

# The Indian Law Reports

Before Kulwant Singh Tiwana and M. M. Punchhi, JJ.

COURT ON ITS OWN MOTION—Petitioner.

versus

COMRADE RAM PIARA—Respondent.

Criminal Original Contempt Petition 7 of 1979.

August 14, 1981.

*Contempt of Courts Act (LXX of 1971)—Sections 2(c) and 6—Criminal Contempt—Contemner addressing communications to Chief Justice and Judges of the High Court and also to the Prime Minister and President of India—Language used therein highly libellous, abusive and sarcastic maligning, criticising and scandalising the conduct of the Chief Justice, Judges and retired judges for their decisions taken judicially and administratively—Such communications—Whether amount to publication and punishable—Court issuing notice on its own motion—Formal framing of a charge—Whether necessary—Criticism of a Chief Justice or a Judge on the administrative side—Whether could constitute criminal contempt—Contemner claiming freedom of expression as guaranteed by the Constitution—Extent of such right.*

Held, that the purpose of Section 6 of the Contempt of Courts Act, 1971 is clear from its language. It deals with the Courts which are subordinate to the High Court but not the High Court. Under Clause (a) of Section 6 are covered the District and Sessions Judges and the District Magistrates and clause (b) of this provision makes a specific mention of the High Court. It does not cover the High Court, which is a court of record and owes its origin to the Constitution, from where its powers flow. Section 6 does not talk of any supervisory powers of any agency or court over the High Court and for that matter protection cannot be claimed by the contemner to his actions. The notion that no notice on the basis of communications addressed to the President/Prime Minister of India could be issued to the contemner is highly misplaced. The contention that no publication could be inferred as the communications were addressed to the Chief Justice and Judges is equally without substance. Any communication addressed to the Chief Justice or a Judge of the High Court cannot be torn or thrown away. It has to be passed on to the concerned staff employed in the High Court to be preserved and kept as a record. Necessarily such communications are thus to go to the record office of the High Court and even if no action is to be taken on them, these have to have passed on to the staff including the Registrar, Deputy Registrar, Superintendent etc. and have to be annexed to the files. This process, which cannot be dispensed with or avoided has to take place irrespective of the fact whether the material is libellous, scandalous, abusive etc. and it

amounts to sufficient publication, as intended by the law of contempt for bringing the Court to ridicule, disrepute or in any way to scandalise it.

(Para 20).

*Held*, that the objection raised by the contemner that if no charge for the contempt of court had been framed against him or stated to him, he could not be proceeded against for contempt of the court is mis-conceived. If by framing of the charge is meant the framing of the charge under the provisions of the Code of Criminal Procedure, then he is under a mistaken notion. The Act is a complete code in itself. It prescribes its own procedure for taking cognizance of the offence. Under Section 14 it provides a procedure for taking of the cognizance and of dealing and deciding the offences committed in the face of the Supreme Court and the High Court. It lays its own procedure of filing of the appeals and prescribes its own period of limitation for taking cognizance of the offence. Section 23 invests the Supreme Court and the High Courts with powers to make rules not inconsistent with the provisions of the Act, for any matter relating to its procedure and this Court has made self-contained rules, which are statutory. The Act or the Rules nowhere define the word charge. Under the Act, the accusation stated in the notice or as is made out from the material on the basis of which it is issued is to be treated as a charge. The accusation of the charge is stated as soon as the notice is served upon a Contemner. It in a way is reflected from Section 14(1) (a), where the Supreme Court or the High Court can take into custody a person committing an offence in their face and cause him to be informed in writing of the contempt with which he is charged. It cannot, however, be equated with a charge framed under the procedure as prescribed by the Code of Criminal Procedure. The accusation made on the basis of the notice and the different portions marked in each communication is well understood by the contemner and if nothing is vague in the contempt notices, the contemner cannot turn round to say that the charge was not stated or improperly stated to him so as to cause him any pre-judice.

