IN THE SUPREME COURT OF INDIA

CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. 1361 OF 2026

[INVOKING ARTICLE 32 OF THE CONSTITUTION]

IN THE MATTER OF:

NETWORK OF WOMEN IN MEDIA, INDIA ...PETITIONER

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

REJOINDER ON BEHALF OF THE PETITIONER TO THE COUNTER AFFIDAVIT OF RESPONDENT NO. 3

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ADVOCATE FOR THE PETITIONER: AARTHI RAJAN

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Aarthi Rajan

Place: New Delhi
Date: 21.11.2026

Filed By:
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MOST RESPECTFULLY SHOWETH:

1. At the outset, the Petitioner reiterates the contents of the Writ Petition & accompanying Application therein, and denies the averments and submissions in the Counter Affidavit filed on behalf of Respondent No.3, insofar as they are inconsistent therewith. Far from answering the grave violations pleaded, the Counter Affidavit itself reveals the extent of the interference complained of. Even while advancing sweeping denials of interference with journalism, Respondent No.3 expressly admits a sequence of apprehensions, removals, physical restraint, placement and conveyance in police vehicles and subsequent release; seeks to justify the physical intervention of male police personnel against women by resorting to a distinction between crowd control and arrest, without demonstrating compliance with conditions governing the exercise of police powers or the safeguards protecting women against unnecessary and

degrading physical handling; and further relies upon the closure by its own Crime Branch of complaints of sexual harassment made by women journalists. It is submitted that these are not peripheral matters, but concern the physical liberty, bodily integrity and dignity of journalists, particularly women journalists, and the ability of the press to gather news without fear of restraint, physical force or sexual harassment at the hands of the police. The Counter Affidavit must therefore be tested not by its general assertions of good faith or respect for press freedom, but against its own admissions concerning the conduct complained of.

2. Paragraphs 11, 47, 52, 56-57, 67, 73-84 and 87 of the Counter read like a catalogue of admissions. Journalists were 'apprehended'; persons were 'removed' from protest sites; women were conveyed to designated facilities; journalists were placed in police vehicles 'for verification'; Mr. Ryan Thomas was 'merely removed'; and identified journalists were released only after intervention, verification or the passage of time. These admissions establish, by the Respondent’s sworn affidavit itself, the very interference pleaded in paragraphs 10 to 20 of the Writ Petition. The expressions 'inadvertent', 'mistaken identity', 'bona fide error', 'verification', 'merely removed' and 'released upon identification' are euphemisms, deployed to soften the description of actual restraint, but do not undo it, and they fail both to negate the restraint and to supply the requisite legal authority for its commencement or continuation.

3. The present Writ Petition under Article 32 of the Constitution seeks protection of the fundamental rights of journalists, particularly women journalists, against arbitrary

obstruction, forcible removal, detention, assault and sexual harassment, and the consequent violation of their right to practise their vocation and undertake newsgathering. Such conduct does not merely impede individual journalists but also chills reporting from public spaces and thereby diminishes press freedom; and, in the case of physical and sexualised violence against women journalists violates their bodily integrity, dignity and decisional autonomy. The Petitioner has placed before this Hon'ble Court identified incidents supported by contemporaneous accounts and sought preservation of evidence, independent scrutiny and enforceable safeguards. The Counter Affidavit does not adequately answer those incidents. Instead, Respondent No.3 seeks to defend the police action through general assertions concerning public order, accreditation and an asserted distinction between journalists and so-called 'reel-makers', while failing to answer the fundamental-rights violations alleged by the journalists specifically identified in the Writ Petition.

4. The central issue is not whether Respondent No.3 may maintain public order, but whether its officers could invoke that power to obstruct journalists engaged in reporting, in disregard of Articles 14, 19(1)(a), 19(1)(d) and 21 of the Constitution. Obstruction, forcible removal, assault or sexual harassment directed at journalists strikes simultaneously at their personal liberty and bodily integrity, their freedom to practise their vocation, and the freedom of the press to gather and communicate information. Journalists are routinely enabled to report even from armed-conflict and other manifestly dangerous environments, where the recognised response to risk is protection and facilitation of reporting rather than removal of the

reporter. In a pre-planned and heavily regulated protest, Respondent No.3 could readily have adopted less restrictive measures, including a clearly demarcated press area with sufficient proximity to observe police action, designated liaison officers, safe access and exit routes, and, where operational risk genuinely required it, provision of protective equipment such as marked helmets to members of the press. In particular, this Hon'ble Court, by its order dated 11.10.2026 in CONMT. PT. 844/2026, had expressly directed that lawyers, journalists and other professionals shall not be obstructed or hindered in the discharge of their professional duties in any manner whatsoever. The plea of mistaken identity is no substitute for identifying the lawful basis of the action taken. Respondent No.3 cannot profess adherence to that direction or in law, while seeking to justify the very removal and restraint of journalists acknowledged in its own Counter Affidavit. Against the obvious and readily available alternatives, the apprehension, physical restraint, conveyance and detention complained of were neither warranted nor proportionate.

