

**IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION**

WRIT PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF: -

Vishal Tiwari

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

With

I.A. NO.....OF 2025

An Application for permission to Appear and Argue in Person

PAPER BOOK
(FOR KINDLY SEE INSIDE)

PETITIONER IN PERSON – VISHAL TIWARI (ADVOCATE)

RECORD OF PROCEEDINGS

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PROFORMA FOR FIRST LISTING

The case pertains to (Please tick/Check the correct box):

*	Central Act : (Title)	Article -32 of the Constitution of India.
*	Section :	N.A
*	Central Rule : (Title)	N.A
*	Rule No(s).	N.A.
*	State Act: (Title)	N.A.
*	Section.	N.A.
*	State Rule : (Title)	N.A.
*	Rule No(s)	N.A.
*	Impugned Interim Order :	(Dated) N.A.
*	Impugned Final Order/Decree :	
*	High Court : (Name) High Court	N.A.
*	Names of Judges :	N.A.
*	Tribunal/Authority : (Name)	N.A.
1.	Nature of Matter	CIVIL.
2(a).	Petitioner/Appellant No.1.	Vishal Tiwari
(b)	E-mail ID :	vishalnigha@gmail.com
(c)	Mobile Phone Number :	9887681097
3 (a)	Respondent No.1 :	Union of India and Ors.
(b)	E-mail ID :	N.A.
(c)	Mobile Phone Number :	N.A.
4 (a)	Category classification :	Civil matters
(b)	Sub classification :	0812-letter petition & pil matters : others

6.	a. Similar disposed off matter with citation, if any & case details: b. Similar pending matter with case details:	No similar matter disposed off No similar matter is pending.
7.	Criminal Matters :	
(a)	Whether accused/convict has surrendered	N.A.
(b)	FIR No.	N.A.
(c)	Police Station :	N.A.
(d)	Sentence Awarded :	N.A.
(e)	Sentence Undergone :	N.A.
8.	Land Acquisition Matters :	N.A.
(a)	Date of Section 4 notification :	N.A.
(b)	Date of Section 6 Notification	N.A.
(c)	Date of Section 17 notification :	N.A.
9.	Tax Matters : State the tax effect :	N.A.
10.	Special Category (first petitioner/appellant only) :	N.A.
*	Senior citizen 65 years DC/ST * Woman/child * Disabled * Legal Aid case * In custody.	N.A.
11.	Vehicle Number (in case of Motor Accident Claim matters):	N.A.

Vishal Tiwari

Vishal Tiwari

P.I.P, Advocate

Supreme Court of India

Mobile- 9887681097, vishalnigha@gmail.com

SYNOPSIS AND LIST OF DATES

If you want to destroy a country make its citizens fight among themselves in the name of religion. The country will perish on its own. -Leo Tolstoy

The present PIL is filed to highlight the present Situation of our Nation in which the religious clashes and diversion is taking place.. Violent protest has erupted in west Bengal killing the people and damaging, looting attacking the police forces.

The undivided India under the dominance of British period witnessed the emphasised law of Divide and Rule. This principle of ruling had segregated the country under the dominant classification of religion, region, ethnicity and culture etc. Such policy established the solid foundation of British in undivided India.

Protests erupted across various parts of India on Tuesday in response to the Waqf (Amendment) Act, with demonstrations taking place in West Bengal, Jammu and Kashmir, Manipur, Chennai, and Bengaluru.

In West Bengal Murshidabad District and North 24 Parganas violence erupted in the protest against the waqf Amendment Act. the violence has led

to deaths and destruction of property. Stones were pelted and several police personnels were also injured.

In the legislative Assembly of Jammu and Kashmir chaos erupted against the Waqf Amendment Act.

In Manipur protest rallies were taken out against the Waqf Amendment Act.

The Chief Minister for the State of West Bengal had made a very Harmonious Appeal to Public that live and let live and during protest peace shall be maintained and there shall be no violence. Don't take law in hands, people are misleading.

But for some it may be a good opportunity for politics and some of the political parties use the religious sentiments for gaining the political milage. Instead of maintaining peace the politicians give provoking speech which makes the situation more worse. The Chief ministers, ministers who while sitting in tightened security speaks whatever they want and sometimes their speeches are filled with hate and provocation targeting a particular religion and people. Its impact on general public is that clashes generate and only common people pay price for this. Politicians and leaders they always remain safe under police protection.

For flourishing hate the past History is kept digging to ignite the religious feelings the irrelevant issues are created sometimes on Aurangzeb sometimes on Rana sanga. History is full of bitterness and clashes. The clashes took place in history for throne and to usurp the power as Might is Right was the rule. Every religion whether Hindu or Muslim has got the History of violence. For throne and kingdom Brother killed brother, Son killed father. In Ancient India the ruler of Magadh king Bimbsara is said that his own Son Ajatashatru imprisoned him and Starved him to death for kingdom. The Ashoka the Great is said to have killed his many brothers for throne. The Chandragupt Vikramaditya of Gupta dynasty has assassinated his elder brother Ramgupta and married his widow. It was common in Monarchical and Royal blood to commit violence for throne.

