

HIGH COURT OF DELHI**Bench: Justices Neena Bansal Krishna and Amit Sharma****Date of Decision: 15th June 2024**

Case No.:

W.P.(C) 8422/2024

APPELLANT:**Vaibhav SinghPetitioner****VERSUS****RESPONDENTS:****Sunita Kejriwal & Ors.Respondents****Legislation:**

Articles 226 and 227 of the Constitution of India

Order XXXIX Rule 1 & 2 of the Code of Civil Procedure (CPC)

Delhi High Court Video Conferencing Rules, 2021

Subject: Public Interest Litigation (PIL) for removal of unauthorized audio/video recordings of court proceedings dated 28.03.2024, alleged to be in violation of court rules and disseminated on social media.

Headnotes:

Public Interest Litigation – Unauthorized Court Recordings – Petitioner, an advocate, filed PIL for removal of unauthorized audio/video recordings of court proceedings involving Delhi CM Arvind Kejriwal, disseminated on social media platforms. Petitioner contended the recordings were a conspiracy to malign the judiciary and mislead the public, violating Delhi High Court Video Conferencing Rules, 2021 [Paras 6-10].

Court's Observations and Directions – The Court noted prima facie violation of Rule 3(vi) of the Delhi High Court Video Conferencing Rules, 2021, and directed social media platforms (X, Meta, Instagram, YouTube) to remove the recordings and ensure non-reuploading until further orders [Paras 13-15].

Interim Relief – Petitioner sought interim injunctions to prevent further unauthorized sharing of the recordings. Court granted relief, ordering the removal of specific URLs and directing social media platforms to prevent reuploading [Paras 14-15].

Notice Issued – Notice of petition issued to remaining respondents, to be served via ordinary post and electronic mode, returnable on next hearing date [Para 16].

Next Hearing – Case listed before the Roster Bench on 09.07.2024 [Para 18].

Decision:

Writ Petition Allowed – Unauthorized audio/video recordings to be removed from social media platforms. Further orders to ensure non-reuploading issued. Case to be heard further on 09.07.2024 [Paras 14-18].

Referred Cases:None.

Representing Advocates:

For Petitioner: Mr. Amit Sharma, Advocate along with petitioner in person.

For Respondent No.8: Mr. Tejas Karia, Mr. Varun Pathak, Ms. Ameer Rana, Mr. Akhil Shandilya, Ms. Arunima Srivastava.

For Respondent No.11: Mr. Tushar Sannu, Mr. Sahaj Karan Singh, Mr. Manoviraj Singh.

J U D G M E N T (oral)

CM APPL.34758/2024 (Seeking Exemption) 1.

Exemption allowed, subject to just exceptions.

2. The application is accordingly disposed of.

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3. Advance Notice accepted on behalf learned counsel for respondent No.8 and respondent No.11.
4. Learned counsel for the petitioner submits that he has got an email from respondent No.9 i.e. YouTube stating that it has already removed the objected post.
5. Learned counsel for respondent No.8 submits that it has not been correctly described and its nomenclature is META PLATFORMS INC. It is further submitted that respondent No.10, that is Instagram, is not an independent entity and the same is covered by respondent No.8 as the service of respondent No.10 is provided by respondent No.8.
6. A Public Interest Litigation under Article 226 and 227 of the Constitution of India has been filed by the petitioner for issuance of Writ of Mandamus for directing removal of the alleged audio/video recording of the Court proceedings dated 28.03.2024 which took place in the Court of Special Judge, CBI, Rouse Avenue Court, New Delhi.
7. It is submitted by petitioner that he is an Advocate and Member of Bar of Delhi High Court. This petition has been filed in public interest of the citizens of the country and the petitioner has no personal interest in the litigation. It is submitted that Mr. Arvind Kejriwal, the Chief Minister of Delhi who is one of the accused in Delhi Liquor Policy scam was produced before the Court of Special Judge, CBI, New Delhi for production by the Law Enforcement

Agency i.e. Enforcement Directorate on 28.03.2024, wherein he narrated his entire story along with the facts which was about 09:00/09:30 minutes in the Court. It is submitted that several members of Aam Aadmi Party including members of various other opposition parties have intentionally and deliberately with intent to malign and manipulate the court proceedings, have made an audio and video recording of court proceedings which has been circulated on various social media platforms. Posts regarding this audio/video recording have been circulated on X (Formerly “*Twitter*”) with the *#MoneyTrailExposedByKejriwal*. It is stated that the circumstances in which the audio/video recording has gone viral smells of the deep conspiracy of the political parties to malign the image of the judiciary and to mislead the common man of this country.