PRELIMINARY SUBMISSIONS

5. Respondent No.3 contradicts its own stand in paragraphs 5, 10 and 11 of the Counter Affidavit, wherein it categorically denies interference with journalists performing their professional duties, while acknowledging in paragraphs 73 to 77 and 83 to 84 that persons including journalists were removed and subsequently released upon identification. The mere averment that it was difficult to identify journalists despite a plethora of evidence including statements by journalists themselves that their accreditation or other forms of identification was clearly

visible at the time of their removal cannot justify the interference complained of, including any action taken after the express protection granted by this Hon'ble Court in paragraph 16(f) of its order dated 11.10.2026. Respondent No.3 cannot deny the occurrence of interference in general terms while defending the very removals pleaded in these proceedings as inadvertent or justified. The Counter Affidavit carefully describes the end of the restraint but withholds an incident-wise explanation of its commencement, its legal basis and the officers responsible.

6. The attempt in paragraph 73 of the Counter Affidavit to characterise the action as 'removal for verification' is a clever use of terminology, not a disclosure of legal authority. Respondent No.3 invokes Section 172(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') in paragraph 48, but that power is conditioned upon an antecedent lawful direction under Section 172(1) and the person's resistance, refusal, ignoring or disregard of that direction. Section 65 of the Delhi Police Act, 1978 similarly requires a reasonable direction given in discharge of duty and resistance, refusal or failure to comply. Section 29 merely identifies the qualified officers who may issue necessary orders regulating assemblies and public places and it is not a freestanding authority to seize, confine or transport every person present. The Counter Affidavit identifies no incident-wise direction, the rank of the officer issuing it, the words or substance communicated, the conduct constituting disobedience, the reason removal rather than a less restrictive measure was necessary, the destination and duration of custody, or the basis for treating the matter as trivial and releasing the person rather than producing her or him before a Magistrate, nor does it annex

the particular Section 163 order said to apply at each location. This omission is especially material because the deponent claims personal knowledge based upon official records. Respondent No.3 cannot withhold the primary records and then rely upon an un-particularised assertion of statutory power. The police cannot justify an interference with personal liberty simply by refraining from calling it a detention or arrest. The substance and effect of the restraint must satisfy Articles 14, 19, 21 and, wherever attracted, Article 22 of the Constitution. As held by this Hon'ble Court in *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416, arrest and detention are subject to safeguards, including identification of police personnel, maintenance of contemporaneous records and communication of custody to the persons concerned. Respondent No.3 has failed to disclose the corresponding records or demonstrate compliance with these safeguards in respect of the admitted instances of restraint and conveyance of journalists, which, in substance, amounted to arrest or detention.

7. Respondent No.3 seeks, in paragraphs 18 to 29 of the Counter Affidavit, to rely upon an employment-related statutory definition and the Central Media Accreditation Guidelines, 2022 as a basis for distinguishing persons entitled to report. That approach proceeds from a fundamentally erroneous premise. The freedom to gather and report news is not dependent upon accreditation, formal employment with a recognised media organisation, or possession of an employer-issued identity card. Independent journalists, freelancers and journalists working through digital platforms form an established and legitimate part of the contemporary press, and their entitlement to undertake

lawful newsgathering from public places cannot be made contingent upon State accreditation. Respondent No.3 itself recognises this accepted position in paragraph 41, where it admits that such journalists cannot be denied lawful newsgathering merely for want of PIB accreditation, an employer-issued identification card or employment with a recognised organisation. Paragraph 25 similarly accepts that accreditation does not confer any official or special status. These are therefore not concessions creating a right in favour of the Petitioner's members, but acknowledgments of a right and professional reality that already exist independently of the accreditation regime. Having accepted that position, Respondent No.3 cannot simultaneously invoke the absence or supposed inadequacy of professional credentials as an explanation for police interference with journalists engaged in reporting. An accreditation framework designed to facilitate specified access or privileges cannot be converted into a police licensing regime for journalism, much less into a threshold condition for the exercise of press freedom and lawful newsgathering from public places.

