

CROCP No. 2 of 2023

Court on its Own Motion

vs.

- 1. Union of India through Secretary, Ministry of Electronics & Information Technology**
- 2. U.T., Chandigarh through Advisor to the Administrator, Sector 9, U.T. Secretariat, Chandigarh**
- 3. Director General of Police, U.T., Chandigarh**
- 4. Senior Superintendent of Police, U.T., Chandigarh**
- 5. Commissioner of Police, Ludhiana**
- 6. Balwinder Singh Sekhon, R/o Flat No.19, G.F., Pink Flats, Rajguru Nagar, FZR Road, Ludhiana**
- 7. Pardeep Sharma, Alleged Legal Expert, Resident of Ludhiana**
- 8. Baljit Marwaha, Channel Reporter, Scroll Punjab, Resident of Ludhiana**
- 9. Facebook through authorized representative, Unit Nos.1203 and 1204, Level 12, Building No.20, Raheja Mindspace, Cyberabad, Madhapur, Hitech City Hyderabad TG in 500081**
- 10. Youtube through authorized representative, Google India Pvt. Ltd, Unitech Signature Tower-II, Tower-B, Sector-15, Part-II, Village Silokhera, Gurgaon 122001, India**
- 11. Twitter through authorized representative, Unit No.101, Ist Floor, Tower-B, RMZ Infinity, Old Madras Road, Benniganahalli, Bengaluru, 560 016, Karnataka, India**

....Respondents

1. Freedom of speech and expression is protected under the Constitution of India but it is not an unfettered right and as much there are constitutional rights, there are duties also enshrined upon the citizens of the country. The continued misconduct of the respondents

No.6 and 7 and fanned by respondent No.8, forced us with the heavy heart to proceed to issue directions and issue contempt notice to respondent Nos.6 to 8, who apparently have willingly taken on the Hon'ble High Court in order to achieve their personal ends for reasons best known to them. By putting forth material on the social sites, they have not only by visible representation scandalized and lowered the authority of this Court and have interfered with the course of judicial proceedings and gone on to obstruct the administration of justice and, thus, have fallen foul of Sections 2(c)(i) to (iii) of the Contempt of Courts Act, 1971 (in short 'the Act'). It can be safely said that the criminal contempt which they have committed is in the presence and hearing of this Court and thus forced us to invoke our jurisdiction under Section 14 of the Act so that they are brought forth before this Bench to answer the charge against them.

2. Necessarily, the background as such would have to be referred to. On 15.02.2023, the undersigned Bench had issued criminal contempt notice to respondent No.6, who is a dismissed Deputy Superintendent of Police and whose personal litigation is pending before this High Court in various proceedings. The dismissal was also on the same grounds that he had made unpleasant remarks against the Government through the social media while being a member of the disciplined force.

3. However, it had come to our notice while hearing *CWP No. 20359-2013, Court on its Own Motion vs. State of Punjab* that he had been circulating malicious, libelous and derogatory videos pertaining to judicial proceedings which is conducted by the Judges of

this Court. We are informed that a large number of videos are circulated prior to the listing of the contentious matters before Benches. Observations are made how the proceedings are to be conducted and unsubstantiated allegations are levelled regarding the manner in which they might be conducted and also after having been conducted. The said allegations also pertain to raising allegations of financial misdemeanour apart from judges facing political pressure and unfounded reasons which are levelled. Resultantly, we had got downloaded one such video through compact disc which is of 17.35 minutes and noticed that prior to the Court proceedings on 27.01.2023, he had circulated video on 26.01.2023 referring to more than 10 Judges of this Court and one sitting Judge of the Supreme Court against whom scandalous allegations have been made. Apart from that, he had also given suggestions to the undersigned Bench that how to proceed in CWP-20359-2013.

