted, abused, and intimidated and harassment by one Mr. Mukund, a representative of the company, to prevent them from collecting waste. Two minor children were also kidnapped by Mukund. Some of the waste pickers sustained severe injuries.	13.9.2022	On 21.9.2022, a complaint was filed to the SHO, Kaushambi, Superintendent of Police, Ghaziabad and Additional Superintendent of Police, Ghaziabad, against MrMukund and his goons.
3.	The petitioner was a student who is suffering cerebral palsy (74%) secured good rank in the NEET examination. However due to the arbitrary criteria imposed by the medical council of India the applicant was unable to register for his counselling. Hence the candidate	30.11.2022	MCI allowed the candidate who was suffering 74% cerebral palsy to register his candidateship for the counseling. We also informed that the child got admitted for the MBBS course as he wished.

	<p>approached the Nagpur Bench of the Hon'ble High Court of Bombay and successfully secured an interim order which was directing the respondent medical council of India to allow the registration of the candidate. In spite of several reminders the MCI refused to implement the interim order of the Hon'ble High Court. Then the final day of the registration our office intervened in the issue and visited the MCI with requisite papers in the late hours of the registration and made our plea.</p>		
4.	<p>A person who had suffered sexual assault at the hand of a colleague came in asking for assistance and legal advice. Our office spent time with her and drafted a formal complaint to be submitted to the ICC and the Police.</p>	<p>Nil (for privacy reasons)</p>	<p>The Client eventually decided to not go ahead with the complaint due to serious concerns stemming from her circumstances.</p>



## V. Fact-Findings

Sn	Issue and particulars
1.	<p>On 21.10.2022, bulldozers of the Municipal Corporation of Delhi (MCD) demolished around 25 houses in South West Delhi's Fatehpur Beri without any prior notice and with the aid of the brutal Delhi Police. A team of activists and lawyers visited Fatehpur Beri to express their solidarity with the people and explore ways to stop further demolition. After talking to the people there, the team learnt that not only did the MCD not issue any prior notice but it also refused to produce the relevant court orders when the people demanded it. In order to force the issue, the Delhi Police resorted to lathi charge injuring several people including women, and male policemen shamelessly manhandled the protesting women residents. The residents of the demolished houses were not even given time to rescue their household goods. The MCD officers threatened to come back with bulldozers after Diwali and demolish more houses. It was also learnt that a matter was also filed by some of the residents before Delhi High Court, seeking stay and rehabilitation.</p>
2.	<p>On 12.12.2022, DDA served an eviction notice to the residents of khasra no.163, ward no.1, Mehrauli, Delhi-110030, directing them to vacate within 10 days. On 17.12.2022, a team consisting of a lawyer from NNF and an activist from Basti Surakha Manch visited the area to enquire about the purported demolition drive. Residents stated that they were allowed to reside at the khasra no.163, Mehrauli by Mr. Prince Mirza Arif Bakht Anjum Ja, the owner of the said land and a descendant of Ex-royal family of Mughal Dynasty of India and after his death, the said land has been transferred to Mrs. Maimoona Rehman. The residents were residing in an old private graveyard, known as Shahi Qabaristan, where members of Ex-Royal family of Mughal Dynasty are buried. Mr. Prince Mirza Arif Bakht Anjum Ja allowed locals of the area to reside at the Qabaristan and maintain it as caretakers. Therefore, it appears that the DDA is not the owner of the land where petitioners are residing and hence, they have no authority to evict the petitioners.</p> <p>Residents have constructed jhuggis on khasra no.163 and have been residing at the site peacefully for over 30 years. Residents stated that they are mostly engaged as daily wage</p>

	workers, and if their houses are demolished, their family members including women, children and the elderly will be rendered homeless during the winter. A petition titled Mohd. Isreal & Ors. Vs. DDA & Anr.[WP(C) No.17520/ 2022] was filed before Delhi High Court seeking stay on demolition and rehabilitation of the residents. (refer to V.11 mentioned above)
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## VI. Conclusion

Over the last five months, NNF represented over 210 people through litigation in various courts. The issues included right to housing of slum dwellers, right to health (access to anganwadi centres and ASHA workers), labour rights (illegal termination and compensation), women's right against physical assault and threat to life. NNF also interacted and provided consultation to over 150 people through meetings and fact-findings at various locations of Delhi on the issues of housing and threat to life and livelihood of waste pickers. Overall, NNF provided interacted with over 350 people directly or indirectly on the issues mentioned above.

NNF hopes to carry its progress much further and work on issues like prisoners' rights, disability rights, environment and climate justice, affordable health care and access to medicinal products etc. The foundation is persistently working towards achieving its objective of ensuring equality and equal access to justice sans any discrimination to the citizens of this country. Towards this end, the generous guidance and support from senior members of the fraternity and also of civil society is both critical and invaluable to the foundation.