8. The reliance upon the label "reel-makers" in the Counter Affidavit is wholly misconceived and appears to be a retrospective justification for the obstruction and detention of journalists. Respondent No.3 itself admits in paragraph 16 of the Counter Affidavit that police personnel could not always distinguish media personnel from protestors. If that was the contemporaneous position, there was no identifiable criterion by which officers could nevertheless have isolated a separate category of so-called "reel-makers"; significantly, the Counter

Affidavit discloses no contemporaneous removal, detention or station record in which “reel-maker” was recorded as the reason for police action. Conversely, if officers were capable of making that distinction, the removal of journalists who had visibly displayed press credentials was knowing and cannot be explained as mistaken identity, especially after the express direction of this Hon’ble Court dated 11.10.2026. More fundamentally, a reel is a short-form vertical-video format for recording and disseminating information, not a legal or professional status. Major newsrooms use that format, as do public authorities and public news organisations, including Delhi Police, All India Radio and the Press Information Bureau. The relevant question is what the person was doing: recording police action at a public protest for publication is newsgathering and dissemination, irrespective of the duration, format or platform employed. In any event, Article 19(1)(a) protects the freedom of speech and expression of every citizen and is not confined to material which the police chooses to recognise as “news”. The Petitioner does not concede that non-news content falls outside constitutional protection. In Anuradha Bhasin v. Union of India, (2020) 3 SCC 637, this Hon’ble Court held that freedom of speech and expression through the internet is an integral part of Article 19(1)(a), and that the medium cannot diminish the content of the right. Respondent No.3 cannot discredit the same format when it is used by journalists and citizens to record and report police action.

9. The attempt by Respondent No.3 to distinguish journalists on the basis of accreditation, institutional affiliation or monetisation is equally untenable. The Press Council of India's

Norms of Journalistic Conduct, 2022 recognise that the fundamental objective of journalism is to serve the public by disseminating news, views and information on matters of public interest. Having relied upon the Guidelines issued by the Press Council of India in paragraphs 42 to 45 of the Counter Affidavit, Respondent No.3 cannot disregard the broader principles of journalistic freedom recognised by the same body. Further, journalism is itself a profession sustained by advertising, subscriptions and other commercial revenue, and the possibility of monetisation cannot deprive reporting of its journalistic character. Union Government data for FY 2024-25 records total advertisement expenditure of Rs. 525.90 crore across print and audio-visual media, of which Rs. 406.12 crore, or 77.2 per cent, was audio-visual expenditure. State Governments, including Uttar Pradesh, Haryana and Karnataka, have themselves adopted digital-media advertisement policies or guidelines. A test which treats commercial support or monetisation as antithetical to journalism would therefore exclude the ordinary revenue model of the press, including media through which governments themselves disseminate paid information, and would imperil public dissemination whether the resulting content is offered free or otherwise. In any event, police personnel at a protest site could not possibly ascertain whether a recording would later be published, monetised or retained for personal use. Those considerations neither alter the character of newsgathering nor justify interference with expression protected by Article 19(1)(a). Respondent No.3 cannot subject constitutionally protected activity to an on-the-spot police assessment of accreditation, institutional affiliation or anticipated commercial use.

10. The aforesaid position is further reinforced by the internationally recognised understanding of journalism. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in Report No. A/HRC/20/17, recognises that journalism as a function extending beyond traditional media organisations to independent journalists, citizen journalists and bloggers, and expressly disapproves of State-imposed registration as a precondition for practising journalism. UNESCO similarly recognises social-media producers engaged in journalistic activity as journalists. These international standards reinforce the public-interest function of journalism recognised by the Press Council of India and further demonstrate the untenability of Respondent No.3's attempt to distinguish journalists solely by reference to accreditation, institutional affiliation or the medium of reporting. Respondent No.3 cannot selectively rely upon the Guidelines issued by the Press Council of India while disregarding the very principles of journalistic freedom recognised by that body.

11. In paragraph 33 to 40 of the Counter Affidavit, Respondent No.3 relies upon its advisory dated 05.10.2026 concerning identification and safe distance. Yet paragraphs 39 to 41 describe that advisory as merely facilitative and acknowledge that lawful reporting does not depend upon formal accreditation or identification. Respondent No.3 cannot portray the advisory as non-restrictive while invoking compliance with it to explain why journalists were removed. The difficulty is illustrated by paragraph 10 of the Writ Petition, which records the detention of Mr. Ayush Tiwari of Scroll despite his displayed press

identification and the reported dismissal of that identification by a police officer. No meaningful answer is furnished to that incident. Neither an undefined requirement of 'valid' identification nor a general plea of mistaken identity explains the disregard of credentials actually displayed, as alleged.

