

**CRIMINAL CONTEMPT OF COURT JURISDICTION
(UNDER SECTION-15 OF CONTEMPT OF COURTS ACT, 1971)**

IN THE MATTER OF:-

Haryana Progressive Farmers Union - Sabka Mangal Ho;
Through its Convenor Deepak Lohan S/o Uday Singh,
12, Anaj Mandi, Narnaund, District – Hisar (Haryana)

.....**PETITIONER**

//VERSUS//

Shri Manohar Lal Khattar S/o Sh. Harbans Lal,
Presently residing at House No. 1, Sector – 3, Chandigarh

.....**CONTEMNOR**

To,

THE LD. ADVOCATE GENERAL, HARYANA,
Punjab & Haryana High Court Premises, Sector – 1, Chandigarh.

**PETITION UNDER SECTION-15(1)(B) OF THE CONTEMPT
OF COURT ACT; 1971, FOR CRIMINAL CONTEMPT OF COURT;
BY MAKING CONTEMPTUOUS STATEMENT IN OPEN PRESS
CONFERENCE IN CONNECTION WITH THE MATTER PENDING
ENQUIRY IN PURSUANCE TO THE DIRECTIONS OF THE
HON'BLE HIGH COURT IN CWP-14874-2020, LOWERING OR
TENDING TO LOWER THE AUTHORITY OF HON'BLE HIGH
COURT; CULMINATING INTO THE INTERFERENCE IN THE
ADMINISTRATION OF JUSTICE, ULTIMATELY UNDERMINING
PEOPLE'S CONFIDENCE IN ADMINISTRATION OF JUSTICE.**

RESPECTFULLY SUBMITTED:-

1. That the Petitioner had filed CWP-14874-2020 seeking various reliefs including the in-depth enquiry into an incident of *lathicharge* on farmers protesting against protesting against three agriculture ordinances issued by the Government of India; while taking action on the Legal Notice dated: 12/09/2020, the Hon'ble High Court apart from giving other directions to the DGPs of the States of Punjab and Haryana; disposed of the petition with the directions that, ***"It is expected of the competent authority to pass appropriate orders qua Annexure P-5, in accordance with law, as expeditiously as possible."*** At present the matter is pending for enquiry by DGP Haryana. The judgment dated: 18th September, 2020, passed by the Hon'ble High Court of Punjab & Haryana in CWP-14874-2020; is annexed herewith as **ANNEXURE C-1.**
2. That through this Petition the Petitioner seeks to prosecute Shri Manohar Lal Khattar S/o Sh. Harbans Lal under the Contempt of Court Act; 1971, for making contemptuous statement in open press conference in connection with the matter pending enquiry; in pursuance to the directions of the Hon'ble High Court in CWP-14874-2020, which has lowered or tends to lower the authority of Hon'ble High Court of Punjab & Haryana; culminating into the interference in the administration of justice, ultimately undermining people's

confidence in administration of justice. The Criminal Contempt of Court is self-explanatory of the forthcoming facts and circumstances of the case.

3. That the contemnor on 21/09/2020; during press conference made the below mentioned statement:-

“People need to understand what exactly a lathicharge is. When a magistrate accompanying the police issues orders, the police resort to a lathicharge...”

“This was merely a one-off incident and does not come under the definition of lathicharge,”

“I can understand that one has to say certain things to please farmers, but that does not mean one should blow small incidents out of proportion,”

WHEN; media persons asked: whether there would be a probe into the lathicharge, the contemnor made a categorical statement: **“What I am doing now before you is an enquiry. It has been proven that it was a small incident, where some cops exercised their right to self-defence against people on tractors who tried to harm them physically by running them over. There was no lathicharge. One person in civil dress was holding danda. A person from CIA/Reserved force need not wear uniform. This is not a big incident being blown out of proportion.”**

(The complete statement as reported in **Tribune News Service**,

dated: 21/09/2020, available at web link:-

<https://www.tribuneindia.com/news/haryana/jjp-snubbed-cm-denies-lathicharge-on-farmers-144719>)

4. That the contemnor is a the present Chief Minister; a constitutional position, and the constitutional position is very clear that a person after becoming Chief Minister does not belong to any particular political party; rather he is the head of the State *to aid and advise the Governor* to run the affairs of a State. Therefore, while holding a constitutional the contemnor exercises substantial control and influence over the police administration and general administration. The fair enquiry by the competent authority, as per the directions of the Hon'ble High Court can not be expected in view of the statement of the person holding the constitutional post to the effect that, "**What I am doing now before you is an enquiry**"? Does it not amount to usurping the powers of DGP, supposed to conduct in-depth enquiry as per the directions of the Hon'ble High Court? Further, the Petitioner is shocked at the contemnor's media statement that **a person from CIA/Reserved force need not wear uniform.** Whereas; the directions of Hon'ble Supreme Court in **DK Basu** would apply with equal force to the other governmental agencies including all police forces, except intelligence agencies. Hence, the statement of the contemnor in open press conference; has not only prejudiced the

pending enquiry and have sent wrong signal to the police force promoting indiscipline in the police force, but also amounts to lowering the authority of Hon'ble High Court and interference in the administration of justice, in reference to the judgement dated: 18th September, 2020 in CWP-14874-2020.