But in present time these things have no relevancy and to raise the issues by flourishing the hate Speeches is not good for the welfare of our Nation.

The Primary reason for Communal violences and clashes have also developed from the hate speeches being perpetrated by the political leaders and parties who instigate people and provoke them to establish the presence and bring in vote banks.

In the case of Shahin Abdulla versus Union of India and Ors. Writ Petition Civil No. 940/2022 order dated 21-10-2022 the Hon. Supreme Court

highlighted and Directed to initiate Action Against those who makes Hate speech and later many times the Hon. Court has warned for Contempt if directions are not followed but still the State governments have not implemented the order. No Action is taken against the Chief Ministers, Ministers and political leaders sitting on the Constitutional post and making hate speeches.

There is a fine line between free speech and hate speech. Free speech encourages debate whereas hate speech incites violence. It bears greater similarity to a psychological disorder than to standard political discourse. In liberal society we claim that freedom of speech is sacred and therefore has an absolute character. But we know that "free speech" inhabits a structured space: not only is "hate speech" legally forbidden in liberal societies, but there are also laws for such speakers. When we look for the definition of hate speech, we come across that hate speech is speech that attacks a person or group on the basis of attributes such as race, religion, ethnic origin, national origin, gender, disability, sexual orientation, or gender identity. It also speaks of gesture or conduct that incites violence. Such hate speeches tarnish the face of secularity and brings within it a sense of communal supremacy to dominate over others.

Such hate speeches with time have tarnished the image of Gandhian Philosophy and has spread hatred through derogatory actions. Such derogatory speeches openly hurting the dignity of the father of nation of Mahatma Gandhi and openly targeting the ideologies and philosophies is a catalyst to the situation of hatred flowing among the community. Such influential individuals do have the responsibility of preaching bona fide teachings of the community and should not involve into such instigating hate speeches resulting in chaos and anarchy in the country. Hence such derogatory actions in the form of instigated hate speech concerning murdering of people coming from particular community brings open hatred in the community and can potentially lead to the situation of anarchy.

However after 75 years of Independence of India from the clutches of British still witnesses the dominance of divide and rule, several incidences in recent times has shown this very fact which has arised in various parts of the country. The religious and political tensions that has been usurping in this country paves the way for the real question of what power and dominance which has been controlling and instigating this disturbances which is ultimately dividing and ruling the country based on religion, culture and ethnicity.

This Writ Petition filed under Article 32 of the Constitution of India is in the interest of public at large and to enforce the fundamental rights of equality and right to life under Article 14 and 21 of the Constitution. The present situation prevailing at various places of the country due to the political and communal tensions orchestrated by unregulated powers of the society with no action from the government pertaining to prevention of such incident.

India is a secular country which has got its secularity from the supreme law of the land i.e. Constitution of India. The makers of the constitution of country has believed in the philosophy of security and hence the preamble of the constitution of India provides for the notion of secularity at its core. Hence such derogatory actions in the form of instigated hate speech concerning murdering of people coming from particular community brings open hatred in the community and can potentially lead to the situation of anarchy and riots which will demolish the constitutional philosophy and backbone of the country.

Such actions comprehensively takes us to the concern and plead the immediate attention of this Hon'ble Court in this matter of immense public importance.

The Petitioner, therefore, begs to move the petition in the larger public interest and upon the conclusive finding that the rights of the larger number of people are violated and such derogatory actions if not stopped will lead to the situation of anarchy.

LIST OF DATES

8-4-2025: Waqf amendment Act came into force.

8-4-2025 Protest started in various states including West Bengal.

13-4-2025 In West Bengal protest turned Violent killing three people and several injured.

Hence the Present Writ petition

IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION
WRIT PETITION (CIVIL) NO. _____ OF 2025

(A Petition in the nature of Public Interest Litigation filed under Article 32 of the Constitution of India praying for a writ of Mandamus or any other appropriate writs seeking issuance of specific Directions, policies and regulations initiate guidelines and directions for the enforcement of fundamental right of equality and life under Article 14 and 21 of the Constitution and to set up a Judicial Enquiry Commission under the Chairmanship of Former Supreme Court Justice to enquire into the Violent Protest erupted in West Bengal and to Curb Hate and Provocation Speeches.)

IN THE MATTER OF:

1. Vishal Tiwari

S/o. Mahendra Prasad Tiwari

Age 42, R/o. B-2,

Indira Gandhi Nagar,

Bharatpur, Rajasthan. 321001

At present House No.1,

Nangli Razapur near Sarai Kale Khan

Nizamuddin East. 110013

... Petitioner

VERSUS

1. Union of India

Ministry of Home Affairs,

Through secretary,

North Block, Central Secretariat,

New Delhi,

Delhi 110001.

