

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

PIL WRIT PETITION NO. _____ OF 2021

[Under Article 32 of the Constitution of India read with order
XXXVIII, Rule 13 (1) (d) & 2 of the Supreme Court Rules, 2013]

IN THE MATTER OF:

PRADEEP KUMAR YADAV ...PETITIONER

-VERSUS-

UNION OF INDIA & ORS. RESPONDENTS

With

Crl. M.P. _____ of 2021.

**APPLICATION FOR PERMISSION TO APPEAR & ARGUE AS
PETITIONER IN PERSON**

With

Crl. M.P. _____ of 2021.

**APPLICATION SEEKING STAY THE TRIAL AND RELEASE THE
VICTIMS FORTHWITH AGAINST WHOM THE FIR'S HAS BEEN
REGISTERED IN THE NAME OF AFFIXING POSTER AGAINST
GOVERNMENT VACCINE POLICIES, DURING PENDENCY OF
PRESENT WRIT PETITION**

PAPER BOOK

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PETITIONER IN PERSON: PRADEEP KUMAR YADAV

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LISTING PROFORMASection: PIL

The case pertains to (please tick/check the correct box)

I	Central Act: (Title)	Constitution of India
II	Section:	Article 32
III	Central Rule: (Title)	NA
IV	Rule No. (s)	NA
V	State Act: (Title)	NA
VI	Section	NA
VII	State Rule: (Title)	NA
VIII	Rule No. (s)	NA
IX	Impugned Interim Order (Date)	NA
X	Impugned Final Order/Decree: (Date)	NA.
XI	High Court: (Name)	NA
XII	Names of Judges	NA
XIII	Tribunal/Authority (Name)	NA
1.	Nature of Matter	Writ Petition (CRIMINAL)
2.	(a) Petitioner/appellant No. 1	Pradeep Kumar Yadav
	(b) e-mail ID:	solicitors.pradeep@gmail.com
	(c) Mobile Phone number	9990662762
3	(a) Respondent Nos.	Union of India & Anrs.
	(b) e-mail ID:	supremecourt@nic.in
	(c) Mobile Phone number	NA
4	(a) Main category classification	08: Letter Petition & PIL Matters
	(b) Sub classification	0812: Others.
5	Not to be listed before	NA
6	(a) Similar disposed of matter with citation, if any & case details	No

	(b)	Similar Pending matter with case details	No
7		CRIMINAL Matters	No
	(a)	Whether accused or convict has surrendered	NA
	(b)	FIR No. & Date	NA
	(c)	Police Station	NA
	(d)	Sentence Awarded	NA
	(e)	Period of sentence undergone including Period of Detention/Custody undergone.	NA
8		Land Acquisition Matters	No
	(a)	Date of Section 4 notification	NA
	(b)	Date of Section 6 notification	NA
	(c)	Date of Section 17 notification	NA
9.		Tax matters: State the tax effect:	NA
10.		Special Category (first petitioner/appellant only)	NA
	(a)	Senior Citizen > 65 years	NA
	(b)	SC/ST	NA
	(c)	Women/Child	NA
	(d)	Disabled	NA
	(e)	Legal Aid Case	NA
	(f)	In custody	NA
11.		Vehicle number (in case of Motor Accident Claim matters)	NA

(Pradeep Kumar Yadav, Advocate)
Petitioner-in- person
Email:solicitors.pradeep@gmail.com
Mobile:09990662762

Date: 17.05.2021

SYNOPSIS & LIST OF DATES

That the petitioner is a regular practicing Advocate this Hon'ble Court and as a pro bono public constrained to file present PIL Writ Petition Under Article 32 of Constitution of India seeks indulgence of this Hon'ble to intervene with the illegal arrest of innocent general public who are labours contractors for their speech and expression by way of pamphlets affixed on the wall which is spread in social media.

That this Hon'ble Court in catena of cases has held that freedom of speech and expression with regard to the public cause is a fundamental rights of every citizens guaranteed under the Constitution of India. Further this Hon'ble Court in the case titled Shreya Singhal vs. Union of India, AIR 2015 SC 1523 while set aside the Sec. 66-A of I.T. Act which constitutes an offence for sharing an information in the social media has held that an information sharing in the social media does not constitute any criminal offence under the I.T. Act. Recently this Hon'ble Court in the case of Suo Motu WP (C) 3 of 2021 titled DISTRIBUTION OF ESSENTIAL SUPPLIES AND SERVICES DURING PANDEMIC has passed a specific direction to the respondent state Authorities not to register any criminal case over the public seeking medical help in the social media.

In contrary to above decision of this Hon'ble Court the Authorities are registering FIR against the innocent persons over their hate speech against the Hon'ble PM with regard to his official functions over the second wave of COVID-19 crises and Government vaccine policies.

That the petitioner is against and seeking the intervention of this Hon'ble Court into the 24 arrest in Delhi over posters against the Prime Minister on the vaccination Policy - At least 25 First Information Reports (FIR) have been registered in connection with posters that surfaced across the capital questioning Prime Minister Narendra Modi on the vaccination policy in a sarcastic tone. Police said that at least 25 persons had been arrested in connection with the cases. The petitioner herein is seeking quashing of FIR/complaint directing the Commissioner of Police, DGP, not to register any case/ FIR in relation to COVID-19 posters /Advertisement/ brochures surfaced in context to vaccination and case as the citizen have questioned about the status of vaccinations policy.

That the brief facts of the case Earlier this week, posters were found pasted on walls and boards with the message: “*Modi ji humare bachon ka vaccine videsh kyon bhej diya?*” (Why did you send our children's vaccines abroad?), after which all the districts where the posters were found registered FIRs under relevant sections of the Prevention of Defacement of Property Act, Delhi Disaster Management Act and the Indian Penal Code.

Some of the FIRs have sections under the Press and Registration of Books Act, Section 269 of the IPC (whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life) and Section 34 of the IPC(common intention).