12. Respondent No.3's reliance upon the Press Council of India Guidelines dated 15.10.2026, annexed as Annexure A-4 to the Counter Affidavit, is wholly misconceived. Firstly, the said Guidelines were issued after the incidents dated 03.10.2026, 10.10.2026 and 11.10.2026, and cannot be invoked retrospectively to justify the police action complained of. Secondly, the Guidelines are addressed to journalists concerning their professional conduct and safety, and do not confer any authority upon police personnel to obstruct, remove or detain journalists. Section 13(2)(b) of the Press Council Act, 1978 empowers the Press Council of India to develop a code of conduct for newspapers, news agencies and journalists; it does not empower the Council to prescribe restrictions upon the exercise of fundamental rights or to confer additional powers upon the police. The said Guidelines cannot be elevated to the status of law authorising restrictions under Article 19(2) of the Constitution, much less be invoked to shift the responsibility for unlawful police interference upon journalists themselves. Respondent No.3 cannot rely upon subsequent professional guidelines, which neither regulate nor authorise police action, to justify interference with journalists in disregard of their constitutional rights and, in respect of subsequent incidents, the express direction of this Hon'ble Court dated 11.10.2026.

13. The invocation of prohibitory orders under Section 163 of the BNSS and general police powers in paragraphs 46 to 51 of the Counter Affidavit does not justify the obstruction and removal of the journalists identified in the Writ Petition. In particular, no explanation has been furnished for the restraint of Mr. Shoaib Daniyal at a location approximately 21 kilometres from Jantar Mantar. Law and order powers must be exercised in accordance with the conditions prescribed by law and cannot be invoked as a blanket justification for interfering with journalistic activities. Further, insofar as the police action was directed against persons recording events, any assessment of the nature or content of such recordings, before their publication, would amount to an attempt at prior restraint of expression. In Brij Bhushan v. State of Delhi, AIR 1950 SC 129, this Hon'ble Court recognised pre-censorship as a restriction upon freedom of the press, while in Romesh Thappar v. State of Madras, AIR 1950 SC 124, this Hon'ble Court affirmed the constitutional protection afforded to the circulation of information. Respondent No.3 cannot therefore justify the interference complained of on the basis of apprehensions concerning the content of recordings yet to be published, without establishing the actual conduct warranting police intervention and compliance with the applicable statutory conditions.

14. Respondent No.3 has adopted wholly contradictory positions regarding the evidentiary value of social-media material. Paragraph 8 of the Counter Affidavit relies upon posts and videos published by Brut India, The Lallantop, The Quint, BBC and The Indian Express to contend that journalists freely reported the protests; several of the very posts so relied upon are

themselves Instagram reels. Paragraphs 13 and 16 expressly rely upon Instagram reels to allege misconduct by persons present at the protest sites, and paragraph 77 relies upon another Instagram reel to support the defence of mistaken identity and eventual release. Yet, in paragraphs 61 and 62, Respondent No.3 seeks to discredit the Petitioner's reliance upon news reports and social-media material documenting police interference. It cannot have it both ways, that reels and social-media posts cannot be treated as proof of press freedom when they assist Respondent No.3, but discounted when they record restraint or physical handling by its personnel. The material offered to support the label "reel-maker" does not cure the defect, as it consists of an Instagram clip of an unnamed student and an OpIndia post concerning an alleged seller of press cards, neither of which is connected to any journalist or incident identified in the Writ Petition. Further, paragraph 12 itself states that even so-called "reel-makers" were not obstructed except where public order allegedly required intervention. If the same public-order standard applied to everyone, the label has no operative bearing on the legality of the police action and is deployed solely to prejudice this Hon'ble Court against persons using a particular format. Respondent No.3 has failed to produce the contemporaneous police records and footage necessary to substantiate its defence against the specific incidents pleaded by the Petitioner.

15. Paragraph 63 of the Counter Affidavit refers to contempt proceedings arising out of the direction dated 11.10.2026. Their pendency is no answer to the present Writ Petition. A proceeding for wilful disobedience of a judicial order and a petition under

Article 32 seeking examination of violations of constitutional rights, independent scrutiny and prospective safeguards involve distinct questions and reliefs.