2. State of Rajasthan
Through The Chief Secretary,
Government Secretariat
Rajasthan-302005.
3. State of National Capital Territory of Delhi,
Through its Chief Secretary,
Players Building, I. P. Estate,
Delhi – 110002
4. State of Haryana,
Through the Chief Secretary,
Room No. 4, 4th Floor,
Haryana Civil Secretariat, Sector-1
Chandigarh-160019
5. State of Gujarat,
Through the Chief Secretary,
Block No. 1, 3rd Floor New Sachivalaya,
Gandhi Nagar–382010.
6. State of Jharkhand,
Through the Chief Secretary,
Project Bhawan, I Floor, Dhurwa,

Ranchi-834004,

7. State of Uttar Pradesh,

Through the Chief Secretary,

101, Lok Bhawan, Vidhan Sabha Marg

Lucknow -. 226001

8. State of Jammu and Kashmir,

Through the Chief Secretary,

Room No. 2/7, 2nd Floor, Main Building,

Civil Secretariat, Jammu-180001

And Room No. 307, 3rd Floor,

Civil Secretariat, Srinagar-190001.

9. State of Karnataka,

Through the Chief Secretary,

Secretariat, M. S. Building,

Vidana Soudha,

Bangalore-560001.

10. State of Madhya Pradesh,

Through the Chief Secretary,

Mantralaya,

Bhopal-462003.

11. State of Maharashtra,

Through the Chief Secretary,
Room No. 518, 5th Floor,
Madame Cama Road,
Mumbai-400032.

12. State of Punjab,

Through the Chief Secretary,
Room No 28, 6th Floor, Punjab Civil Secretariat,
Pin-160019.

13. State of Assam,

Through the Chief Secretary,
Assam Secretariat, C Block, 3rd Floor,
Dispur, Guwahati-781006.

14. State of West Bengal,

Through the Chief Secretary,
Nabanna, 13th Floor, 325,
Sarat Chatterjee Road,
Mandirtala Shibpur,
Howrah-711102.

15. State of Kerela,

Through the Chief Secretary,
Govt. Secretariat,

Thiruvananthapuram-695001

16. State of Tamil Nadu,

Through the Chief Secretary,

Secretariat, Chennai-600009

17. State of Chhattisgarh,

Through the Chief Secretary,

Mahanadi Bhawan, Mantralaya, Naya

Raipur-492002, India.

18. State of Telangana,

Through the Chief Secretary,

Tank Bund, Basheer Bagh, Near NTR Gardens,

Opposite Lumbini Park, Central Secretariat,

Khairatabad, Hyderabad, Telangana 500022.

19. State of Bihar,

Through the Chief Secretary,

Main Secretariat, Patna-800015.

20. Union Territory of Ladakh

Through the Commissioner Secretary

UT Secretariat, Leh- Ladakh.

21. U.T. Administration of Lakshwadeep

Through Administrator

Office of Lakshwadeep Administrator

Secretariat Building, Kavaratti, Lakshwadeep.

22. U.T. Administration of Dadra and Nagar Haveli and Daman and Diu

Through the Chief Secretary

Ground Floor, Secretariat, Fort Area,

Moti Daman, Daman (U.T.) - 396220

23. State of Arunachal Pradesh,

Through the Secretary

Block No-1, First Floor Room No-107

Civil Secretariat, Itanagar- 791111

Arunachal Pradesh.

24. Andaman & Nicobar Administration

Through Chief Secretary

Andaman & Nicobar Administration,

Secretariat, Port Blair – 744101.

25. State of Uttarakhand,

Through the Chief Secretary,

4 Subhash Road, Uttarakhand Secretariat,

Fourth Floor New Building, Dehradun,

Uttarakhand 248001.

26. State of Goa,

Through the Chief Secretary,
Government of Goa, Secretariat,
Porvorim, Bardez-40352,

27. State of Tripura,

Through the Chief Secretary,
Government of Tripura, New Secretariat Complex,
PO: Secretariat-799010,
Agartala, West Tripura, India.

28. State of Sikkim,

Through the Chief Secretary,
Government of Sikkim,
New Secretariat,
Gangtok-737101, India.

29. State of Odisha,

Through the Chief Secretary,
3rd Floor, State Secretariat, Sachivalaya Marg,
Bhubaneswar, Odisha 751001, India

30. State of Nagaland,

Through the Chief Secretary,
Civil Secretariat,
Kohima-797004, Nagaland.

31. State of Himachal Pradesh,

Through the Chief Secretary,

H. P. Secretariat,

Shimla-171002.

