

ITEM NO.9

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).137/2022

MOST REV. DR. PETER MACHADO &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(WITH IA No. 87169/2022 - EARLY HEARING APPLICATION, IA No. 51334/2022 - EXEMPTION FROM FILING O.T.)

Date : 01-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
Mr. Jaiwant Patankar, Adv.  
Ms. Liza Merin John, Adv.  
Mr. Aakarsh Kamra, AOR  
Sanbha Rumnong, Adv.  
Mr. Siju Thomas, Adv.

For Respondent(s) Mr. Tushar Mehta, SG  
Ms. Aishwarya Bhati, ASG  
Mr. Kanu Agrawal, Adv.  
Mr. Sandeep Mahapatra, Adv.  
Ms. Deepabali Dutta, Adv.  
Ms. Poornima Singh, Adv.  
Ms. Manisha Chava, Adv.  
Mr. Aman Sharma, Adv.  
Ms. Ameyavikrama Thanvi, Adv.

Mr. Abhimanyu Tewari, AOR  
Ms. Eliza Bar, Adv.

Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K. Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. Sameer Abhyankar, AOR  
Mr. Abhinav Mishra, Adv.  
Ms. Nishi Sangtani, Adv.  
Ms. Vani Vandana Chhetri, Adv.  
Ms. Yeshi Rinchhen, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 We have heard Mr Colin Gonsalves, senior counsel appearing on behalf of the petitioners and Mr Tushar Mehta, Solicitor General with Ms Aishwarya Bhati, Additional Solicitor General, appearing on behalf of the Union of India.
- 2 The Union of India has filed a preliminary counter affidavit to the writ petition under Article 32 of the Constitution. The petitioners have filed a rejoinder tabulating the position as it appears to them in the following terms:

S.No.	PARTICULARS	FIGURES
1.	Total number of incidents in 2021 & 2022 (till May)	700
2.	No. of FIRs registered against the perpetrators	53
3.	No. of cases in which perpetrators have been arrested	23
4.	No. of cases in which perpetrators acquired bail	23
5.	No. of FIRs against the victims	113
6.	No. of Pastors/victims arrested	510
7.	No. of prayer meetings disrupted	122
8.	No. of incidents of physical assault	42
9.	No. of incidents of mob violence	91
10.	No. of incidents of threat and harassment	207

- 3 In the synopsis to the petition, the petitioners have tabulated the alleged acts of criminal wrong doing and set out data pertaining to the States/Union Territories for 2021.
- 4 In order to apprise the Court of the manner in which the directions which have been issued in the decision in **Tehseen Poonawala v Union of India**<sup>1</sup> have

been implemented in the respective States/Union Territories, we issue the following directions:

- (i) The Ministry of Home Affairs of the Government of India shall presently obtain verification reports from the following States of the action which has been taken by law enforcement agencies in respect of the incidents of alleged violence forming the subject matter of the present proceedings:
  - (a) Bihar;
  - (b) Chhattisgarh;
  - (c) Haryana;
  - (d) Jharkhand;
  - (e) Karnataka
  - (f) Madhya Pradesh;
  - (g) Odisha; and
  - (h) Uttar Pradesh.
  
- (ii) The Chief Secretaries of the above States shall ensure that due information is furnished to the Union Ministry of Home Affairs on:
  - (a) Registration of FIRs;
  - (b) Status of investigation;
  - (c) Arrests made; and

- (d) Charge-sheets filed.
- (iii) To facilitate the above exercise, Mr Colin Gonsalves states that details of the incidents in relation to each of the above States forming the subject matter of the present petition shall be provided to the office of the Solicitor General, within a period of four weeks; and
- (iv) The exercise of verification shall be carried out within two months of Counsel for the petitioners providing the details in (iii) above and a further affidavit shall be filed before this Court indicating in a tabulated form the result of the verification.
- 5 The above exercise of verification is being directed to be conducted in order to enable the Court to determine whether the directions in its decisions in **Shakti Vahini v Union of India**<sup>2</sup>, **Tehseen Poonawala** (supra) and **Kodungallur Film Society v Union of India**<sup>3</sup> have been complied with and, if so, the manner in which the compliance has been effected.
- 6 Since a verification is to be carried out in the above terms, the Court has not formed an opinion, at this stage, in regard to the veracity of the allegations which are addressed in the petition under Article 32 of the Constitution.
- 7 List the proceedings on 6 December 2022.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**

<sup>2</sup> (2018) 7 SCC 192

<sup>3</sup> (2018) 10 SCC 713