4. Resultantly, *prima facie* we had come to the opinion that publication on the social media on the platform of Youtube amounts to physical representation which is scandalous and intends to scandalize and intends to lower the authority of this Court. Apart from that, it also prejudices and causes interference and intends to interfere with the due course of judicial proceedings. It was thereafter also noticed that when the matter was to come up on 15.02.2023, he has held another press conference regarding the proceedings which had to be conducted on that date prior in point of time and opined on how the matter should proceed and what is contained in the sealed reports before this Court. Resultantly, after the proceedings were over in CWP No. 20359 of

2013 on 15.02.2023 on account of the fact that he was present in Court, we had issued notice of criminal contempt to him under Section 15 of the Act and Mr. Balwinder Singh Sekhon had gracefully accepted the same at that point of time. It had been further directed that copy of the order alongwith the transcript of the proceedings circulated on 26.01.2023 were to be supplied to him during the course to the day to answer the charge and the matter has been fixed for 28.03.2023.

5. At that point of time, Sh. Pardeep Sharma-respondent No.7, who apparently has also been part of the several press conferences and featuring alongwith Mr. Sekhon had put in appearance in an effort to defend Mr. Sekhon as to how notice was being issued to him. He was informed at that point of time that he was a non entity and if he wishes to file any application to intervene, he could do so. However, he continued to insist that he should be heard, which the undersigned Bench felt that it was not necessary and resultantly, he was marshalled out with the help of Police.

6. The matter, however, did not stop there. Apparently, both respondent Nos.6 and 7 chose to air themselves in open public at the entrance of the Court and launched a vicious tirade on the proceedings which had been conducted. In the said video, Mr. Sharma stated that some sealed reports had been received in the year 2017 but had not been opened in spite of several Benches having changed and none of the Judges had the guts to open the said reports and claimed that he should be appointed as a nodal officer so that he could monitor the opening of the said sealed reports. He further stated that he wanted to address the Court but was not given opportunity and stated that if it is

not done, contempt notice should also be issued to him. He was highly aggrieved that why contempt notice has been issued to his accomplice Balwinder Singh Sekhon. He further suggested that the working of this Court should be improved. He disparagedly remarked about one of us and the fact that his father was also a Chief Justice and he also did not have the guts to open the reports. Mr. Sekhon then named two senior police officials, due to which, the reports had not been opened and he claimed to be a whistle blower and that the Bench would wet its pants if the envelopes are opened. It was further commented that the Judges have been leashed by a certain set of people. A copy of this transcript downloaded is appended alongwith compact disc and the written transcript as Annexures A and B.

7. The matter did not stop there as Mr. Balwinder Singh Sekhon thereafter never appeared before the Court officials to receive the Court summons since certain formalities had to be carried out as the copy of the transcript of the video proceedings of 26.01.2023 were to be supplied to him.

8. However, thereafter both of them i.e. respondent Nos.6 and 7 alongwith respondent No.8-Mr. Baljit Marwaha, Channel Reporter in Scroll Punjab News Channel on the next day further in an effort to tarnish the reputation of this Court, uploaded another video of 27.35 minutes, copy of which CD is annexed as document 'C' and the written transcript is document 'D'. A perusal of the said transcript which was compered by Sh. Baljit Marwaha-respondent No.8 would go on to show that the Judges of this Court have been abused to the fullest to the extent that certain words which have been used which we do not

wish to put in our order. Personal allegations have been levelled against the Bench of this Court which was hearing the matter and which had issued the notice. Disparaging remarks have been made as to how judgments are being reserved and written after two months for the purposes of bargaining and buying time.

9. A virtual panchayat is being held whereby abuses are being showered on this Court in the proceedings conducted by respondent Nos.6 to 8 in the form of a gatling gun and the fact that the Bench does not know the 'A, B, C' of law unmindful of the fact that this 'Temple of Justice' is adorned by constitutional authorities who are only doing and conducting work in accordance with the oath given to them under the Constitution without fear and favour to anyone. Apart from that, even the family members have not been spared by passing disparaging remarks against them also.

10. Further, a warning has been sounded that more episodes would be initiated which would be derogatory and they would sharpen their words in future and they would propagate the issue in a big manner and share it in the way that it could not be dreamt of. It is also brought to our notice that on account of the easy platform sharing basis under the advanced technology, the said videos have also been put to larger platforms like Facebook.

11. The loading of such videos on social platform at international level brings disrepute to the Constitutional Institution and it amounts to virtually inciting the public against the rule of law. Thus, a gauntlet is being thrown by the said respondents and we do not shrug off our constitutional duties to take it head on.