32. State of Manipur,

Through the Chief Secretary,

Manipur Secretariat,

South Blockmphal-795001.

33. State of Andhra Pradesh,

Through the Chief Secretary,

Building 1, 1st Floor, Interim Government Complex,

A.p. Secretariat, Velagapudi 522503All Contesting Respondents

(A PETITION IN THE NATURE OF PUBLIC INTEREST LITIGATION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA PRAYING FOR A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRITS SEEKING ISSUANCE OF SPECIFIC DIRECTIONS, POLICIES AND REGULATIONS FOR THE ENFORCEMENT OF FUNDAMENTAL RIGHT OF EQUALITY AND LIFE UNDER ARTICLE 14 AND 21 OF THE CONSTITUTION AND TO TO SET UP A JUDICIAL COMMISSION ENQUIRY UNDER THE CHAIRMANSHIP OF FORMER SUPREME COURT JUDGE TO ENQUIRE INTO THE VIOLENT PROTEST ERUPTED IN WEST BENGAL AND TO CURB HATE AND PROVOCATION SPEECHES.

To,

The Hon'ble Chief Justice of India

And His Companion Justices

Of the Supreme Court of India.

The Writ Petition of the

Petitioner above named

MOST RESPECTFULLY SHOWETH

The present Writ Petition civil in the nature of Public interest Litigation is filed under Article 32 of the Constitution of India by the Petitioner to enforce the fundamental rights, particularly the right to rules of law, peaceful — existence of people of all faith, convictions and following as enshrined under Article 21 of the constitution of India, caste regional, linguistic or other organizations in public roads and simultaneously answering the full exercise of fundamental rights of individual citizens of the concerned area town and visitors to those areas to move freely and ensure free and movement of free flow of traffic without any instructions and ensure effective prosecution of those violating the rights of individual citizens of the area who are not part of the processions.

ARRAY OF PARTIES

2. The Petitioner is a citizen of India, who is a practising Advocate in Supreme Court of India and a regular member of Supreme Court Bar Association (SCBA). Petitioner is always vigilant about the Supreme Court of India's Judgements and guidelines issued from time to time for

the protection and safeguard of the Fundamental rights of the citizens. The petitioner PAN card No. is AHRPT8051C and e-mail address is vishalnigha@gmail.com. Aadhar no. 392001089943. Annual Income as per to ITR 2024-2025 Rs Six lacs

2 A The petitioner has not Approached the Respondents because the Respondents States are governed by Different political Parties having there own Agendas and as in Public Interest Judicial Intervention is required

3. The Petitioner does not have any personal interest or any persona gain or private motive or any other oblique reason in filing this Writ Petition in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition. No similar petition has been filed before this court and any High court.

4. The Respondent No. 1 is the Union of India, represented by Ministry of Communications – Department of Home Affairs, which is the appropriate ministry dealing with safeguarding the policies of our country.

5. The Respondent No.2 is the State of Rajasthan, represented by its Chief Secretary which is the appropriate ministry dealing with safeguarding the policies of our country.

6. The Respondent No.3, is the National Capital of Territory of Delhi, Represented by its Chief Secretary, which is appropriate authority for the

appropriate authority concerned with safeguarding the fundamental rights of its citizens.

7. The Respondent No.4, is the State of Haryana, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

8. The Respondent No.5, is the State of Gujarat, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

9. The Respondent No.6, is the State of Jharkhand, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

10. The Respondent No.7, is the State of Uttar Pradesh, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

11. The Respondent No.8, is the State of Jammu and Kashmir, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

12. The Respondent No.9, is the State of Karnataka, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

13. The Respondent No.10, is the State of Madhya Pradesh, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

14. The Respondent No.11, is the State of Maharashtra, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

15. The Respondent No.12, is the State of Punjab, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

16. The Respondent No.13, is the State of Assam, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

17. The Respondent No.14, is the State of West Bengal, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

18. The Respondent No.15, is the State of Kerala, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

19. The Respondent No.16, is the State of Tamil Nadu, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

20. The Respondent No.17, is the State of Chhattisgarh, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

21. The Respondent No.18, is the State of Telengana, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

22. The Respondent No.19, is the State of Bihar, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

23. The Respondent No.20, is the Union Territory of Ladakh, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

24. The Respondent No.21, is the State of U.T. Administration of Ladakh, Represented by its Commissioner Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

25. The Respondent No.22, is the U.T. Administration of Dadra and Nagar Haveli and Daman and Diu Represented by its Chief Secretary, which is

appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

26. The Respondent No.23, is the State of Arunachal Pradesh, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

27. The Respondent No.24, is the Union Territory of Andaman and Nicobar, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

28. The Respondent No.25, is the State of Uttarakhand, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

29. The Respondent No.26, is the State of Goa, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

30. The Respondent No.27 is the State of Tripura, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

31. The Respondent No.28, is the State of Sikkim Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

32. The Respondent No.29, is the State of Odhisha, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

33. The Respondent No.30, is the State of Nagaland, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

34. The Respondent No.31, is the State of Himachal Pradesh, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

35. The Respondent No.32, is the State of Manipur, Represented by its Chief Secretary, which is appropriate authority for the appropriate authority concerned with safeguarding the fundamental rights of its citizens.

