

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

PUBLIC INTEREST LITIGATION

WRIT PETITION (CRIMINAL) NO. _____ OF 2021

IN THE MATTER OF :

Vishal Tiwari ... Petitioner

Versus

Union of India and ors. ... Respondent

With

I.A NO.....OF 2021

An Application for permission to appear and Argue
In Person.

With

I.A NO.....OF 2021

An Application for exemption from filing duly Affirmed
Affidavit

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 :	149 and other relevant sections
*	Central Rule : (Title)	Indian penal code
*	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	Criminal.
2(a).	Petitioner/Appellant No.1.	Vishal Tiwari
(b)	E-mail ID :	N.A.
(c)	Mobile Phone Number :	N.A.
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 :	14 -Criminal Matters.
(b)	Sub classification :	0817 (Others)
5.	Not to be listed before	N.A.

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
P.I.P, Advocate Supreme Court of India
Mobile- 9887681097, vishalnigha@gmail.com

SYNOPSIS AND LIST OF DATES

On 26th January 2021 the Delhi turned into a battle field. And the parties were of same Country and Citizenship. KISANS AND JAWANS.

The farmers protest is going over for more than two months in opposition of certain farm laws which the present central government has introduced as an Act. The demands of farmers and several farmer unions is one and only one i.e The government shall withdraw or finish the farm laws which it had recently introduced. The protest has become historical and highlighted. Few days back it was decided that the farmer will take a tractor march in Delhi on 26th January 2021 and when the day came the unexpected things happen. Unfortunately the Tractor march took a violent turn leaving injuries and destruction of public property. This incident also effected the daily life of the public. The Internet services were interrupted as government ordered the operators to suspend the same. In the present time the Internet services are very essential to carry out the work in different professions especially in Advocacy as the courts and our Supreme court of India is functioning online. The petitioner is also an Advocate practising in Supreme court of India. However the clash between police and farmers in Delhi on 26th jan. has brought the Attention of entire world. The matter is serious because when the protest was going on peacefully for

last two months than Suddenly how it turned into violent movement and led violence on 26th January.

The Question for consideration in National Security and public Interest arises that who is Responsible for creating the Disturbance and how and who turned the peaceful farmer protest into violent movement or How and who created the circumstances which let the protest turn violent-

Is police Administration is responsible for it or for creating Such Circumstances?

Are farmers responsible for breaking the conditions of tractor march and committing violence?

Or there is some other force which wants to End the Peaceful Farmer protest by Proving them wrong?

Or there are Some other forces or organization which in the shade of farmer protest wants to fulfil its Ambitions and Goal.

The All aspects are to be Enquired and looked upon. The blames are from both sides and the matter is to be inquire by an Independent Agency i.e by Setting up an Inquiry Commission under the chairmanship of Retire Supreme court Judge.

LIST OF DATES

2019- The central government Introduced the New farm laws

November -2020 – The farmers and Several Farmer Union began the protest against the New farm laws by Sitting on the borders of Delhi and on various highways.

26-1-2021 – The Tractor march of Farmers was led in Delhi which took a violent turn and clash between Farmers and police.

Hence the present Writ petition (PIL)-

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

PUBLIC INTEREST LITIGATION

WRIT PETITION (CRIMINAL) NO. _____ OF 2021

(A petition under Article 32 of the Constitution of India praying for a Writ of Mandamus or any other appropriate writs seeking issuance of specific Directions for Constituting an Judicial Enquiry Commission for Inquiry into the Clash and Disturbance took place in Delhi on 26th January 2021 during the protesting farmers Tractor March in Delhi)

IN THE MATTER OF:

1. Vishal Tiwari

S/o. Mahendra Prasad Tiwari

Age 36, 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, through Secretary,
Ministry of Home Affairs, North Block,

Central Secretariat, New Delhi,
Delhi 110001.

2. Commissioner of Police

Delhi Police Headquarters

New Delhi.

All contesting Respondents

A WRIT PETITION CRIMINAL 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 FOR CONSTITUTING A JUDICIAL INQUIRY COMMISSION FOR INQUIRY INTO THE CLASH AND VIOLENCE TOOK PLACE IN DELHI ON 26TH JANUARY 2021 DURING THE PROTEST TRACTOR MARCH LED BY THE FARMERS IN OPPOSITION OF FARM LAWS INTRODUCED BY THE PRESENT CENTRAL GOVERNMENT.

To,
The Hon'ble the Chief Justice of India
And His Companion Justices
of the Supreme Court of India.

The Writ Petition of the
Petitioner above named

MOST RESPECTFULLY SHEWETH:

1. The present Writ Petition criminal in the nature of PUBLIC INTEREST LITIGATION under Article 32 of the Constitution of India is being filed by the Petitioner to enforce fundamental rights, particularly the Right to Life, Right to protection. A petition under Article 32 of the Constitution of India praying for a Writ of Mandamus or any other appropriate writs seeking issuance of specific Directions for Constituting an Judicial Enquiry Commission for Inquiry into the Clash and Disturbance took place in Delhi on 26th January 2021 during the protesting farmers Tractor March in Delhi

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. Supreme court of India has also from time to time issued strict directions to the police for the compliance of and safeguard the constitutional rights and has restricted police to use unconstitutional measures against the citizens. The petitioner being an Advocate is also a part of this entire judicial system of country and committed to maintain the respect, dignity and authority of the judicial system of our country. The petitioner's PAN card No. is AHRPT8051C, Aadhar No. is 392001089943 and e-mail address is vishalnigha@gmail.com.

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 Home Affairs, which is the appropriate ministry dealing with safeguarding the fundamental rights of the citizens.

5. The Respondent no. 2 is the Commissioner of police Delhi the appropriate authority concerned with the maintenance of law and order safeguarding the fundamental rights of the citizens.

FACTS OF THE CASE

6. On 26th January 2021 the Delhi turned into a battle field. And the parties were of same Country and Citizenship. KISANS AND JAWANS.

The farmers protest is going over for more than two months in opposition of certain farm laws which the present central government has introduced as an Act. The demands of farmers and several farmer unions is one and only one i.e The government shall withdraw or finish the farm laws which it had recently introduced. The protest has become historical and highlighted. Few days back it was decided that the farmer will take a tractor march in Delhi on 26th January 2021 and when the day came the unexpected things happen. Unfortunately the Tractor march took a violent turn leaving injuries and destruction of public property. This incident also effected the daily life of the public. The Internet services were interrupted

as government ordered the operators to suspend the same. In the present time the Internet services are very essential to carry out the work in different professions especially in Advocacy as the courts and our Supreme court of India is functioning online. The petitioner is also an Advocate practising in Supreme court of India. However the clash between police and farmers in Delhi on 26th jan. has brought the Attention of entire world. The matter is serious because when the protest was going on peacefully for last two months than Suddenly how it turned into violent movement and led violence on 26th January.

The Question for consideration in National Security and public Interest arises that who is Responsible for creating the Disturbance and how and who turned the peaceful farmer protest into violent movement or How and who created the circumstances which let the protest turn violent-

Is police Administration is responsible for it or for creating Such Circumstances?

Are farmers responsible for breaking the conditions of tractor march and committing violence?

Or there is some other force which wants to End the Peaceful Farmer protest by Proving them wrong?

Or there are Some other forces or organization which in the shade of farmer protest wants to fulfil its Ambitions and Goal.

The All aspects are to be Inquired and looked upon. The blames are from both sides and the matter is to be inquire by an Independent Agency i.e by Setting up an Inquiry Commission under the chairmanship of Retire Supreme court Judge.

The Honourable Supreme court of India also heard the issue of present farmer protest in some petitions. The Supreme court observed that the protest is peaceful and the Fundamental Right to peaceful protest shall be safeguarded.

So, when the protest was going on peacefully without any aggressive behaviour than how suddenly it took a violent turn.