(Para 22)

*Held*, that criticising the High Court on the administrative side does fall within the category of 'criminal contempt' as defined in Section 2(c) of the Act. While vilificatory criticism of a Judge functioning as a Judge even on purely administrative or non-adjudicatory matters amounts to criminal contempt. It could not, be said by the contemner that his criticism if couched in a language which might be intemperate, could not fall within the ambit of 'criminal contempt'.

(Para 26)

*Held*, that in the matter of constituting Benches, the Chief Justice discharges his right given to him by law investing powers in

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him as a Chief Justice of a High Court in relation to the administration of justice. The Chief Justice runs the administration of the High Court's vast establishment not as an individual but by virtue of his position as a Chief Justice. To discharge his functions under Articles 225/229 of the Constitution. The power of raising the age of retirement from 58 to 60 years of the employees of the High Court establishment was exercised by him only as a Chief Justice. No one has a right to level unfair and unreasonable criticism attributing motives or bias amounting to scandalisation of the administration run by the Chief Justice, which duty he performs in the administration of Justice. If any, disparaging comment regarding the role of a Judge about his integrity in the discharge of judicial functions is aimed at to scandalise or to lower the authority of any Court, it amounts to criminal contempt. When any such attack or criticism prejudices, interferes, tends to interfere or obstructs or tends to obstruct the administration of justice it also amounts to criminal contempt. The word 'scandalise' as used in the Act does not have any special or technical meaning. Its ordinary meanings which are commonly understood, have to be taken into account in the context of section 2(c)(i) of the Act.

(Paras 27, 28, 29 and 30).

*Held*, that our constitution guarantees freedom of speech and expression but not to an unlimited extent. People have a guarded right to criticise the Judges in their roles in the administration of justice, but that should be constructive. Criticism cannot go unbridled and unchecked. The freedom of expression in criticising the Judges has to be within the limits of decency. These limits are not to be crossed and if anybody transgresses or over-steps such limits set by the Judge-made law handed down since ages and enunciated from time to time by the highest courts of different countries, then the courts have to step in to check it. The normal policy of law of contempt is that the move in the direction of initiation of contempt proceedings should be reluctant and this jurisdiction should be exercised with reservation. Comments with a little overtone of indecency or impropriety should not be taken personal affront by the Judges. They have to take note of the comments only when made about the Judges in their judicial capacity in connection with the administration of justice and are such which tend to scandalise the courts or to prejudice or interfere with the administration of justice or judicial proceedings and are such as cannot be tolerated or contemned by the Judges, who are sober by nature and because of their office, are experienced in the matter of restraint and rectitude. It has not to be resorted to by an exaggerated notion of the dignity of Judges. An action by way of Contempt of Court has to be resorted to only when a blatant attack on the authority of the High Court or its Judges is made to undermine the authority of this institution having responsibility in the administration of justice or tends to bring it in disrepute or lower its authority. It is never pleasant to hear the

slanderous and libellous language used against a Judge punctuated by invectives and innuendoes. The Judges, who are human, hearing such cases have to maintain calm and balance of mind in front of the contemner, who during arguments, many a times, uses foul language with more fervour and sarcasm than the matter written or printed by him. There is always a difference between reading a libel on oneself or the institution to which one belongs than to hear it repeated in court before the Judge.

(Para 31)

*Proceedings initiated by Court on its own motion under the Contempt of Courts Act, 1971, (Act No. 70 of 1971) against Comrade Ram Piara Ex. M.L.A. Karnal on March 19, 1979 under the orders of Division Bench consisting of Hon'ble Mr. Justice Harbans Lal and Hon'ble Mr. Justice S. S. Dewan.*

U. D. Gaur, A. G. Haryana—*for the Petitioner.*

Ram Piara Comrade in person.