36. The Respondent No.33, is the State of Andhra Pradesh, Represented by its Chief Secretary, which is appropriate authority for the appropriate

FACTS OF THE CASE

37. It needs to be noted with a greater relevance that the prevailing situation at India with tension and disturbances rising in various parts of the country draws its similarity from the days of British rule. The biased, discriminatory and tyrant actions of the state and its law enforcing machineries depict the relevance of past. The undivided India under the dominance of British

period witnessed the emphasised law of Divide and Rule. This principle of ruling had segregated the country under the dominant classification of religion, region, ethnicity and culture etc. Such policy established the solid foundation of British in undivided India.

38. The country standing in the age of development and advancement is still suffering after 75 years of from the clutches of British, the country still witnesses the dominance of divide and rule, several incidences in recent times has shown this very fact which has arised in various parts of the country. The religious and political tensions that has been usurping in this country paves the way for the real question of what power and dominance which has been controlling and instigating this disturbances which is ultimately dividing and ruling the country based on religion, culture and ethnicity.

39. Protests erupted across various parts of India on Tuesday in response to the Waqf (Amendment) Act, with demonstrations taking place in West Bengal, Jammu and Kashmir, Manipur, Chennai, and Bengaluru.

In West Bengal Murshidabad District and North 24 Parganas violence erupted in the protest against the waqf Amendment Act. the violence has led to deaths and destruction of property. Stones were pelted and several police personnels were also injured.

In the legislative Assembly of Jammu and Kashmir chaos erupted against the Waqf Amendment Act.

In Manipur protest rallies were taken out against the Waqf Amendment Act.

A true copy of the news report dated 8-4-2025 is Annexed herewith and marked as Annexure P-1, pages to

A true copy of the news report dated 13-4-2025 is Annexed herewith and marked as Annexure P-2, pages to

GROUND

A. Because the Present Writ Petition filed in the form of Public Interest Litigation by the Petitioner in this present case stands firmly maintainable as the discussed issue is a matter of public importance and concern. The lack of action from the state and its law enforcing agencies in evidence finding and prosecution of the accused is a deficiency in its sovereign and protection of fundamental rights of people under right of equality and life enshrined under Article 14 and 21 of the Constitution.

B. The Waqf (Amendment) Bill was passed by the Lok Sabha on Thursday and by the Rajya Sabha in the early hours of Friday after extended debates in both houses of Parliament. President Droupadi Murmu gave her assent to the bill on Saturday.

The newly enacted Act aims to improve the management of Waqf properties, which are assets donated by Muslims for religious or charitable purposes. It includes provisions to protect heritage sites, enhance transparency in property management, and streamline coordination between Waqf boards and local authorities. The Act also seeks to safeguard the rights of stakeholders involved.

C. Because Protests erupted across various parts of India on Tuesday in response to the Waqf (Amendment) Act, with demonstrations taking place in West Bengal, Jammu and Kashmir, Manipur, Chennai, and Bengaluru.

In West Bengal Murshidabad District and North 24 Parganas violence erupted in the protest against the waqf Amendment Act. the violence has led to deaths and destruction of property. Stones were pelted and several police personnels were also injured. Prohibitory orders and an internet ban remained in place in various areas of Murshidabad. Train services were hit as protesters blocked the rail tracks. THREE PERSONS, including a father-son duo, were killed as protests against the Waqf (Amendment) Act spiralled into violence in Murshidabad district of West Bengal on Friday. According to a government statement, over 150 people have been arrested. it may be a good opportunity for politics and some of the political parties use the religious sentiments for gaining the political milage. Instead of maintaining

peace the politicians give provoking speech which makes the situation more worse. The Chief ministers, ministers who while sitting in tightened security speaks whatever they want and sometimes their speeches are filled with hate and provocation targeting a particular religion and people. Its impact on general public is that clashes generate and only common people pay price for this. Politicians and leaders they always remain safe under police protection.

D. Because In India, the right to protest finds its foundation primarily in Article 19 of the Constitution, which provides citizens with certain fundamental rights. Though the right to protest is not specifically mentioned, it is considered an extension of the following provisions:

Article 19(1)(a) – Right to Freedom of Speech and Expression

The right to freedom of speech and expression is a fundamental right that allows individuals to express their opinions freely. This provision has been interpreted broadly by the Supreme Court to include the right to protest. The right to protest becomes an essential tool for citizens to express their dissent or concerns about the government's policies or actions.