Information sought from each district stated that four FIRs had been registered in the North West district; three each in North East,

East, West and Outer districts; two each in South, Rohini and Central districts; and one each in North, South West, Dwarka, Shahdara, East and South East districts, respectively.

Senior officers said that four persons each had been arrested from Central and East districts, two persons each were arrested from North East, West, North West and South West districts, and one person each was arrested from the North and Dwarka districts, respectively. No arrests were made from South, Rohini, Outer, Shahdara and South East districts.

No posters apparently surfaced in two districts — New Delhi and Outer North — and no FIRs were registered here.

Sources said that most of those held were released on bail. They were interrogated on whether they were hired to paste the posters or if it was a voluntary decision. Technical investigation is also underway, they said, adding that posters and banners had been recovered from the possession of some of the accused.

That Arrested for anti-PM posters: The string of arrests from across the capital started late on May 12 after the Special Branch informed Delhi Police Commissioner S N Shrivastava about the posters that read: “Modi ji hamare bachon ki vaccine videsh kyon bhej diya (Why did you send our children’s vaccines abroad?)”.

A 19-YEAR-OLD school dropout, a 30-year-old e-rickshaw driver, a 61-year-old maker of wooden frames — they are among the 25 arrested by Delhi Police, in the middle of a raging [pandemic](#), for

allegedly pasting posters with comments critical of Prime Minister Narendra Modi regarding the Covid vaccination drive.

The string of arrests from across the capital started late on May 12 after the Special Branch informed Delhi Police Commissioner S N Shrivastava about the posters that read: “Modi ji hamare bachon ki vaccine videsh kyon bhej diya (Why did you send our children’s vaccines abroad?)”.

The Sunday Express visited the homes of two of those arrested and tracked police stations across the capital to find that many of those who were picked up were either daily wage workers who put up posters and banners for a living or jobless youths — and had no idea about the content or politics involved.

At Mandawali in East Delhi, one of the districts from where four were arrested, Rahul Tyagi (24), said he was given 20 banners by staff at AAP councillor Dhirender Kumar’s office on May 11, and promised Rs 600 for putting them up in Kalyanpuri.

When contacted, Kumar denied the allegations and said he was only involved in “working for the people”. AAP did not respond to the allegations, but tweeted on Saturday night — “Modi ji hamare bachon ki vaccine videsh kyon bhej diya” — the same line as in the posters. “So far, 25 FIRs have been registered, and police are registering more after receiving complaints,” a senior officer said.

Tyagi was bailed out by his family Friday. So were the three others arrested with him from Kalyanpuri. “My parents are disappointed and won’t let me work anymore. I only do this for sustenance,” Tyagi said.

According to him, another person who was arrested, Rajeev Kumar (19), does the same work. The other two, Dilip Tiwari (35) and Shivam Dubey (24), “were given posters while Rajeev and I were given banners”, he said.

“I did not get the money promised. Police took the posters, and my bike is still at the police station. Police said we cannot put up posters and banners during the lockdown,” Tyagi said.

Neighbours recognise Tyagi as the “boy who does banner and poster work”. Said his aunt, Neelam Tyagi: “His father is an auto-rickshaw driver and has hardly been making any money since the lockdown. They have to pay rent and Rahul would give his earnings to his family.”

The arrests across Delhi have been made on complaints by police personnel. The FIRs have been lodged under IPC Sections 188 (disobedience to order duly promulgated by public servant), and 269 (negligent act likely to spread infection of disease dangerous to life), and those under the Delhi Prevention of Defacement of Property Act and Epidemic Act.

Probe officers said those who were picked were primarily involved in printing or putting up the posters for a paltry sum, while a probe is still on to track who commissioned them. All those arrested have been released on bail, said a senior officer.

In Mandawali’s Asha Ram Gali, where Rajeev lives, a shopkeeper said the family had left for their hometown in Bihar because his mother is unwell. “I don’t think he has any political links. He puts up banners and posters, from ads to event posters to political slogans,” he said.

The five people arrested from West Delhi's Kirti Nagar have been identified as Devender Kumar (51), Tilak Raj Chhabra (47), Anil Gulati (61), Murari (45) and Rakesh Kumar (42).

Linking the four to the case, a senior officer said: "Devender is a contractor, who got Rs 15,000 for the job. He asked Chhabra, who runs his printing press, to get the posters put up. They later approached Gulati, a wooden frame maker, Rakesh, an auto driver and Murari, who put up such posters."

Rakesh and Murari were arrested based on CCTV footage which showed them fixing a signboard on an electric pole.

From Outer Delhi's Mangolpuri area, three people were arrested — Rahul Kumar (26), Rajesh Sharma (38) and Anil Kumar (30).

A probe officer said: "Rahul works as a sales agent and he got the contract for printing the posters. Rajesh Sharma is the owner of the printing shop. They hired Anil's e-rickshaw."

From Dwarka's Dabri, police arrested Mohd Sohail (26) and Mohd Akthar (24) allegedly while they were putting up the posters. An officer said they had been hired for Rs 300 by the owner of a printing press.

Similarly, from North Delhi's Timarpur, police arrested Tarekswar Jaiswal (24). An officer said he had lost his job during the lockdown and was sitting at Ghanta Ghar in Sabzi Mandi when he was approached by a man who gave him Rs 500 to put up the posters.

Police said three FIRs were also registered at Bhajanpura, Khajuri Khas and Dayalpur police stations. "In all cases, a 19-year-old youth, Sanjay Kumar, was arrested. He was asked to paste posters by

someone who gave him Rs 400. Police are trying to find out who this was," said an officer.

That Congress & TMC MPs Slam 24 Arrests For Anti-Modi Posters; Jairam Ramesh Issues Dare

Slamming arrest on anti-Modi posters, Opposition MPs questioned why 24 people were arrested for simply putting up posters questioning Centre's vaccine exports.

Lashing out at Delhi police's arrest over anti-Modi posters, Opposition leaders questioned why 24 people were arrested for simply putting up posters questioning Centre's vaccine exports. Opposition MPs like Mahua Moitra, P Chidambaram, Jairam Ramesh and Abhishek Manu Singhvi condemned the arrests claiming it smacked of 'lawless state gone amuck'. Ramesh further challenged police to arrest as he will be putting up anti-Modi and anti-Shah posters on his compound.

24 arrested over anti-Modi posters in Delhi

On Saturday, Delhi Police has registered 17 FIRs and arrested 24 people for allegedly pasting posters critical of Prime Minister Narendra Modi in connection with the vaccination drive against COVID-19, officials said. The posters reading "Modiji humare bachon ki vaccine videsh kyu bhej diya (PM why did you send vaccines of our children to foreign countries?)" were pasted in several parts of the city, they said. More than 800 posters and banners were recovered across Delhi. The arrests include an auto-rickshaw driver, printer, sales agent etc, as per reports.

The FIRs were registered under sections 188 (disobedience to order duly promulgated by public servant) of the Indian Penal Code and other relevant sections including section 3 of the Prevention of Defacement of Property Act across various districts of the Delhi Police, the officials said. A senior police officer said, "More FIRs are likely to be registered if further complaints are received in this regard. As of now, investigation is underway to ascertain as to on whose behalf these posters were being put up at various places across the city and accordingly further action will be taken in the matter". One of the arrested claimed that he was given Rs 500 to paste these posters and police are trying to nab more based on CCTV footage of the incidents.

28.04.2021 That e-news published on 28.04.2021 in Scroll regarding the “UP: FIR FILED AGAINST MAN WHO SOUGHT TWITTER HELP FOR OXYGEN FOR GRANDFATHER” - Though the man did not mention COVID, the police accused him of circulating a rumour with the intent to cause fear or alarm during the pandemic.

16.05.2021 That e-news published on 16.05.2021 in “The Hindu” reading - **Posters across the capital questioned the Prime Minister on the vaccination policy** -At least 25 First Information Reports (FIR) have been registered in connection with posters that surfaced across the capital questioning Prime Minister Narendra Modi on the vaccination policy in a sarcastic tone. Police said

that at least 25 persons had been arrested in connection with the cases.

16.05.2021 That e-news published on 16.05.2021 in “Indian Express” regarding Arrested for anti-PM posters: daily wagers, printer, auto driver - The string of arrests from across the capital started late on May 12 after the Special Branch informed Delhi Police Commissioner S N Shrivastava about the posters that read: “Modi ji hamare bachon ki vaccine videsh kyon bhej diya (Why did you send our children’s vaccines abroad?)”.

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17.05.2021 Hence, the Present PIL (CRIMINAL)

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION [CRIMINAL] NO. _____ OF 2021

[Under Article 32 of the Constitution of India read with Order XXXVIII, Rule 12 (1) (d) & 2 of The Supreme Court Rules, 2013)

BETWEEN:

1. Pradeep Kumar Yadav, Advocate
S/o Late. Sh. B.P. Yadav
16, Samachar Apartments
Mayur Vihar –I, Extension,
Delhi – 110 091
Email: solicitors.pradeep@gmail.com
Mob: 9990662762,
PAN; AFFPY4370R
Annual Income Gross
Bar ID- UP-12164/2003
and SCBA Membership no. 4270/Y/00086. ...Petitioner

VERSUS

1. Union of India –
Thru-Cabinet Secretary
Rashtrapati Bhawan
New Delhi – 110003
2. Commissioner of Police
Headquarters,
MSO Building, I.P. Estate,
New Delhi -110002

3. Chief Secretary
Government of Uttar Pradesh
101, Lok Bhawan, U.P. Civil Secretariat
Vidhan Sabha Marg
Lucknow – 226 001

...Respondents

All are contesting respondents

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUING WRIT OF MANDAMUS/ CERTIORARI OR WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT /ORDER OR DIRECTION THE PETITIONER HEREIN IS SEEKING QUASHING OF FIR/COMPLAINT DIRECTING THE COMMISSIONER OF POLICE, DGP, NOT TO REGISTER ANY CASE/ FIR IN RELATION TO COVID-19 POSTERS /ADVERTISEMENT/ BROCHURES SURFACED IN CONTEXT TO VACCINATION AND CASE AS THE CITIZEN HAVE QUESTIONED ABOUT THE STATUS OF VACATIONS POLICY

To,

THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICE OF THE
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the petitioner is a regular practicing Advocate this Hon'ble Court and as a pro bono public constrained to file present PIL Writ Petition Under Article 32 of Constitution of India seeks indulgence of this Hon'ble to intervene with the illegal arrest of innocent general public who are labours contractors for their

speech and expression by way of pamphlets affixed on the wall which is spread in social media.

That this Hon'ble Court in catena of cases has held that freedom of speech and expression with regard to the public cause is a fundamental rights of every citizens guaranteed under the Constitution of India. Further this Hon'ble Court in the case titled *Shreya Singhal vs. Union of India*, AIR 2015 SC 1523 while set aside the Sec. 66-A of I.T. Act which constitutes an offence for sharing an information in the social media has held that an information sharing in the social media does not constitute any criminal offence under the I.T. Act. Recently this Hon'ble Court in the case of *Suo Motu WP (C) 3 of 2021* titled *DISTRIBUTION OF ESSENTIAL SUPPLIES AND SERVICES DURING PANDEMIC* has passed a specific direction to the respondent state Authorities not to register any criminal case over the public seeking medical help in the social media.

In contrary to above decision of this Hon'ble Court the Authorities are registering FIR against the innocent persons over their hate speech against the Hon'ble PM with regard to his official functions over the second wave of COVID-19 crises and Government vaccine policies.

- 1-A. That the petitioner are filing the instant writ petition in public interest. The details of the petitioner is *Pradeep Kumar Yadav, Advocate, S/o Late. Sh. B.P. Yadav R/o 16, Samachar Apartments, Mayur Vihar Phase –I, Extension, Delhi – 110091, Bar ID- UP-12164/2003 and SCBA Membership no.*

4270/Y/00086. PAN; AFFPY4370R, Mob: 9990662762, Email: solicitors.pradeep@gmail.com; The petitioner have no personal gain, private motive or oblique reasons in filing the PIL. That there is no personal interest in the filling the present Writ Petition to the petitioner, Further this is to bring to the notice of this Hon'ble Court no Civil, Criminal or revenue litigation, involving the petitioner or any of the petitioner, which has or could have a legal nexus with the issue involved in the Public Interest Litigation.

1-B. That the petitioner have based the instant Writ Petition (Criminal) (PIL) from the information and documents made available in public domain through publically available documents and from the websites of the government.

1-C The Respondents herein are the proper authorities representing the Government of India and concerned State. They are all covered by the definition of 'State' in Article 12 of the Constitution, and as such, the present Petition is maintainable against them.

The relief mainly sought in the present Writ Petition against the respondents and concerned Authorities.

FACTS OF THE CASE:

The Brief Facts giving rise to the present petition are as follows:

2.1 Brief Facts of the case that are the petitioner is a regular practicing Advocate this Hon'ble Court and as a pro bono public constrained to file present PIL Writ Petition Under Article 32 of Constitution of India seeks indulgence of this Hon'ble to intervene with the illegal arrest of innocent general public who are labours contractors

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Tyagi was bailed out by his family Friday. So were the three others arrested with him from Kalyanpuri. “My parents are disappointed and won't let me work anymore. I only do this for sustenance,” Tyagi said.

According to him, another person who was arrested, Rajeev Kumar (19), does the same work. The other two, Dilip Tiwari (35) and Shivam Dubey (24), “were given posters while Rajeev and I were given banners”, he said.

“I did not get the money promised. Police took the posters, and my bike is still at the police station. Police said we cannot put up posters and banners during the lockdown,” Tyagi said.

Neighbours recognise Tyagi as the “boy who does banner and poster work”. Said his aunt, Neelam Tyagi: “His father is an auto-rickshaw driver and has hardly been making any money since the lockdown. They have to pay rent and Rahul would give his earnings to his family.”

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The five people arrested from West Delhi’s Kirti Nagar have been identified as Devender Kumar (51), Tilak Raj Chhabra (47), Anil Gulati (61), Murari (45) and Rakesh Kumar (42).

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A probe officer said: “Rahul works as a sales agent and he got the contract for printing the posters. Rajesh Sharma is the owner of the printing shop. They hired Anil’s e-rickshaw.”

From Dwarka’s Dabri, police arrested Mohd Sohail (26) and Mohd Akthar (24) allegedly while they were putting up the posters. An officer said they had been hired for Rs 300 by the owner of a printing press.

Similarly, from North Delhi’s Timarpur, police arrested Tarekswar Jaiswal (24). An officer said he had lost his job during the lockdown and was sitting at Ghanta Ghar in Sabzi Mandi when he was approached by a man who gave him Rs 500 to put up the posters.

Police said three FIRs were also registered at Bhajanpura, Khajuri Khas and Dayalpur police stations. “In all cases, a 19-year-old youth, Sanjay Kumar, was arrested. He was asked to paste posters by someone who gave him Rs 400. Police are trying to find out who this was,” said an officer.

That Congress & TMC MPs Slam 24 Arrests For Anti-Modi Posters; Jairam Ramesh Issues Dare

Slamming arrest on anti-Modi posters, Opposition MPs questioned why 24 people were arrested for simply putting up posters questioning Centre's vaccine exports.

Lashing out at Delhi police's arrest over anti-Modi posters, Opposition leaders questioned why 24 people were arrested for simply putting up posters questioning Centre's vaccine exports. Opposition MPs like Mahua Moitra, P Chidambaram, Jairam Ramesh and Abhishek Manu Singhvi condemned the arrests claiming it smacked of 'lawless state gone amuck'. Ramesh further challenged police to arrest as he will be putting up anti-Modi and anti-Shah posters on his compound.

24 arrested over anti-Modi posters in Delhi

On Saturday, Delhi Police has registered 17 FIRs and arrested 24 people for allegedly pasting posters critical of Prime Minister Narendra Modi in connection with the vaccination drive against COVID-19, officials said. The posters reading "Modiji humare bachon ki vaccine videsh kyu bhej diya (PM why did you send vaccines of our children to foreign countries?)" were pasted in several parts of the city, they said. More than 800 posters and banners were recovered across Delhi. The arrests include an auto-rickshaw driver, printer, sales agent etc, as per reports.

The FIRs were registered under sections 188 (disobedience to order duly promulgated by public servant) of the Indian Penal Code and other relevant sections including section 3 of the Prevention of Defacement of Property Act across various districts of the Delhi Police, the officials said. A senior police officer said, "More FIRs are likely to be registered if further complaints are received in this regard. As of now, investigation is underway to ascertain as to on whose behalf these posters were being put up at various places across the city and

accordingly further action will be taken in the matter". One of the arrested claimed that he was given Rs 500 to paste these posters and police are trying to nab more based on CCTV footage of the incidents.

2.3 That e-news published on 28.04.2021 in Scroll regarding the "UP: FIR FILED AGAINST MAN WHO SOUGHT TWITTER HELP FOR OXYGEN FOR GRANDFATHER" - Though the man did not mention COVID, the police accused him of circulating a rumour with the intent to cause fear or alarm during the pandemic. A true typed copy of the news published on 28.04.2021 in Scroll regarding the "UP: FIR FILED AGAINST MAN WHO SOUGHT TWITTER HELP FOR OXYGEN FOR GRANDFATHER", is annexed herewith and marked as **Annexure p-1 at pages** .

2.4 That e-news published on 16.05.2021 in "The Hindu" reading - Posters across the capital questioned the Prime Minister on the vaccination policy -At least 25 First Information Reports (FIR) have been registered in connection with posters that surfaced across the capital questioning Prime Minister Narendra Modi on the vaccination policy in a sarcastic tone. Police said that at least 25 persons had been arrested in connection with the cases. A true typed copy of the e-news published on 16.05.2021 in "The Hindu" reading - Posters across the capital questioned the Prime Minister on the vaccination policy, is annexed herewith and marked as **Annexure P-2 at Pages** .