7. GROUND

A. Because the Incident took place in Delhi on the Occasion of Republic Day 26th January 2021 has brought a very serious consequences resulting problems for public. the Delhi is the heart of our country, whatever Activity takes place here, effects the entire Nation. The peaceful farmer protest was going on and it glorified our Nation by the fact that in our democracy the

different opinion is also respected and protected. The sudden turn in the Nature of protest has shocked the entire nation. There is no family in our country without the background of a farmer or Agriculture.

The farmers decided to led a protest Tractor march in Delhi on 26th January 2021 and for this every arrangemnts by the police Administration and farmer unions were made, As per to the news the police planned and programmed every thing for the Tractor march of the farmers. The route for march was decided, the manner in which the Tractor march will begin, run and End was decided. The number of Tractors and persons were also fixed. There was no rumour or information of any violence activity on 26th January. Then how Suddenly the things went wrong and the Designed peaceful tractor march turned Violent or it was pushed to the circumstances to turn violent.

B. Because there may be some Conspiracy to cause disturbance and to damage the peaceful protest by some notorious forces or organizations and create a clash between police and protesting farmers. Or it was due to the lapses (may be deliberately) from the side of police Administration to create such circumstances in which disturbances will definitely occur. There may be Attempt to do this all.

C. Because to Reach and climb At Red Fort of Delhi and Hoist a Flag of Particular Religion or Sect at the place and on poll on which our National Tricolour flag is Hoisted on every Independence Day and which is the place Specially Reserved for unfurling our National flag by the Prime Minister, this act is very sad and Insulting to our National Dignity. Whether there were some organizations apart from the farmers who in the shade and cloak of farmers trying to achieve their ambitions and goals which are not in our National Interest.

D. Because the blames are coming from both sides, the police Administration and the farmers, so it is necessary in the Interest of Public and our Nation that Such a serious Incident shall be Inquired by the Judicial Commission headed by the Retired Supreme court Justice.

8 . That the Petitioner has not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.

PRAYER

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

- i. Issue directions to setup a Three member Inquiry commission in the matter for collecting the facts and evidence and for recording the evidence , the members comprising of two Retired Honorable High court Judges and Chairmanship of Retired Justice of Honorable Supreme court of India and shall submit the report before this Honorable court with in time bound period may be in one month;

- ii. Issue Directions to register the First Information Report under relevant sections of India Penal Code and other penal provisions against the person/s or Organization/s who is found responsible for the Incident and violence and causing the dishonor of our National flag;

**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- 27-1-2021

FILED ON – 27-1-2021

DRAWN AND
FILED BY

Vishal Tiwari (Advocate Supreme court of India)
S/o. Mahendra Prasad Tiwari Age 37, 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
(CRIMINAL ORIGINAL JURISDICTION)**

PUBLIC INTEREST LITIGATION

WRIT PETITION (CRIMINAL) NO. _____ OF 2021

IN THE MATTER OF :

Vishal Tiwari

... Petitioner

Versus

Union of India and ors.

... Respondent

A F F I D A V I T

I, Vishal Tiwari (Advocate Supreme court of India) S/o. Mahendra Prasad Tiwari Age 37, 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 D Writ Petition (contained paras 1 to 8) 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.

3. 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 27th day of January, 2021, 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

Mandamus or any other appropriate writs seeking issuance of specific Directions for Constituting an Judicial Enquiry Commission for Inquiry into the Clash and Disturbance took place in Delhi on 26th January 2021 during the protesting farmers Tractor March in Delhi

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 pleased to :

- (a) to 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.

Filed by:

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

an Judicial Enquiry Commission for Inquiry into the Clash and Disturbance took place in Delhi on 26th January 2021 during the protesting farmers Tractor March in Delhi

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 seeks exemption from filing the duly affirmed and attested Affidavit as due to COVID19 lockdown the oath commissioner or Notary public is not Available nearby to the place of petitioner.

PRAYER

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

- (a) Exempt the petitioner from filing duly Affirmed and Attested Affidavit;

- (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.

FILED ON- 2-11-2020

Filed by:

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

SECTION -PIL W

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

PUBLIC INTEREST LITIGATION

**WRIT PETITION (CRIMINAL) NO. _____ OF 2020
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.			
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Filed on: 2-11-2020

Vishal Tiwari

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