Article 19(1)(b) – Right to Form Associations and Unions

This provision guarantees the right to form associations or unions, which is a crucial aspect of collective action. The ability to form associations for political or social purposes enables citizens to come together, organise protests, and collectively challenge government decisions.

Article 19(1)(c) – Right to Peacefully Assemble

The right to assemble peacefully is a vital component of the right to protest. It enables individuals to come together, voice their dissent, and demonstrate against perceived wrongdoings by the government. Peaceful assemblies, such as marches, sit-ins, or rallies, are often employed to create public awareness and put pressure on the government to address the concerns raised.

Together, these provisions ensure that citizens have the legal framework to organise and participate in protests, thereby facilitating their right to challenge government actions and hold it accountable.

The Importance of the Right to Protest

The right to protest is indispensable in a democratic society as it provides a platform for individuals to express their discontent with government policies or decisions. It allows citizens to actively participate in the political process and influence the direction of public policies. The essence of democracy lies in the active participation of its citizens, and the right to protest is a critical mechanism for such engagement.

While the right to protest is a fundamental right, it is not absolute. **Article 19(2)** of the Indian Constitution imposes reasonable restrictions on the exercise of certain rights, including the right to freedom of speech and expression. These restrictions are necessary to maintain public order, national security, and the overall functioning of society. Some of the key grounds on which restrictions can be imposed are:

- **Sovereignty and Integrity of India:** Protests that threaten the sovereignty and integrity of the nation or incite violence against the state can be prohibited. The government has the responsibility to protect the integrity of the nation and ensure that protests do not lead to disintegration or harm to national security.
- **Security of the State:** Protests that jeopardise the security of the state, such as those that encourage terrorism or insurrection, can be restricted. The right to protest cannot be used as a tool to undermine the security of the nation.
- **Public Order:** Protests that disrupt public order or endanger public safety are subject to regulation. Public order ensures that the rights of other citizens are not adversely affected by disruptive protests. This includes ensuring that protests do not block roads, hinder transportation, or cause inconvenience to the general public.

- **Decency or Morality:** Protests that involve offensive or immoral behaviour may also be restricted. The government can regulate protests that go against societal norms of decency and morality, especially when they endanger public well-being.
- **Contempt of Court:** Protests that undermine the dignity of the judicial system or interfere with the functioning of the courts can be curtailed. The right to protest cannot be used to disrespect the judiciary or its orders.
- **Defamation:** Protests that involve defamatory statements or slander against individuals or organisations can be restricted to prevent harm to reputation and dignity.
- **Incitement to Offence:** Protests that incite violence or encourage criminal activity can be suppressed. The law recognises that protests cannot be used to provoke unlawful actions.

E. In the **Mazdoor Kisan Shakti Sangathan Case (2018)**, the Supreme Court emphasised the need to balance the interests of protestors with the rights of non-protestors. The case involved a dispute regarding protests at Jantar Mantar in Delhi. The Court observed that while the right to protest is a fundamental right, it must be exercised in a way that does not interfere with the daily lives

of citizens, particularly the right of individuals to access public spaces and travel freely.

The Court directed the police to devise a mechanism that would allow peaceful protests while ensuring that these protests did not disrupt public life. The judgement underscored the need for a regulatory framework that would enable protests without causing undue inconvenience to other citizens.

Similarly, in the **Shaheen Bagh Case (2020)**, the Supreme Court recognised the right of citizens to protest peacefully but also ruled that public spaces and roads could not be occupied indefinitely. The Shaheen Bagh protests, which were held against the Citizenship Amendment Act (CAA), led to the blocking of a major road in Delhi for months, causing significant disruption to commuters. The Court held that while citizens had the right to protest, they could not block public roads for extended periods, as this infringed upon the rights of other citizens to use public spaces freely.

The Court also referred to its earlier judgement in the **Ramlila Maidan Case (2012)**, where it stated that the right to assembly and peaceful protest cannot be taken away by arbitrary executive or legislative actions. However, it reiterated that protests must be conducted in a manner that does not violate public order or the rights of others.

Violence and the Right to Protest

It is important to note that while peaceful protests are a fundamental right, violence is not. The Constitution imposes a fundamental duty on citizens to safeguard public property and refrain from violence during protests. **Article 51A** of the Indian Constitution explicitly states that it is the duty of every citizen to abjure violence and safeguard public property.

The Supreme Court has consistently held that violence during protests is not protected under the right to protest. Violent protests, which result in harm to public property, individuals, or the state, are not covered by the fundamental right to assemble peacefully. In such cases, the authorities are justified in imposing restrictions and taking necessary actions to maintain law and order.