2.5 That e-news published on 16.05.2021 in "Indian Express" regarding Arrested for anti-PM posters: daily wagers, printer, auto driver - The string of arrests from across the capital started late on May

12 after the Special Branch informed Delhi Police Commissioner S N Shrivastava about the posters that read: “Modi ji hamare bachon ki vaccine videsh kyon bhej diya (Why did you send our children’s vaccines abroad?)”. A true typed copy of the e-news published on 16.05.2021 in “Indian Express” regarding Arrested for anti-PM posters: daily wagers, printer, auto driver, is annexed herewith and marked as **Annexure P-3 at Pages _____**.

2.6 That e-news published on 16.05.2021 in “Republic World” regarding Congress & TMC MPs Slam 24 Arrests For Anti-Modi Posters; Jairam Ramesh Issues Dare - Slamming arrest on anti-Modi posters, Opposition MPs questioned why 24 people were arrested for simply putting up posters questioning Centre's vaccine exports. A true typed copy of the e-news published on 16.05.2021 in “Republic World” regarding Congress & TMC MPs Slam 24 Arrests For Anti-Modi Posters; Jairam Ramesh Issues Dare, is annexed herewith and marked as **Annexure P-4 at Pages _____**.

Hence, the present Writ Petition (Criminal) PIL is filed.

GROUND:

The Petitioner seeking relief on the following grounds: -

1. Because, this Hon’ble Court had already held in the case of Shreya Singhal vs. Union of India, AIR 2015 SC 1523 while set aside the Sec. 66-A of I.T. Act which constitutes an offence for sharing an information in the social media has held that an

information sharing in the social media does not constitute any criminal offence under the I.T. Act.

2. Because, this Hon'ble Court had already held in the case of case of Suo Motu WP (C) 3 of 2021 titled DISTRIBUTION OF ESSENTIAL SUPPLIES AND SERVICES DURING PANDEMIC has passed a specific direction to the respondent state Authorities not to register any criminal case over the public seeking medical help in the social media.

4. **DECLARATION OF REPRESENTATION MADE & CONCERNED GOVERNMENT AUTHORITY APPROACHED IF ANY & ITS RESULT:**

The relief mainly sought in the present W.P. (Criminal) against the respondents Central and State Governments which is a clear violation of Fundamental Rights that is guaranteed by the Constitution under Article 14, 19, 21, and Article 32.

5. **AFFIDAVIT OF NO PERSONAL GAIN OR MOTIVE:**

The Petitioner have filed an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation with this petition. The Petitioner further states that the petitioner has spent his own money for this PIL Writ Petition (Criminal).

6. **COURT MAY IMPOSE EXEMPLARY COSTS IF ANY:**

The issue involved in the present W.P. (Crl.) is a purely a legal issues and it is filed in the larger public interest and to protect their fundamental rights to liberty and equality. The Court may

impose costs on the petitioner(s) if it finds that the petition was frivolous or instituted with oblique or mala fide motive or lacks bona fides. The Petitioner has not involved in any civil, criminal or revenue litigation in legal nexus with the issue(s) involved in the Public Interest Litigation:

7. DECLARATION:

That the above-mentioned petitioner state that this Hon'ble Court and the petitioner is requesting before this Hon'ble Court that the present Writ Petition (Crl.) (PIL) and petitioner further states that the petitioner had not filed any petition before any other Court except this Hon'ble Court. The Petitioner further states that have filed an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Writ Petition, Criminal, Public Interest Litigation (PIL) with this petition. The Petitioner further states that the petitioner has spent his own money for this PIL Writ Petition.

8. PRAYER:

In view of the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Court may be pleased to :-

- a) Issue a writ of Mandamus / Certiorari or writ in the nature of Mandamus /Certorari or any other appropriate Writ /order or direction quashing of FIR/complaint directing the Commissioner of Police, DGP, not to register any case/ FIR in relation to COVID-19 posters /Advertisement/ brochures

surfaced in context to vaccination and case as the citizen have questioned about the status of vaccinations policy

- b) Issue a writ of Mandamus or writ in the nature of Mandamus /Certiorari or any other appropriate Writ /order or direction for call for the records from the respondent as to the registration of FIR's
- c) Issue a writ of Mandamus or writ in the nature of Mandamus /Certiorari or any other appropriate Writ /order or direction to stop the registration of the FIR's in the COVID-19 posters /Advertisement/ brochures surfaced in context to the vaccinations and case as the citizens have questioned about the status of vaccinations policy.
- d) Pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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

DRAWN AND FILED BY

PRADEEP KUMR YADAV

Place: New Delhi

Drawn on: 16.05.2021

Filed On: 17.05.2021

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
WRIT PETITION [CRIMINAL] NO. _____ OF 2021
IN THE MATTER OF:

PRADEEP KUMAR YADAV ...Petitioner
-Versus-
UNION OF INDIA & ORS. Respondents

AFFIDAVIT

I, Pradeep Kumar Yadav, Advocate, (Petitioner-in-Person) S/o Late Sh. B.P. Yadav, aged about 47 years, R/o 16, Samachar Apartments, Mayur Vihar –I, Extn., Delhi – 110091, do hereby solemnly affirm and swear as under:

1. That I am a regular practicing Advocate of this Hon’ble Court and the 1st Petitioner in person in the above matter and well conversant with the facts and circumstances of the case from the judgments & records/documents/news items available in the internet and official website of this Hon’ble Court and High Court and I am competent to swear this affidavit.
2. That I say that the facts stated and contents in pages B to of the List of Dates and at paragraphs 1 to at page Nos. to of the Writ Petition and I.A. for Permission to appear and argue as Petitioner in Person are true and correct to the best my knowledge from the study and from the knowledge of this legal profession. The averments, facts and grounds raised in the WP are legal grounds.
3. That I am a regular practicing Advocate of this Hon’ble Court and I have no personal gain, private motive or oblique reason in filing the present Public Interest Litigation, further I have spent my own money for filing this PIL Writ Petition and thus I could not engage any other counsel as am able to argue the case as in person. I undertake to bear

any exemplary costs imposed if any by the court if it is found this WP is found frivolous.