5. That it is very important and relevant to mention here that before taking his seat in the House, the contemnor, under Article 188 of the Constitution of India, made and subscribed before the Governor, an oath or affirmation which reads:-

“I, Manohar Lal; having been elected a member of the Legislative Assembly; do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”

HOWEVER, the contemnor by defying the directions of the Hon'ble High Court issued under Article 226 of the Constitution have breached the oath taken by him before taking his seat in the House; to the effect that **I will bear true faith and allegiance to the Constitution of India as by law established..... and that I will faithfully discharge the duty upon which I am about to enter.”**

6. That the Petitioner keeping in view the grace attached with the constitutional position of a Chief Minister and with a view to avoid initiating proceedings under the Contempt of Court Act, 1971, got issued Legal Notice dated: 22nd September, 2020, to the Contemnor through E-mail and called upon the Contemnor to the effect that:-

“You are called upon to save the grace of your constitutional post; by withdrawing your statement reported in media, appearing to be actuated by inadvertence and ignorance and direct the DGP to conduct enquiry without being prejudiced by your statement. The withdrawal of statement may be communicated within a week of receipt of this notice.”

The true copy of the Legal Notice dated: 22nd September, 2020; is annexed herewith as **ANNEXURE C-2**.

HOWEVER, the Contemnor has not at all responded to the Legal Notice and has undermined the people's confidence in the public administration in general and administration of justice in particular.

7. That the Contemnor rather than caring for the grace and majesty of his constitutional position of Chief Minister of Haryana, tried to be a law unto himself. Therefore, the Petitioner's specific charge of criminal contempt of court is as follows:-

“You Manohar Lal Khattar S/o Sh. Harbans Lal, presently residing at House No. 1, Sector – 3, Chandigarh, committed criminal contempt of Hon’ble High Court by making contemptuous statement in open press conference on dated: 21/09/2020, in connection with the matter pending enquiry; in pursuance to the directions of the Hon’ble High Court in CWP-14874-2020. You made statement to the effect that there was no lathicharge on farmers and you had conducted enquiry in front of media persons itself. You categorically stated: “What I am doing now before you is an enquiry. It has been proven that it was a small incident, where some cops exercised their right to self-defence against people on tractors who tried to harm them physically by running them over. There was no lathicharge. One person in civil dress was holding danda. A person from CIA/Reserved force need not wear uniform. This is not a big incident being blown out of proportion.” Whereas; the matter is still pending enquiry with the DGP Haryana.

Your aforesaid statement has lowered or tends to lower the authority of Hon’ble High Court of Punjab & Haryana; culminating into the interference in the administration of justice, ultimately undermining people's confidence in administration of justice, which is a criminal contempt under Section 2(c) of the Contempt of Court Act; 1971.”

8. That under of the Section 15 of the Contempt of Court Act, 1971, in the case of a criminal contempt, the High Court may take action on a motion made by Petitioner with the 'consent in writing of the Advocate-General' of the State of Haryana.

PRAYER

It is, therefore, prayed that while keeping in view the peculiar facts and circumstances of the present case the Ld. Advocate General Haryana is requested to:

- (i) Grant consent to prosecute the Contemnor under **Section 15** of the **Contempt of Court Act, 1971**. And/or
- (ii) Dispose of the petition by passing speaking order and communicate the same in terms of the **Section 4(1) (d)** of the **Right to Information Act, 2005**.

PETITIONER

**Haryana Progressive Farmers Union - Sabka Mangal Ho;
Through its Convenor Deepak Lohan**

Through Counsels

DATED: 13/10/2020
VERIFICATION

(PARDEEP KUMAR RAPRIA, ADVOCATE)

Verified that the Contents of the present Petition are correct the best knowledge of the Petitioner and nothing material has been concealed therein.

PETITIONER

DATED: 13/10/2020
**Haryana Progressive Farmers Union - Sabka Mangal Ho;
Through its Convenor Deepak Lohan**