F. Because the Hon'ble Supreme Court in the case of **Mazdoor Kisan Shakti Sangathan v. The Union of India** [W.P. (Civil) No 1153 of 2007] urged for the formulation of guidelines for the smooth conduct of processions and demonstrations by the Respondent Authorities thereby limiting the use of weapons, swords in the procession but in reality it was never complied with, such was not followed in letter and spirit and there remains no regulation or enforcement mechanism in this regard held that: *not permitting any demonstrations when foreign dignitaries are visiting a particular place or pass through the particular route; not allowing firearms, lathis, spears, swords, etc. to be carried by demonstrators; not allowing*

them to bring animals or pitch tents or stay overnight; prescribing time limits for such demonstrations; and placing restrictions on such demonstrations, etc. during peak traffic hours. To begin with, authorities can permit those processions and demonstrations which are innocuous by their very nature.

G. Because these may be pre-planned attacks whether done for political motives or for criminal intent is under no deduction because of no constructive prosecution by the Respondent Authorities.

H. Because the Supreme Court in the case of **The Commissioner Of Police & Ors vs Acharya Jagdishwarananda** [Appeal (Civil) 6230 of 1990] held that any community or group is entitled to transmit or spread by taking out procession in public places, however any such religious right is subject to public order and the State holds ample powers to regulate the secular activities. Such processions of various communities had been permitted by the Court but it should be peaceful with no damages to properties and no violation of rights' other individuals.

G. Because the Hon'ble Supreme Court in the case of **Ashwini Kumar Upadhyay vs Union of India** [WRIT PETITION (CIVIL) NO.190 OF 2023] observed that:

“The golden principle of fraternity which again is enshrined in the preamble is of the greatest importance and rightfully finds its place in the preamble as a constant reminder to all stakeholders that maintenance of harmony between different sections alone will lead to the imbibing of a true notion of nationhood bonding sections together for the greater good of the nation and finally, establish a sovereign democratic republic. We must constantly remind ourselves that courts of law, as indeed every part of the ‘State’, must be guided by the sublime realisation, that Bharat is a secular nation committed to securing fundamental rights to all sections as contemplated in the Constitution.”

I. Because instigation and provocation through hate speeches by political leaders thereby establishing presence is leading to communal violence and clashes as directed hatred is being perpetrated which holds the capability of destroying the harmony of the country. In past our Nation has faced several communal Riots in Gujarat 2002 and in Uttar Pradesh in which Humans and Humanity both were Slaughtered and burnt.

J. Because the incidences and violences being reported have never been prosecuted constructively and there has been no conclusive step from the Respondent Authorities in terms of its preventions.

K. That such actions are contemplated by the political parties through instigation, provocation to establish its political agenda and establishment. To facilitate the political benefits, these actions are encouraged to satisfy the benefits on the cost of such violences and clashes.

L. The relevance of Divide and Rule policy is still prevalent in India with the power in the hands of few attempting to initiate a wedge between the different communities and religions of India.

M. Because the State is under the responsibility to prevent and regulate such issue whereas the government has substantially failed with its duty of prevention and regulation with no action in the form of thorough investigation and prosecution of the same.

O. Because there has been severe violation of public harmony, damage to public property and injury and death of citizens for which the concerned Respondent Authorities are liable in terms of strict law enforcement mechanism and vigilance.

P. Because demonstration of Offensive weapons with the intention to cause fear or for unwanted pomp and show amounts to illegal activities and on the name of processions it cannot be tolerated.

Q. Because there is an Eminent need to curb hate and provocative speeches not made by Politicians, Sitting on Constitutional posts.

40. No other similar petition has been filed by the petitioner before this court or any other court related to the present Incidents.

PRAYER

In the said premises it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- i Issue a Appropriate writ, Order, Decree in the nature of mandamus and Direct to Constitute a Five Member Judicial Enquiry Commission Headed by Retired Hon. Supreme Court Justice to enquire into the Violent protest erupted Against Waqf Amendment Act in West Bengal Murshidabad, North 24 Parganas District and to Submit its report;
- ii. Issue directions to the State of West Bengal (Respondent No. 14) and call for the Status Report on the clashes/Riots took place During Protest against Waqf Amendment Act;
- iii. Issue directions to the State of West Bengal (Respondent No. 14) to take Action and Curb the Hate and Provocative Speeches Made in Respect to Any Community and to Comply with the directions issued in Shahin Abdulla versus Union of India and Ors. Writ Petition Civil No. 940/2022 order dated 21-10-2022;
- iv. Issue directions to the State of West Bengal (Respondent No. 14) to ensure Safety of Citizens residing in State and protests do not block roads, hinder transportation, or cause inconvenience to the general public;

V. Issue directions to the Union Home Ministry (Respondent No. 1) to issue Advisory to all Chief Secretaries of the Respective States to Curb the hate and Provocative Speeches by the Political parties and its Leaders;

vi. Issue Directions to all States (Respondents Herein) Comply with the directions issued in Shahin Abdulla versus Union of India and Ors. Writ Petition Civil No. 940/2022 order dated 21-10-2022;

Pass such other appropriate relief which this Hon'ble Court may deemed fit in the facts and circumstances of the case.