4. That the annexures appended to the above WP are true copies of their respective originals downloaded from the internet website.
5. That the facts stated in paragraph 1 to 4 above are true and correct.

DEPONENT

Verification:

I, the above named deponent states that the contents of this affidavit are true and correct to the best of my knowledge and belief. Nothing material concealed nor any wrong statements made herein. Verified at New Delhi on this day of May, 2021.

DEPONENT

APPENDIX**Central Government Act****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

//True Copy//

Annexure P-1
UTTAR PRADESH

Scroll

Dated 28.04.2021

**UP: FIR FILED AGAINST MAN WHO SOUGHT TWITTER
HELP FOR OXYGEN FOR GRANDFATHER**

Though the man did not mention Covid, the police accused him of circulating a rumour with the intent to cause fear or alarm during the pandemic.

Scroll Staff

Apr 28, 2021 · 08:24 am Updated Apr 28, 2021 · 03:21 pm

The police in Amethi, [Uttar Pradesh](#), have filed a criminal case against a man who used Twitter to appeal for an oxygen cylinder for his grandfather, *The Wire* reported on Wednesday.

Shashank Yadav had not mentioned if his grandfather had the coronavirus. However, the police filed an FIR against him for allegedly circulating a rumour with the intent to cause fear or alarm.

The police claimed that the man was “[spreading misleading information](#)”, according to *The Indian Express*. Sub-inspector Virendra Singh of the Ramganj police station claimed that Yadav provided false information on oxygen supply and the coronavirus to target the Uttar Pradesh government. “It was found during the inquiry that because of the accused’s false tweet, several persons made allegations against the government,” Singh told the newspaper.

Yadav had initially sent an SOS using Twitter on Monday evening and tagged actor Sonu Sood. His friend Ankit amplified the message and sought help from *The Wire* journalist Arfa Khanum Sherwani.

A few hours later, she, in turn, [posted a tweet](#) asking for help for Yadav's grandfather. None of these messages mentioned the coronavirus. Sherwani also tagged Union minister and Amethi MP Smriti Irani for help.

In less than 30 minutes, Irani responded that she had called Yadav multiple times but was not able to reach out to him. She added that she had asked the district magistrate and the Amethi police to follow up.

But by this time, Yadav's grandfather had died. After Ankit informed Sherwani of this, she passed on the information to Irani. The Union minister expressed her condolences and said: "Kept calling his number, we all did including CMO, Amethi police...I just wish he had picked up his phone."

On Tuesday afternoon, Amethi District Magistrate Arun Kumar responded to Sherwani's original tweet that sought help and shared the Chief Medical Officer's report. It said that Yadav's grandfather did not have Covid-19 and was undergoing treatment at a private hospital in Durgapur.

Later that evening, the police responded to Yadav's tweet and said the 88-year-old man did not have the coronavirus but died of a heart attack at 8 pm. "At this time it is not only condemnable, but also a legal

offense to post such type of fear-generating posts on social media,” the police said.

Though patients who have contracted Covid need oxygen, it is not the only disease that causes breathing problems – something that the Amethi administration has ignored.

Amethi Superintendent of Police Dinesh Singh on Wednesday said that Yadav posted an “irresponsible” tweet to create “sensation” and spread fear.

In a video, Singh said that Yadav visited his grandfather for five minutes and after leaving, posted a tweet asking for oxygen. “Investigation revealed that he [Yadav’s grandfather] was neither Covid positive nor did he require oxygen for medical needs nor it was any doctor’s advice,” the police officer said. “Just to create sensation, he [Yadav] wrote that he needs oxygen for his grandfather.”

Singh said that the police had tried to contact him following his tweet, but Yadav did not attend the phone call. “When the [police] team reached, he was found sleeping,” he said.

The police officer added that Yadav was released after giving him a strict warning.

The FIR was filed at the Ramganj police station under IPC sections 188 (Disobedience to order duly promulgated by public servant), 269 (Negligent act likely to spread infection of disease dangerous to life)

and 505 (1)(b) (makes a statement or rumour or report with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility). The police also invoked the Epidemic Act and the Disaster Management Act against him.

If convicted, Yadav could face time in prison.

India's Covid-19 crisis has reached horrific proportions, with hospitals turning away patients after running out of medical oxygen and beds. Patients are struggling to get access to medicines and ventilators, and hospitals are taking to Twitter or going to court to desperately plead for more oxygen supplies.

This police action came merely days after Uttar Pradesh Chief Minister Adityanath proclaimed that there was no shortage of medical oxygen in the state. In a virtual interaction with select journalists on April 24, Adityanath said no hospital in Uttar Pradesh, be it government or private, has any [shortage of oxygen](#). He claimed that hoarding and black marketing were causing the scarcity.

Adityanath had also demanded that action be taken under the National Security Act and properties of those spreading “rumours” and propaganda on social media be seized.

Annexure P-2

The Hindu

Dated : 16.05.2021

Posters across the capital questioned the Prime Minister on the vaccination policy

At least 25 First Information Reports (FIR) have been registered in connection with posters that surfaced across the capital questioning Prime Minister Narendra Modi on the vaccination policy in a sarcastic tone. Police said that at least 25 persons had been arrested in connection with the cases.

Earlier this week, posters were found pasted on walls and boards with the message: “*Modi ji humare bachon ka vaccine videsh kyon bhej diya?*” (Why did you send our children’s vaccines abroad?), after which all the districts where the posters were found registered FIRs under relevant sections of the Prevention of Defacement of Property Act, Delhi Disaster Management Act and the Indian Penal Code.

Some of the FIRs have sections under the Press and Registration of Books Act, Section 269 of the IPC (whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life) and Section 34 of the IPC (common intention).