#### JUDGMENT

*K. S. Tiwana, J.*

(1) How wrong strong-headed litigants with vicious tongues adopting over-bearing attitudes try to influence the Courts, including the High Court, and try to pressurise them to accept their word and act according to their wishes is the example provided by Ram Piara Comrade. His conduct and attitude led this Court to initiate, on its motion, proceedings for contempt of the court against him for punishing his conduct. Shri Ram Piara, who had an earlier experience of such proceedings, that is, under the Contempt of Courts Act, in this Court in Criminal Original Nos. 257 and 259 of 1971 reported as *Court on its own Motion vs. Ram Piara Comrade*, (1) is the respondent in this case. Although the rule against Shri Ram Piara in Criminal Original Nos. 257 and 259 of 1971 was discharged, the Court observed about him in these words:—

“No doubt, the respondent, as we have been able to gather from his arguments and the trend of the language used by him in his letters addressed to the Chief Justice, is a presumptuous person having no hesitation in making scurrilous attacks against any one who comes in his way.”

Has the elapse of a decade brought about any change for the better in him ?

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(1) 1973 CrL. L.J. 1106.

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2. The respondent had filed Criminal Revision No. 444 of 1978 in this Court against the discharge of Shri Bansi Lal, Chief Minister, Haryana, Shri Sukhdev Parshad, IAS and Shri S. K. Sethi, IAS, who were not summoned on his complaint by Shri N. L. Pruthi, Judicial Magistrate 1st Class, Karnal. As is reflected from his various letters and communications addressed to S. S. Sandhawalia, C.J., he wanted the said Criminal Revision to be heard not by a Single Bench but by a Full Bench of five Judges. S. S. Sandhawalia, C.J., as Judge, and S. C. Mital, J., before whom Criminal Revision No. 444 of 1978 was individually listed had decided not to hear it and directed its listing before some other Bench. The Chief Justice S. S. Sandhawalia on the administrative side had raised the age of retirement of the officials serving in the High Court from 58 years to 60 years. The respondent started writing to the Chief Justice about these matters and also about the case of Shri R. L. Lamba, a Judicial Officer, who was prematurely retired by the High Court and whose name figured in 1973 CrL. L.J. 1106 (supra). The language of these letters written to the Chief Justice and other Judges of this Court, which are the subject matter of 11 Criminal Original Contempt Cases, was considered by different Division Benches of this Court, which found it to amount to scandalising the Court, and lower its dignity in the eyes of the society. The different Benches issued notices for contempt to Ram Piara. They marked specific portions, which, in their view, amounted to contempt during the proceedings but otherwise the language and tenor of the letters as a whole were overbearing.

3. The first in the series is the letter dated 4th of November, 1978, which is the subject matter of Criminal Original Contempt No. 7 of 1979 written by Ram Piara respondent to the President of India and the Chief Justice of India, copy of which also reached the Chief Justice of this Court. Portion 'A' marked by the Bench is:—

"When after reaching Chandigarh, I enquired, I learnt that it has been listed before Justice S. C. Mital, who had already declined to hear in May 1978. I was really stunned or I may say, amazed and amused, observing, what a joke and that too by Hon'ble C.J. Mr. Sandhawalia, to whom in my both letters it was made clear that "the Bench be constituted except three, namely, Justice Sandhawalia, Justice S. C. Mital, who have already expressed that they do not want to hear, and third Justice J. M. Tandon, who is facing enquiry before Shah Commission for the allotment

of a plot, illegally allotted to him by Bansi Lal, Sukhdev Parshad, as Deputy Commissioner through Improvement Trust."

The second portion marked 'B' reads:—

"Is it my fault or sin that I have pointed out the violation of Constitution by Justice Sandhawalia by bringing the date of retirement from 58 to 60 thereby not only violating the Constitution, not only sabotaging the programme of Employment, but only to show affection/favour to one Mr. Sat Paul Party, his Secretary."

This concerns the raising of the age of retirement of the employees of this High Court.

4. The second letter for which C.O.C. No. 3 of 1979 is initiated is dated 2nd of December, 1978, addressed by Ram Piara to S. S. Sandhawalia, C.J., in regard to his criminal revision in which Shri K. S. Thapar was the counsel for his opponents. In this letter he wrote:

"I would question the elite thinking which is always in favour of the rich, powerful and white-collared and the same is that for the foolishness and unwise step of High Court and K. S. Thapar, I have been burdened, Why?"