12. It is in such circumstances, we are of the considered opinion that things have come to such a point that we are constrained to issue this notice reaching a view that respondent Nos.6 and 7 have committed criminal contempt in the presence of the Court and are guilty of contempt of Court in its presence and they need to be detained in custody before pending determination of the charge.

13. In view of the above, respondent No.5, Commissioner of Police, Ludhiana shall ensure the arrest of respondent Nos.6 and 7 forthwith keeping in view the provisions of Section 14(4) of the Act and send them to judicial custody and ensure their production before this Bench on **24.02.2023**, to answer the charge of contempt noticed in this order. Office shall ensure that copy of this order alongwith all the relevant transcripts (Annexures A to D) are supplied to both respondent Nos.6 and 7 by the Registrar (General) of this Court through the concerned Chief Judicial Magistrate. Respondent No.8 shall be served throughailable warrants through Chief Judicial Magistrate, Ludhiana to remain present in Court.

14. Further, respondent Nos.9 to 11 are directed to remove/block/restrict/disable access on a global basis to all such videos/web links/URLs which have been uploaded from I.P. addresses pertaining to Balwinder Singh Sekhon and Pardeep Sharma pertaining to Court proceedings. The said respondents shall also ensure that any other press channel who also has uploaded similar material on the social media platforms at the behest of the said respondent Nos.7 and 8, the same shall also be removed with immediate effect. The Registrar (Computerization) shall assist and give all details of the offending

material which have been uploaded in context of this Court.

15. In order to further ensure purity of justice and to protect the prestige of this Court, we further issue directions to respondent No.1 and to respondent Nos.2 to 4 to take appropriate steps to block access by the public of any information regarding videos put on the platform by respondent Nos.6 and 7, Balwinder Singh Sekhon and Pardeep Sharma and also any such videos aired by both of them on the channel of respondent No.8 and through any other channel. The Registrar (Computerization) shall also prepare a list of all the offending videos pertaining to Court proceedings which have been circulated by respondent Nos.6 to 8 and shall also supply the said information to respondent Nos.1 to 4 so that airing on the social sites by respondent Nos.9 to 11 is stopped forthwith, who are intermediaries. The designated officer of respondent No.1 shall take necessary steps to ensure the blocking of access of all videos circulated by the said persons.

16. The said power we derive from the observations of the Apex Court in *Shreya Singhal vs. UOI, (2015) 2 SCC (Crl.) 449* wherein, while discussing the provisions of Information and Technology Act, 2000, it was noticed that under Rule 10 of The Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009, in cases of an order from a competent Court in India, the designated Officer shall, on receipt of the certified copy of the Court order, take appropriate action as directed by the Court. It is further made clear that since the material is being generated from this country and the uploading is taking place

from computer resources from India and the global dissemination is taking place on account of the same being circulated on Facebook, the blocking as such would be global and not restricted only to geo blocking. Similar directions were issued by the Delhi High Court in *Swami Ramdev and another vs. Facebook, INC and others, 2019 (263) Delhi Law Times 689*.

17. The compliance report shall be submitted by respondent No.1 and respondent Nos.2 to 4 by **22.02.2023**, failing which, action under Section 79(3) of the Act shall be liable to be taken against respondent Nos.9 to 11. Respondent No.5 shall also give a compliance report regarding the arrest and detention of respondent Nos.6 and 7 and service of respondent No.8 by way of bailable warrants. Respondent Nos.9 to 11 be served through Registrar (Computerization) by way of E-mail and also through respondent No.1.

18. Office to register and number the petition. Mr. Dheeraj Jain, Standing Counsel, Union of India accepts notice on behalf of respondent No.1; Mr. Anil Mehta, Senior Standing Counsel and Mr. Mayank Sharma, Junior Panel Counsel, U.T. Chandigarh accept notice on behalf of respondent Nos.2 to 4. Mr. Vinod Ghai, Advocate General, Punjab accepts notice on behalf of respondent No.5.

19. To come up on 24.02.2023.

(G.S. SANDHAWALIA)
JUDGE

20.02.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE