

Suo Motu Cont P(MD)No..... of 2022

G.R.SWAMINATHAN, J.



Thiru.Savukku Shankar is a You-Tuber/Blogger and a commentator on current affairs. He gives regular interviews to various channels in the social media. He also tweets regularly. He is unsparing in his attack on individuals and institutions including the judiciary. While even strident criticism is permissible, defamatory vilification is not. He has been focussing his gaze on me for the last several months. He had commented on many of my judgments in the

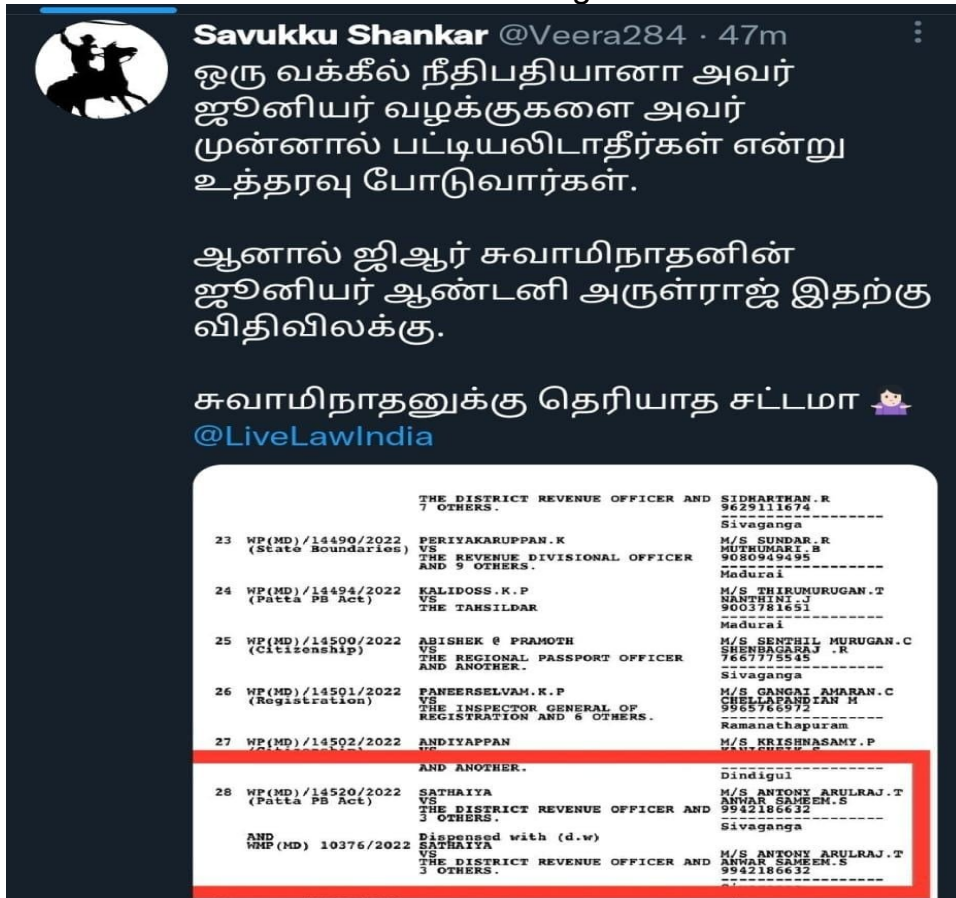
most uncharitable language. His attacks have often been personal. Since I am a strong believer in upholding freedom of speech and expression, I did not pay heed to them. However, his latest tweet appears to have crossed the lakshman rekha. It is as follows :



Shri.Maridhas is another well known You-Tuber. He was implicated in two criminal cases. Petitions to quash them were filed. Since I was holding the concerned roster, the cases came before me. After hearing the State as well as the defacto complainant, I quashed the proceedings. Thiru.Savukku Shankar had condemned the said decisions in the most vituperative words. I genuinely felt that Thiru.Shankar was entitled to pass comments on my

judgments. But through the offending tweet, Thiru.Shankar has questioned my integrity. He asks me “who I met at 06.00 A.M at Azhagar Koil when I was hearing the case pertaining to Thiru.Maridhas?” By this innuendo, Thiru.Shankar is suggesting that the outcome of the Maridhas case was influenced by the person I am alleged to have met. This is clearly scandalizing the judiciary. Prima facie Thiru.Shankar had committed criminal contempt.

2.The order to issue notice to Thiru.Shankar was dictated by me in the open court in the morning. Before I could sign the order in the evening, Thiru.Shankar has come out with the following tweet :



3.I have completed five years as a Judge of the Madras High Court. My work output is as follows :

MADRAS BENCH OF MADRAS HIGH COURT

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

CATEGORY WISE DISPOSALS FOR THE PERIOD FROM 28.06.2017 TO 24.06.2022

YEARWISE DISPOSALS	WA	REV.APL	CONT P	WP	AS	CMA	CMSA	CRP	SA	X.OBJ	CONT A	HCP	CRL A	CRL OP	CRL RC	TOTAL	MISC CASES	GRAND TOTAL
FROM 28.06.2017	481	13	81	1937	-	903		50	9	35	1	5	3	57	7	3582	3508	7090
2018	25	33	758	4116	-	21	47	1737	2	-	-	6	7	5442		12194	8059	20253
2019	28	52	470	5148	-	2	7	20	-	-	-	14	405	5248	600	11994	4400	16394
2020	2	41	184	3746	-	-	-	1	2	-	-	-	48	4501	170	8695	3775	12470
2021	1	14	165	2284	102	-	-	36	677	6	-	-	5	2276	1	5567	3896	9463
UPTO 24.06.2022	-	21	66	849	3	-	-	3	385	1	-	-		1257		2585	1759	4344
<b>TOTAL</b>	<b>537</b>	<b>174</b>	<b>1724</b>	<b>18080</b>	<b>105</b>	<b>926</b>	<b>54</b>	<b>1847</b>	<b>1075</b>	<b>42</b>	<b>1</b>	<b>25</b>	<b>468</b>	<b>18781</b>	<b>778</b>	<b>44617</b>	<b>25397</b>	<b>70014</b>