In the same context, he wrote portion 'B', like this:—

"You are duty-bound to dispense justice but it is unfortunate that because of false prestige and in a bid to help the accused, on one hand dilatory tactics are being used and on the other hand Full Bench is not being constituted."

Regarding the enhancement of the age of retirement of the employees of the High Court, he used this language in portion 'C':

"Why you have been influenced by alone Sat Pal Party, Your Secretary ? Is this your act not for an individual and for the individual — have you not violated the Constitution ?"

In the same context he wrote portion 'D' :—

"But claiming to be unapproachable, have failed to resist the pressure of individuals and thus not only sacrificed the

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National interest and its serious problem of unemployment but have also violated the Constitution.”

Referring to the retired Chief Justice of this Court, he used this language in portion ‘E’ :

“It was highly improper and highly deplorable on the part of C.J. Mr. Harbans Singh. Do you find anywhere in the judiciary where in judges of their their own Court passed Sweet, submissive observations against their own Chief Justice. Then again you will find in that judgment that Justice Mahajan too join hands in ugly drama to be placed by Justice Harbans Singh, why Because Justice Mahajan had a Grudge against me, I having filed sometimes back, an Affidavit that Justice Mahajan had tampered with the record of his own Court in my Election petition.”

Reverting to his demand for the listing of his Criminal Revision before a Full Bench, he wrote in this letter in portion ‘F’ :—

“From the above one can safely conclude that by this time, you too have nursed grudge against me and had this been not the case, you would have constituted the Full Bench, particularly in view of your disinclination to hear and then my apprehensions and then my complaint, to the Ministry of Home Affairs as sorting that their claim of Independent Judiciary is falsified by the stand of Justice Sandhawalia and Justice S. C. Mittal and further my complaint against your injudicious, anti-national and violative of Constitution, the Amendments for an individual and that too for that who has hopeless reputation and hence in these circumstances, it was all the more obligatory that the Bench would have been constituted. It is perhaps my misfortune that I am loosing my faith in you and I have reasons to believe that you could speak to one or the other and hence Bench of five demanded so that you are handicapped to sound/hint all.”

5. The third letter dated 8th of December, 1978 is addressed by Shri Ram Piara to S. S. Sandhawalia, C.J. Referring to his Criminal Revision, he wrote portion ‘A’ :—

“In case your Lordship under the cloak of false prestige, and even otherwise with intent to cause me injury and to save

Bansi Lal, Sukhdev Parshad, is determined not to constitute the Bench and to continue efforts to squeeze and exhaust me then I will be left with no course but to knock the doors of the Hon'ble Supreme Court."

In portion 'B' he wrote :—

"Law is alright but your Lordship's intentions are not right." Criminal Original Contempt Case No. 9 of 1979 was initiated in regard to this communication.

6. The fourth Criminal Original Contempt Case No. 10 of 1979 has been initiated on the basis of letter dated 8th of January, 1979 addressed by Shri Ram Piara to S. S. Sandhawalia, C.J. Again in reference to his Criminal Revision in this letter he wrote :—

"Because I am a man of very limited means and the whole family having heavily suffered at the hands of some of the respondents and again suffered during the Emergency, therefore, even on justice point, are being ignored whereas Bansi Lal, Sukhdev Parshad who have earned corruptly a lot, have been arrested and bailed out, Sukhdev Parshad under suspension since long and likely to be convicted in a number of cases, in your Lordship's eyes and estimation deserve your friendship and lot of consideration. I have been forced to spend unnecessarily besides the consumption of lot of energy and time for some simple reason that he must have been useful to you at one time or the other."

7. The fifth Criminal Original Contempt case is No. 11 of 1979. In this the proceedings have been initiated on the basis of language used by Shri Ram Piara in the letter written by him to S. S. Sandhawalia, C.J. on 24th of January, 1979. In this reference is made to a retired Chief Justice of this Court in portion 'A' :—

"Such course was not adopted by him but the High Court, in surrytitious manner, trampled the healthy precedents by its evil designs to shield a corrupt officer, who by this reported judgment (Criminal Law Journal 1973), page (1116) was for all practical purposes, held guilty. Besides his guilt, the guilt of Chief Justice Mr. Harbans Singh was also held. The Deputy Registrar of the High Court

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was also held guilty. How and why this Deputy Registrar may play a mischief, which was caught? Because of the interest of Chief Justice Mr. Harbans Singh and Justice D. K. Mahajan, who too figures in the Reported Judgement, with not honour."