RESPONSE TO THE ALLEGATIONS CONCERNING WOMEN JOURNALISTS

16. Respondent No.3 relies on the deployment of 3,747 women personnel during the day and 664 at night, and asserts in paragraph 52 that every woman conveyed to a designated facility in a police vehicle was accompanied by a woman police officer. These general claims do not identify the personnel who physically handled any of the women journalists concerned, or establish that the initial restraint and handling were lawful. The Counter Affidavit also attempts in paragraphs 54 and 55 to justify intervention by male officers by distinguishing crowd control from arrest and search. That distinction cannot be treated as a licence for unnecessary, degrading or sexualised physical force. The forcible handling of a woman journalist while she is visibly engaged in reporting is not an ordinary incident of crowd management: it invades her bodily integrity, obstructs her vocation and sends a wider message that women may report from public spaces only at the cost of personal safety and dignity. Respondent No.3 has not furnished the incident-wise identity of the officers, the directions given or the contemporaneous evidence necessary to test these serious allegations.

17. The plea in paragraphs 54 and 55 of the Counter Affidavit is denied as overbroad and legally untenable. The statutory conditions and safeguards applicable to police intervention, apprehension, arrest, search and use of force cannot be

displaced merely by changing the police description of the action. Respondent No.3 must establish that those conditions were fulfilled in each incident involving the women journalists; its invocation of crowd control does not discharge that burden. Section 43(1) BNSS, which sets out the basic physical procedure for making an arrest and includes special protections when arresting a woman, embodies the presumptive rule where a woman is to be arrested, that her submission to custody upon oral intimation is presumed and her person is not to be touched by a male officer unless circumstances otherwise require; Section 46 prohibits restraint beyond what is necessary to prevent escape; Section 49(2) requires any search of a woman to be conducted by another woman with strict regard to decency; and Section 43(5) imposes additional protection against arrest after sunset. Where dragging, lifting, carrying, confinement in a police vehicle or transportation in substance amounts to arrest or custodial apprehension, Respondent No.3 cannot avoid those safeguards by calling the act 'crowd control' or 'removal'. If it contends that an admitted restraint was not an arrest, it must identify the distinct lawful authority and demonstrate a fair, just and reasonable procedure under Article 21. Crowd control is not a zone in which a woman's dignity and bodily integrity stand reduced. The applicable police and judicial safeguards reinforce that conclusion. Delhi Police Standing Order No.93 dated 15.11.1989, issued for strict compliance on the attendance, arrest, search and escort of women, requires arrests of women ordinarily to be carried out by an officer accompanied by a lady constable/head constable, treats a woman's submission to custody as presumptive, requires lady police in escort arrangements and insists upon strict regard to decency.

18. In Sheela Barse v. State of Maharashtra, (1983) 2 SCC 96, this Hon'ble Court required female suspects to be guarded by female constables and interrogation of women to take place only in the presence of female police personnel. In State of Maharashtra v. Christian Community Welfare Council of India, (2003) 8 SCC 546, this Hon'ble Court, while declining an inflexible absolute rule in every arrest, nevertheless directed that all efforts be made to keep a lady constable present and that, where this was not possible or delay would impede lawful action, the reasons be recorded before or immediately after the arrest. Thus, even the narrower arrest jurisprudence rejects unreviewable male intervention and requires effort, necessity and recorded reasons. The Counter Affidavit discloses none of these matters incident-wise. Its statement that a woman officer accompanied women in police vehicles does not establish who seized, dragged, lifted or physically handled them before or during such conveyance. Respondent No.3 cannot circumvent the statutory and constitutional safeguards governing the arrest, restraint and physical handling of women by merely characterising such actions as crowd control. Articles 14, 15, 19(1)(a), 19(1)(d), 19(1)(g) and 21 require non-arbitrary, gender-sensitive and proportionate policing which protects equal access by women journalists to public spaces, their vocation, dignity, bodily integrity and the institutional freedom of the press. In Anita Thakur v. Government of Jammu and Kashmir, (2016) 15 SCC 525, this Hon'ble Court held that crowd-control force must be absolutely necessary, minimum and proportionate and must cease once the danger is controlled. Delhi Police Standing Order No.72 dated 19.01.1989 likewise requires utmost restraint and observance of the principle of minimum force. In a pre-planned

operation in which Respondent No.3 itself claims to have deployed 3,747 women personnel by day and 664 by night, the invocation of split-second necessity cannot operate as a blanket excuse. The ordinary operational rule must be that foreseeable physical intervention with women is undertaken by women personnel; intervention by male personnel can be justified, if at all, only by a genuine and immediate necessity, absence of a reasonable alternative, use of the least force required, supervisory responsibility and contemporaneously recorded reasons. Respondent No.3 supplies no such justification for any identified woman journalist and does not confront the pleaded allegations of unnecessary, degrading or sexualised handling.