Dr. J. Jeyaraj  
 27.11.2022  
 21.12.2022

For the salary drawn by me and the perquisites enjoyed , I believe I have worked to the fullest. I have been able to achieve this result by sitting from 09.30 A.M onwards and beyond the court hours. Thiru.Shankar had been poking fun at my sitting hours. I felt vindicated when His Lordship The Hon'ble Mr.Justice U.U.Lalit spoke in support of early sitting. It is ironical that Thiru.Shankar who was employed in the Directorate of Vigilance and Anti Corruption as a ministerial staff is said to be getting Subsistence Allowance for several years. A person who is getting paid by the State without doing any work has the audacity to mock at a Judge who feels he must justify every paise that he gets from the exchequer. The State government is obliged to make a statement regarding the status of the disciplinary action initiated against Thiru.Savukku Shankar. I came to know from an interview that a complaint of sexual harassment is pending against Thiru.Savukku Shankar for more than ten years. I am also informed that even though the Madras High Court gave a direction for concluding the investigation by CBI in a case involving Thiru.Savukku Shankar, nothing has transpired.

4.I take judicial notice of the fact that the Twitter account of Thiru.Savukku Shankar was recently suspended. But he has managed to create an alternative account. In mythology, whenever the head of an asura is slayed, another one will pop up. Thiru.Savukku Shankar appears to have taken inspiration from such mythological characters. The social media

intermediaries such as Facebook, Twitter and You-Tube might have received several complaints against Thiru.Savukku Shankar so far. These entities have compliance officers and their duty is to ensure that content scandalizing judges and judiciary are not posted and if posted, are taken down. His Lordship Hon'ble Mr.Justice JB Pardiwala in a recent lecture had bemoaned the negative trends in the social media. An excerpt of the lecture in the SCC Online Blog is as follows :

“He then expressed his worry with regards to the usage of social and digital media to express personalized opinions more against the Judges per se, rather than a constructive critical appraisal, informed dissents and constructive criticisms of their judgments. He expressed that all of this harm the judicial institution and lower its dignity. He gave a loud and clear message that judges of Constitutional Courts shall have a remedy against false reporting and motivated attacks of their views through social media on them and opined that:

***“This is where the digital and social media needs to be mandatorily regulated in the country to preserve the rule of law under our Constitution. Attacks attempted at Judges for their judgments lead to a dangerous scenario, wherein Judges would have to pay greater attention to what the media thinks rather than what the law actually mandates. This puts the rule of law on the burner, ignoring the sanctity of respect for the Courts.”***

5. Article 215 of the Constitution of India states that every High Court shall be a court of record and shall have all the powers of such a Court including the power to punish for contempt of itself. In the decision reported in **(2021) 1 SCC 745**, the Hon'ble Apex Court held that contempt jurisdiction can be exercised when a statement tends to undermine the dignity and authority of the court or when a statement is calculated in order to malign the image of judiciary or when the authority of the court itself is under attack. It was further held that the constitutional power to punish for contempt cannot be taken away or in any manner abridged by statute. It was also held that the court can very well initiate the proceedings suo motu on the basis of information received by it. It was laid down that a publication which attacks individual Judges or the court as a whole with or without reference to particular case, casting unwarranted and defamatory aspersions upon the character or ability of the judges would come within the term of scandalizing the court. Imputing partiality, bias or improper motives to a judge is scandalization of the court and would be criminal contempt.

6. Since I am prima facie satisfied that Thiru.Savukku Shankar had exceeded his limits, I direct the Registry of the Madurai Bench to register a suo motu case of contempt against Thiru.Savukku Shankar. Statutory notice shall be served on him. He is called upon to show cause as to why further action in the manner known to law should not be taken against him.

7. Since larger issues have come up for consideration, the Registry is directed to implead the above mentioned social media intermediaries such as Facebook, Twitter and You-Tube. Notices shall also be served on them through their compliance officers. While the contemnor Thiru. Savukku Shankar has to appear in person before this Court, the compliance officers can appear through their counsel on the notified date. The compliance officers are directed to file an affidavit setting out the details of complaints received by them against Thiru.Savukku Shankar so far and till the date of next hearing. They shall set out the action taken by them on such complaints. They shall also make a statement as to whether they had considered taking *suo motu* action to uphold and safeguard the dignity of the Indian judiciary.

8. The Secretary to Government, Ministry of Electronics and Information Technology (MeitY) is also *suo motu* impleaded in this case. Registry to serve notice on the office of the learned Assistant Solicitor General of India for the Madurai Bench to assist the court.

**19.07.2022**

skm

Issue order today ie., 19.07.2022.



**G.R.SWAMINATHAN, J.**

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