FOR THIS ACT OF KINDNESS THE PETITIONER/APPLICANT HEREIN AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN ON- 15-4-2025, FILED ON – 15-4-2025

DRAWN BY

FILED BY



Vishal Tiwari (Advocate Supreme court of India)

S/o. Mahendra Prasad Tiwari Age 40, R/o. B-2, Indira Gandhi Nagar, Bharatpur, Rajasthan 321001. At present House No.1, Nangli Razapur near Sarai Kale Khan Nizamuddin East. 110013 Mobile 9887681097, e-mail vishalnigha@gmail.com

PETITIONER IN PERSON

IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION
WRIT PETITION (CIVIL) NO. _____ OF 2025
AFFIDAVIT

IN THE MATTER OF:

Vishal Tiwari

... Petitioner

Versus

Union of India and Ors.

... Respondents

A F F I D A V I T

I, Vishal Tiwari (Advocate Supreme court of India) S/o. Mahendra Prasad Tiwari Age 42, R/o. B-2, Indira Gandhi Nagar, Bharatpur, Rajasthan. 321001 At present House No.1, Nangli Razapur near Sarai Kale Khan Nizamuddin East. 110013, at present New Delhi:

1. That I am the petitioner in person of the above Petition (PIL), I am well acquainted with the facts and circumstances of the case, and as such, I am competent to swear this affidavit.

2. That the accompanying Synopsis with List of dates from pages B to H Writ Petition and other I.A's have been drafted under my instructions. I have read its contents and fully understood the same. The facts given therein are true and correct to the best of my knowledge and belief.

2. The Petitioner does not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Writ Petition in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition. No similar petition has been filed before this court and any High Court.

DEPONENT

VERIFICATION:

Verified at New Delhi on this 15th Day of April, 2025 that the facts stated herein are true to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

APPENDIX

Article 32 in the Constitution of India 1949

32. Remedies for enforcement of rights conferred by this Part

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part

(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution

IN THE HON'BLE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

PUBLIC INTEREST LITIGATION

I.A NO _____ 2025

IN

WRIT PETITION (CIVIL) NO. _____ OF 2025

IN THE MATTER OF:

Vishal Tiwari

... Petitioner

Versus

Union of India and Ors.

... Respondents

**AN APPLICATION FOR PERMISSION TO APPEAR AND
ARGUE IN PERSON**

To,
The Hon'ble Chief Justice and his
Companion judges of the Hon'ble
Supreme Court of India
The humble petition of
The above named petitioner

MOST RESPECTFULLY SHOWETH:

1. That the above-mentioned writ Petition civil (PIL) is being filed by the petitioner under Article 32 of the Constitution of India praying for the order by this Hon'ble Court for issuing the writ of mandamus for seeking issuance of specific Directions to the Respondents immediately enforce and initiate policies for the enforcement of fundamental right of equality and life under Article 14 and

21 of the Constitution and to set up a Judicial Enquiry Expert Commission under the Chairmanship of Former Supreme Court Judge to enquire into the disturbances in various parts of the country during Ram Navami celebrations and formulate guidelines for smooth conduct of religious processions.

2. The petitioner for the sake of brevity has avoided to repeat the averments made in the accompanying contempt petition as the petitioner has comprehensively and substantially substantiated the material facts and relied upon the averments made herein and the averments made therein may kindly be read as part and parcel of this application.

3. That the petitioner to appear and argue in person in the above mentioned case as he himself is an Advocate, practicing in the Supreme Court of India, he is the member of Supreme Court of India, he is the member of Supreme Court Bar Association and he is well conversant with the facts and circumstances of the case. The petitioner wants to appear and argue IN-PERSON and he does not want any Advocate.

PRAYER

In the above circumstances it is therefore most respectfully prayed that this Hon'ble Court may please to:

- (a) Allow the petitioner to appear and argue in person in this petition;
- (b) Pass such other order or orders as this Hon'ble would deem fit and proper in the facts and circumstances of the case.

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

Vishal Tiwari

Filed by:

Vishal Tiwari
Advocate
Supreme Court of India
Petitioner-in Person
Mobile- 9887681097
E-mail- vishalnigha@gmail.com

**IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)**

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO. _____ OF 2023

IN THE MATTER OF

VISHAL TIWARI

...PETITIONER

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

Sl. No.	PARTICULARS	COPIES	COURT FEE
1.	WRIT PETITION	E-FILING	N.A
2.			
3.			
4.			
5.			
6.			
7.			

Filed on: 15-4-2025

Vishal Tiwari

Advocate

Vishal Tiwari

Supreme Court of India

Petitioner-in Person

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