Information sought from each district stated that four FIRs had been registered in the North West district; three each in North East, East, West and Outer districts; two each in South, Rohini and Central districts; and one each in North, South West, Dwarka, Shahdara, East and South East districts, respectively.

Senior officers said that four persons each had been arrested from Central and East districts, two persons each were arrested from North East, West, North West and South West districts, and one person each was arrested from the North and Dwarka districts, respectively. No arrests were made from South, Rohini, Outer, Shahdara and South East districts.

No posters apparently surfaced in two districts — New Delhi and Outer North — and no FIRs were registered here.

Sources said that most of those held were released on bail. They were interrogated on whether they were hired to paste the posters or if it was a voluntary decision. Technical investigation is also underway, they said, adding that posters and banners had been recovered from the possession of some of the accused.

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Annexure P-3

INDIAN EXPRESS

Sunday, May 16, 2021

Arrested for anti-PM posters: daily wagers, printer, auto driver

The string of arrests from across the capital started late on May 12 after the Special Branch informed Delhi Police Commissioner S N Shrivastava about the posters that read: “Modi ji hamare bachon ki vaccine videsh kyon bhej diya (Why did you send our children’s vaccines abroad?)”.

Written by [Mahender Singh Manral](#) , [Ashna Butani](#) | New Delhi | Updated: May 16, 2021 7:49:32 am



One of the posters, put up at Dwarka, since removed.

A 19-YEAR-OLD school dropout, a 30-year-old e-rickshaw driver, a 61-year-old maker of wooden frames — they are among the 25 arrested by Delhi Police, in the middle of a raging [pandemic](#), for allegedly pasting posters with comments critical of Prime Minister Narendra Modi regarding the Covid vaccination drive.

The string of arrests from across the capital started late on May 12 after the Special Branch informed Delhi Police Commissioner S N Shrivastava about the posters that read: “Modi ji hamare bachon ki vaccine videsh kyon bhej diya (Why did you send our children’s vaccines abroad?)”.

The Sunday Express visited the homes of two of those arrested and tracked police stations across the capital to find that many of those who were picked up were either daily wage workers who put up posters and banners for a living or jobless youths — and had no idea about the content or politics involved.

At Mandawali in East Delhi, one of the districts from where four were arrested, Rahul Tyagi (24), said he was given 20 banners by staff at AAP councillor Dhirender Kumar’s office on May 11, and promised Rs 600 for putting them up in Kalyanpuri.

When contacted, Kumar denied the allegations and said he was only involved in “working for the people”. AAP did not respond to the allegations, but tweeted on Saturday night — “Modi ji hamare bachon ki vaccine videsh kyon bhej diya” — the same line as in the posters.

“So far, 25 FIRs have been registered, and police are registering more after receiving complaints,” a senior officer said.

Tyagi was bailed out by his family Friday. So were the three others arrested with him from Kalyanpuri. “My parents are disappointed and won’t let me work anymore. I only do this for sustenance,” Tyagi said.

According to him, another person who was arrested, Rajeev Kumar (19), does the same work. The other two, Dilip Tiwari (35) and Shivam Dubey (24), “were given posters while Rajeev and I were given banners”, he said.

“I did not get the money promised. Police took the posters, and my bike is still at the police station. Police said we cannot put up posters and banners during the lockdown,” Tyagi said.

Neighbours recognise Tyagi as the “boy who does banner and poster work”. Said his aunt, Neelam Tyagi: “His father is an auto-rickshaw driver and

has hardly been making any money since the lockdown. They have to pay rent and Rahul would give his earnings to his family.”

The arrests across Delhi have been made on complaints by police personnel. The FIRs have been lodged under IPC Sections 188 (disobedience to order duly promulgated by public servant), and 269 (negligent act likely to spread infection of disease dangerous to life), and those under the Delhi Prevention of Defacement of Property Act and Epidemic Act.

Probe officers said those who were picked were primarily involved in printing or putting up the posters for a paltry sum, while a probe is still on to track who commissioned them. All those arrested have been released on bail, said a senior officer.

In Mandawali’s Asha Ram Gali, where Rajeev lives, a shopkeeper said the family had left for their hometown in Bihar because his mother is unwell. “I don’t think he has any political links. He puts up banners and posters, from ads to event posters to political slogans,” he said.

The five people arrested from West Delhi’s Kirti Nagar have been identified as Devender Kumar (51), Tilak Raj Chhabra (47), Anil Gulati (61), Murari (45) and Rakesh Kumar (42).

Linking the four to the case, a senior officer said: “Devender is a contractor, who got Rs 15,000 for the job. He asked Chhabra, who runs his printing press, to get the posters put up. They later approached Gulati, a wooden frame maker, Rakesh, an auto driver and Murari, who put up such posters.” Rakesh and Murari were arrested based on CCTV footage which showed them fixing a signboard on an electric pole.

From Outer Delhi’s Mangolpuri area, three people were arrested — Rahul Kumar (26), Rajesh Sharma (38) and Anil Kumar (30).

A probe officer said: “Rahul works as a sales agent and he got the contract for printing the posters. Rajesh Sharma is the owner of the printing shop. They hired Anil’s e-rickshaw.”

From Dwarka's Dabri, police arrested Mohd Sohail (26) and Mohd Akthar (24) allegedly while they were putting up the posters. An officer said they had been hired for Rs 300 by the owner of a printing press.

Similarly, from North Delhi's Timarpur, police arrested Tarekswar Jaiswal (24). An officer said he had lost his job during the lockdown and was sitting at Ghanta Ghar in Sabzi Mandi when he was approached by a man who gave him Rs 500 to put up the posters.

Police said three FIRs were also registered at Bhajanpura, Khajuri Khas and Dayalpur police stations. "In all cases, a 19-year-old youth, Sanjay Kumar, was arrested. He was asked to paste posters by someone who gave him Rs 400. Police are trying to find out who this was," said an officer.