19. Respondent No.3 in fact admits in paragraphs 64 to 69 of the Counter Affidavit that four complaints alleging sexual harassment of women journalists arose out of the events of 03.10.2026, but relies upon their closure by the Crime Branch to resist further scrutiny. Indeed, the specific direction sought by the Petitioner for an independent inquiry was sought precisely in anticipation of the possibility that complaints against police personnel would be examined and closed within the police establishment itself. Respondent No.3’s reliance upon such closure reports therefore does not answer the relief sought, but reinforces the very concern underlying the prayer for an inquiry independent of the police force whose personnel are complained against.

20. It cannot be overlooked that these allegations go to the heart of the matter. Sexual harassment and sexualised physical handling of women journalists in the course of their reporting

strike at their very dignity and personal security, and gravely deter women from taking part in journalism on equal terms and without fear. The resulting chilling effect is therefore not confined to the complainants but also impairs press freedom by making the exercise of the journalistic vocation unsafe for women. Moreso, when National Human Rights Commission had already taken *suo motu* cognisance of the reported harassment of three women journalists on 08.10.2026 and issued notice to the Commissioner of Police, Delhi, (as pleaded in the Writ Petition and supported by Annexure P-4) an inquiry conducted within the same police force whose personnel stand accused, cannot, merely by recording closure, conclusively answer the allegations or displace the need for independent scrutiny. Respondent No.3 has evidently not demonstrated that the internal process resolved the concerns raised before this Hon'ble Court.

21. Respondent No.3 further relies in paragraphs 66 and 67 upon complainants declining to pursue police action, non-participation in the inquiry and the asserted absence of the alleged acts from available CCTV footage. None of these matters amounts to an adjudication that the incidents did not occur. A woman's reluctance to pursue a complaint of sexual harassment, particularly where the allegation is against police personnel controlling the site and the evidence, cannot be treated as conclusive proof that the conduct did not occur, or as a waiver of her rights to dignity and bodily integrity. The Counter Affidavit does not establish the completeness of the camera coverage, identify every officer present or explain whether the available recordings encompass the location and duration of each alleged act. Nor does the decision of a complainant not to pursue a police

inquiry render the alleged conduct lawful. The circumstances of non-participation and the underlying evidence require examination rather than acceptance of the police's internal conclusions as conclusive.

22. Paragraphs 68 and 69 of the Counter Affidavit state that the fourth complaint was closed without further proceedings, while acknowledging that the complainant has invoked Section 175(3) of the BNSS before the competent Magistrate and that, by order dated 03.11.2026, an action-taken report and preservation of CCTV and digital evidence were directed. The internal closure relied upon in paragraph 68 cannot be treated as a conclusive adjudication of the complaint when those proceedings and directions remain material.

23. The statement in paragraph 66 of the Counter Affidavit concerning the non-pursuit of complaints must also be considered alongside paragraphs 70 to 72, which record FIR No.129/2026 dated 13.10.2026 registered against a woman journalist notwithstanding her prior complaint (and no FIR registered in respect thereof) and the assertion that no coercive action was taken pursuant to this Hon’ble Court’s order dated 15.10.2026. It is submitted that the sequence and circumstances of the withdrawals of the other complaints, and the registration of the FIR warrant independent examination, rather than automatic acceptance of an internal finding that there was no cause for further action.

RESPONSE TO SPECIFIC INCIDENTS AND RECORDS

24. Paragraphs 73 to 75 of the Counter Affidavit expose the inadequacy of Respondent No.3's blanket denial. The Counter Affidavit acknowledges removal of persons including journalists for verification and their subsequent release on identification yet offers no corresponding explanation of why those journalists were initially restrained. Intervention by a senior officer does not cure the lack of a disclosed legal basis for the initial action. Nor does the assertion that some journalists remained to report on the removal of others answer what happened to those already removed. Respondent No.3's focus on subsequent release leaves the central allegation of interference unanswered.