8. The Petitioner submits that one Mr. Akshay “X handle name *@ Akshay*” at about 04:48 PM had posted an audio recording of the court proceedings before the learned Special Judge, CBI which ran for about 9 minutes 49 seconds with the picture of accused Mr. Arvind Kejriwal showing him behind the bar. This audio/video recording has been reposted by Ms. Sunita Kejriwal, Ms. Promila Gupta, Councilor and Ms. Vineeta Jain Vice President of INC Rajasthan, Mr. Arunesh Kumar Yadav having his X handle namely *@YadavArunesh* spokesperson of National Media Incharge of the OBC Dept. of INCIndia (Indian National Congress). 9. It is further submitted that the petitioner had filed a complaint with Twitter, Facebook, Instagram and YouTube along with the URL links of the posts and requested them to remove these audio/video recording. Respondent No.9 i.e. YouTube has replied that they have not been able to identify the violation of their Community Guidelines. All other Social Media intermediaries have failed to respond. The petitioner submits that unauthorized recording of proceedings by any person or entity is a violation of *Delhi High Court Video Conferencing Rules, 2021*.

10. Therefore, a prayer is made that the respondents be restrained from sharing, forwarding, reposting the proceedings of the court dated 28.03.20024 and also the appropriate directives be given to the Social Media platforms to prevent the recurrence of such unauthorized recording and subsequent dissemination and the penalty be imposed. In addition, prayer is also made for setting up of SIT to conduct the investigations and to identify the individuals responsible for recording and sharing of the audio/video recording.

CM APPL.34757/2024 (under Order XXXIX Rule 1 & 2 of CPC on behalf of the petitioner for Issuing Injunctions)

11. An application has been filed on behalf of the petitioner seeking following prayers:

“(a.) issue injunctions or cease-and-desist orders to prevent further unauthorized sharing of court recordings.

- (b.) *issue appropriate ad-interim order directing social media platforms to remove unauthorized audio/video recordings of court proceedings held on 28.03.2024; and/or*
- (c.) *Pass Ex-parte ad-interim orders and/or directions in terms of the prayer (a) and (b) : and*
- (d.) *Issue such further orders and/or directions as may be deemed necessary and appropriate in the facts and circumstances of the accompanying petition.”*

12. **Submissions heard.**

- 13. *Prima facie* it is observed that the court proceeding recording is violative of Rule 3(vi) of Delhi High Court Video Conferencing Rules, 2021 and cannot be permitted to remain in public domain.
- 14. The Social Media platforms namely X (formerly „Twitter“), Meta (formerly „Facebook“), Instagram and YouTube are hereby directed to remove forthwith the audio/video recording from their respective platforms.

The URLs of the same are listed as under :

SI. No.	URL
1.	https://x.com/arun2981/status/1773352280118485369?s=48
2.	https://x.com/indian_nagrik/status/1773344215608574153?s=48
3.	https://x.com/vinita_jain7/status/1773369356010840448?s=46
4.	https://www.facebook.com/share/v/PSx9n8aLNMCFWJnF/?mibextid=w8EBqM
5.	https://www.facebook.com/share/v/VdMepyE4MtwC588h/?mibextid=w8EBqM
6.	https://www.instagram.com/reel/C5ETdORyNuD/?igsh=Y20xOW90YTQ4ZXU2
7.	https://www.instagram.com/reel/C5LNUX6JLPw/?igsh=MXcwN3ZiZ2NscXItaA==
8.	https://www.instagram.com/reel/C5DokgIS54P/?igsh=MXNrenR4Mjc2M2YzYQ==
9.	https://youtu.be/GsPvUZ1-WoQ?si=iLeYeyJHlloYS1an
10.	https://youtu.be/3lfY1zYByjQ?si=-Ypb2fKc649lilo9
11.	https://youtu.be/LoVCp4njD-c?si=TO8PYMN3TZ5BK1T5

15. They are also to ensure that the audio/video are not reuploaded on their platform till further orders

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16. Notice of the petition be issued to other respondent No.1 to 7 on filing of PF, to be served through ordinary post and electronic mode, returnable for the next date of hearing.
17. This Order be communicated within 48 hours to the respondent.
18. List before the Roster Bench on 09.07.2024.

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