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ANNEXURE P-4

Last Updated: 16th May, 2021 08:47 IST

Republic World

Congress & TMC MPs Slam 24 Arrests For Anti-Modi Posters; Jairam Ramesh Issues Dare

Slamming arrest on anti-Modi posters, Opposition MPs questioned why 24 people were arrested for simply putting up posters questioning Centre's vaccine exports.

Written By

[Suchitra Karthikeyan](#)

IMAGE: Mahua Moitra, PTI

Lashing out at Delhi police's arrest over anti-Modi posters, Opposition leaders questioned why 24 people were arrested for simply putting up posters questioning Centre's vaccine exports. Opposition MPs like Mahua Moitra, P Chidambaram, Jairam Ramesh and Abhishek Manu Singhvi condemned the arrests claiming it smacked of 'lawless state gone amuck'. Ramesh further challenged police to arrest as he will be putting up anti-Modi and anti-Shah posters on his compound.

24 arrested over anti-Modi posters in Delhi

On Saturday, Delhi Police has registered 17 FIRs and arrested 24 people for allegedly pasting posters critical of Prime Minister Narendra Modi in connection with the vaccination drive against COVID-19, officials said. The

posters reading "Modiji humare bachon ki vaccine videsh kyu bhej diya (PM why did you send vaccines of our children to foreign countries?)" were pasted in several parts of the city, they said. More than 800 posters and banners were recovered across Delhi. The arrests include an auto-rickshaw driver, printer, sales agent etc, as per reports.

The FIRs were registered under sections 188 (disobedience to order duly promulgated by public servant) of the Indian Penal Code and other relevant sections including section 3 of the Prevention of Defacement of Property Act across various districts of the Delhi Police, the officials said. A senior police officer said, "More FIRs are likely to be registered if further complaints are received in this regard. As of now, investigation is underway to ascertain as to on whose behalf these posters were being put up at various places across the city and accordingly further action will be taken in the matter". One of the arrested claimed that he was given Rs 500 to paste these posters and police are trying to nab more based on CCTV footage of the incidents.

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Court in the case of Suo Motu WP (C) 3 of 2021 titled DISTRIBUTION OF ESSENTIAL SUPPLIES AND SERVICES DURING PANDEMIC has passed a specific direction to the respondent state Authorities not to register any criminal case over the public seeking medical help in the social media.

In contrary to above decision of this Hon'ble Court the Authorities are registering FIR against the innocent persons over their hate speech against the Hon'ble PM with regard to his official functions over the second wave of COVID-19 crises and Government vaccine policies.

2. The Petitioner craves leave of this Hon'ble Court to rely upon and refer to the facts, circumstances and grounds mentioned in the accompanying Writ Petition, which are not reproduced here for the sake of brevity.
3. That the petitioner herein is seeking Stay the registration of FIR's in against in the innocent person in context affixing poster against government vaccine policies.
4. That this application is bonafide and not intentional.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:

- (a) allow the present application for stay the trial and release the victims forthwith against whom the FIR's has been registered in the name of affixing poster against government vaccine policies,
- (b) pass any other order(s) or directions as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

Drawn Filed by
Pradeep Kumar Yadav, Advocate
PETITIONER-IN-PERSON

Drawn on: 16.02.2021

Filed on: 17.02.2021

IN THE SUPREME COURT OF INDIA
 CIVIL/CRIMINAL/APPELLATE/ORIGINAL JURISDCATION
 I.A./CIVIL/CRIMINAL/Misc. Petition No. OF 2021
 Special Leave Petition (Civil/Criminal) No. of 2021
 Civil/Criminal Appeal/Transfer/Writ Petition No. of 2021

PRADEEP KUMAR YADAV

...PETITIONER

-VERSUS-

UNION OF INDIA & ORS.

.... RESPONDENTS

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2	ANNEXURE P-1 TO P-	1+1	
3			

Date on: 17.05.2021

(petitioner)

(Pradeep Kumar Yadav, Advocate)
 Petitioner-in- person
 Email:solicitors.pradeep@gmail.com
 Mobile:09990662762

Date: 17.05.2021

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
WRIT PETITION [CRIMINAL] NO. _____ OF 2021
IN THE MATTER OF:

PRADEEP KUMAR YADAV ...Petitioner
-Versus-
 Union of India & Ors. Respondents

AFFIDAVIT

I, Pradeep Kumar Yadav, Advocate, (Petitioner-in-Person) S/o Late Sh. B.P. Yadav, aged about 47 years, R/o 16, Samachar Apartments, Mayur Vihar –I, Extn., Delhi – 110091, do hereby solemnly affirm and swear as under:

1. That I am the citizen of India and I am the Petitioner (Petitioner-in-person) in the above matter and well conversant with the facts and circumstances of the case from the records/documents/news items available and I am competent to swear this affidavit
2. I say that the present Writ Petition (Crl.)-PIL is being filed under Article 32 of the Constitution of India, in the present petition, this is further to clarify before this Hon'ble Court that the petitioner has no personal gain, or private motive or oblique reason in filling the present PIL.
3. That the facts stated in paragraph 1 to 2 above are true and correct.

DEPONENT

Verification:

I, the above named deponent states that the contents of this affidavit are true and correct to the best of my knowledge and belief. Nothing material concealed nor any wrong statements made herein. Verified at New Delhi on this 17 of May, 2021.

DEPONENT

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Memo of parties

1. Pradeep Kumar Yadav, Advocate
S/o Late. Sh. B.P. Yadav
16, Samachar Apartments
Mayur Vihar –I, Extension,
Delhi – 110 091

...Petitioner

VERSUS

1. Union of India –
Thru-Cabinet Secretary
Rashtrapati Bhawan
New Delhi – 110003
2. Commissioner of Police
Headquarters,
MSO Building, I.P. Estate,
New Delhi -110002
3. Chief Secretary
Government of Uttar Pradesh
101, Lok Bhawan, U.P. Civil Secretariat
Vidhan Sabha Marg
Lucknow – 226 001

...Respondents

PRADEEP KUMAR YADAV,
PETITIONER IN PERSON