25. In paragraphs 76 and 77, Respondent No.3 relies upon assistance by a senior officer and an expression of regret in relation to the Peek TV journalists Vedanta Agarwal and Sara Khan, whose incident is pleaded in paragraph 17 of the Writ Petition. Paragraphs 83 and 84 similarly invoke the eventual release of journalists associated with The Hindu and The Indian Express, whose incidents are pleaded in paragraphs 19 and 18 of the Writ Petition, respectively. These explanations do not address the legality of the preceding restraint. In particular, paragraph 18 of the Writ Petition alleges that Shashwat, Siya and Vijay of The Indian Express Hindi were taken from Connaught Place to Chhatrasal Stadium approximately twelve kilometres away, notwithstanding their displayed press identification, before being released approximately forty-five minutes later. Acknowledgment of eventual release is no answer to the allegation of forcible transportation in the first place.

26. Respondent No.3's general denial in paragraph 86 likewise fails to meet the pleaded incidents concerning women journalists. Paragraph 19 of the Writ Petition records the reported detention of Ms. Nidhi Suresh of The News Minute at about 3:00 p.m. on 11.10.2026, and a subsequent communication at approximately 7:08 p.m. stating that the detained women had been informed around 6:30 p.m. that they could leave. Paragraph 11 of the Writ Petition pleads that Ms. Anushka Bharadwaj of Business Standard was reportedly dragged by her clothes on 10.10.2026 despite identifying herself as a journalist. Conduct of this nature is not adequately described as mere removal: it is alleged physical violence against a woman journalist in the course of her work, implicating her bodily integrity and dignity while directly obstructing the exercise of her profession and the press's ability to report. Respondent No.3 identifies no officer, direction or incident-specific legal justification in answer to these allegations. A dismissal of the material as reports or social-media accounts, without producing the relevant police records, cannot be treated as a complete answer.

27. Respondent No.3 admits in paragraphs 78 to 82 that Mr. Ryan Thomas of The Caravan was removed and that a medico-legal record exists, yet describes him as having been 'merely removed' and declines to disclose the medical aspects on the ground that they remain under investigation. The description 'merely removed' does not resolve the allegation of assault or explain the authority under which he was taken away. The separate contempt proceedings referred to in paragraph 82 do not dispose of the constitutional issues raised in the Writ Petition. Respondent No.3 cannot at once rely upon the fact of removal

and seek to avoid scrutiny of its manner, consequences and legal basis.

28. Paragraph 86 of the Counter Affidavit contains only a general denial of the remaining individual incidents, although the Writ Petition names the journalists concerned and identifies the circumstances. Paragraph 12 of the Writ Petition pleads that Mr. Shoaib Daniyal of Scroll was searched while waiting for a taxi in South Delhi, approximately 21 kilometres from Jantar Mantar, had his identity document photographed, was taken in a police vehicle and was asked to delete recordings before release approximately ninety minutes later. Respondent No.3's references to crowd density and dispersal at protest sites do not explain conduct alleged at a materially different location.

29. In paragraphs 87 to 89 of the Counter Affidavit, Respondent No.3 denies seizure of journalistic equipment and relies upon the absence of journalist detentions reflected in registered cases or police-station entries in New Delhi District. This response avoids the distinction between a formally recorded detention and the actual restraint or transportation alleged, and between formal seizure and temporary deprivation of equipment or compelled deletion of recordings. The absence of a station entry does not, by itself, disprove an incident of physical restraint. Respondent No.3, therefore, ought to disclose available inventories, seizure and recovery memos, identifying particulars of unclaimed devices, chain-of-custody records and particulars of return, so that the assertions in paragraphs 87 to 89 may be tested.

30. Respondent No.3 asserts in paragraph 58 that relevant CCTV and other footage is being preserved and that instructions were circulated to police districts and units, while paragraphs 59 and 60 invoke other judicial preservation directions and Paramvir Singh Saini v. Baljit Singh, (2021) 1 SCC 184. These references disclose the existence of preservation obligations; they do not establish compliance in respect of the specific incidents pleaded. Respondent No.3 has neither placed the alleged preservation instructions on record nor identified which recordings exist, which have been secured and whether any gaps remain. It cannot rely upon general assurances of preservation while withholding the particulars necessary to test those assurances. The Petitioner accordingly reiterates the request for production and scrutiny of relevant CCTV, drone and body-worn camera footage, police videography, wireless and PCR communications, duty rosters, vehicle movements, station diaries and records of removal or detention.

31. Respondent No.3's repeated assertions of good faith, mistaken identity and subsequent release in paragraphs 10, 11, 16, 47 and 56 to 57 do not discharge its obligation to explain the specific orders, conduct and circumstances relied upon to justify the restraint complained of. Assertions of bona fide conduct, which remain to be tested, cannot substitute for an incident-specific factual and legal justification for interference with personal liberty and journalistic activity, legality, contemporaneous reasons, individualised necessity and proportionality. These omissions directly vindicate paragraphs 14 to 16 and prayers (g), (h), (j), (k) and (o) of the Petitioner’s Application for Ad-Interim Directions, which seek an identified

legal basis and recorded reasons for detention or removal, safeguards for women journalists, preservation of contemporaneous evidence, a verified incident-wise status report and an interim operating protocol. Those directions do not disable lawful crowd control. They recognise that the answer to foreseeable operational risk is facilitation through proportionate safeguards, not the removal of those reporting public events. If journalists can be afforded protected access in armed-conflict and other dangerous environments, a fortiori Respondent No.3 could, at a pre-planned and heavily regulated protest, have provided a press facilitation area, liaison officers, safe routes and protective helmets where genuinely required. No explanation is offered as to why such obvious and less restrictive arrangements were unavailable or inadequate. Respondent No.3 was required to act as per constitutional standards under Articles 14, 19 and 21 and under identifiable law, on individual facts, by necessary and proportionate means, with a record capable of judicial scrutiny. On its own showing, the indiscriminate removals, physical restraints and conveyance of journalists were neither necessary nor proportionate.

32. The Counter Affidavit therefore does not reconcile its categorical denial of interference with journalists with its acknowledgments of removal and release; its reliance on accreditation and 'reel-makers' with its admission of the rights of independent and digital journalists; or its challenge to the Petitioner's material with its selective reliance upon similar accounts. It also fails to address or confront the constitutional gravity of assault, sexual harassment and forcible physical handling of journalists, particularly women journalists, especially

as such conduct violates their dignity and bodily integrity, obstructs the equal exercise of their vocation, and chills press freedom at its very source by making it unsafe for news to be gathered at all. These are substantive deficiencies that cut to the root of Respondent No.3's defence, and are not mere differences in description. The Petitioner thus denies the assertions in paragraphs 90 to 92 seeking dismissal, and reiterates the pleadings, grounds and prayers in the Writ Petition including the need for effective safeguards, independent scrutiny and production of contemporaneous records.

PRAYER

In the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Allow the prayers sought in the present Writ Petition;

(b) Pass such other order or orders as this Hon'ble Court may deem fit to secure press freedom, the bodily integrity, dignity and safety of journalists, particularly women journalists, their equal and unhindered right to practise their vocation, accountability of public authorities, democratic scrutiny and the effective protection of fundamental rights.

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

Place: New Delhi
Date: 21.11.2026

Filed By: Aarthi Rajan
AARTHI RAJAN
Advocate for Petitioner
CODE 2547

IN THE SUPREME COURT OF INDIA
CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. 1361 OF 2026

IN THE MATTER OF:

NETWORK OF WOMEN IN MEDIA, INDIA ...PETITIONER

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

AFFIDAVIT

I, Ms. Laxmi Murthy, d/o D.B.N. Murthy, aged about ...63..... years, the member of Network of Women in Media, India, R/o. 304, 6th cross, I Blk Jayanagar, Bangalore the authorised representative of the Petitioner in the above-mentioned matter, do hereby solemnly affirm, and state as follows:

1. That I am the Petitioner in the above-mentioned matter and am fully conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.

2. That I have gone through the contents of the accompanying Rejoinder and have understood the same and say that they are true and correct to my knowledge and belief. I say that the same has been drafted on my instructions.

3. That the Annexures accompanying Rejoinder are true copies of their respective originals.

Laxmi Murthy

DEPONENT

VERIFICATION:

I, the above-named Deponent, do hereby verify and state that the contents of the above affidavit are true to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

Verified by me at B.lore on 17 NOV 2026

NOTARY
ARAVIND PATIL G.G.
Reg.No
LAW LCL
BENGALURU CITY
GOVT. OF KARNATAKA

SWORN TO BEFORE ME

ARAVIND PATIL G.G. B.A., LL.B
ADVOCATE & NOTARY
GOVT OF KARNATAKA
#28, 12th Main, Near Old Sub Register Office
4th Block, Jayanagar Bengaluru - 560 011

17 NOV 2026

Laxmi Murthy

DEPONENT

MY NOTARIAL REGISTER
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No. of Corrections...Two only