In portion 'B' he wrote

"In the same manner, I hereby beg to apply rather demand that a copy of the order passed by Mr. Justice S. C. Mital, on the administrative side, in which he wiped out the strictures passed by the Division Bench which deciding the contempt proceedings initiated against me by C. J. Harbans Singh and Justice D. K. Mahajan, corruptly and in a very taste, throwing all the decencies in the air because on one hand Corrupt Lamba was to be favoured and on the other hand Crusader against corruption was to be punished."

Regarding the administrative decision, which, according to Shri Ram Piara, was taken by S. C. Mital, J. on the administrative side in regard to Shri R. L. Lamba, he wrote in portion 'C' :—

"After hearing that Justice S. C. Mital on the administrative side has over ridden and over ruled the judgement of the Bench delivered on the judicial side, I felt shocked and convinced that the standards of judiciary in this very High Court are coming down."

8. In all these five cases, that is, C.O.C. Nos. 7 to 11 of 1979, notices were issued on 19th of March, 1979. As the office had issued a composite notice in all these cases, under the directions of the Bench separate notices for contempt were issued to Shri Ram Piara respondent on 27th of April, 1979.

9. While a Division Bench consisting S. S. Sidhu and Harbans Lal, JJ., was hearing the Crl. O.C.P. Nos. 7 to 11 of 1979, the respondent filed Crl. Misc. No. 2700, dated 24th of May, 1979 before them. In this he wrote in portion 'A' :—

"The respondent expected more light from the Hon'ble Judges but unfortunately more heat came from them, perhaps the inkling from the Hon'ble C.J. Mr. S. S. Sandhwalia carried more weight than the legal obligations and other

healthy precedents to maintain the dignity of Courts as the rule of law pre-supposes the existence of a fair, fearless and forthright judiciary."

The Bench hearing these cases issued notice and initiated Cr. O.C. No. 18 of 1979 on 25th of May, 1979.

10. Shri Ram Piara respondent wrote letter dated 2nd of April, 1979 to S. S. Sandhwalia, C.J. In this the objectionable portions for which notices were issued are :—

"You were the 1st to decline to hear and naturally, other Judges, perhaps got the clue that Justice S. S. Sandhwalia, has some interest in one or the other."

\* \* \* \* \*

"Is it justice ? I refuse to believe rather you have given me an impression that in order to help one or the other, you have become unmindful of trampling healthy traditions. I have no hesitation in observing that whatever little faith was left in my store for you, has been shaken today, you having abused your authority instead of performing your sacred duties, assigned by the Constitution and thus have become guilty of lowering the prestige of the judicial standards."

These notices were issued in CrI. O.C.O. No. 19 of 1979.

11. The respondent again wrote letter dated 25th of April, 1979 to S. S. Sandhwalia, C.J., on the basis of which CrI. O.C. No. 20 of 1979 has been initiated. The remarks, in the portions reproduced hereinafter in the opinion of the Bench amounted to scandalising the Court and consequently notice was issued, are:—

"It came to light that the strictures passed by the D.B. had been washed off by a single Judge (Mr. S. C. Mital) on the administrative side, which is illegal, unconstitutional and sets up a very bad precedent and some others can cite such an instance and in this way purity of justice can be impaired."

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I consider it an intentional mischief, most probably on the asking of some one, as he personally could have no

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interest. Let me incidently draw your attention towards the role of Deputy Registrar (Judicial), appearing in Criminal Law Journal, 1973 page 1106 and the relevant portion is as :

The Deputy Registrar (Judicial) in an office letter addressed to the respondent, stated that he had been directed by the Hon'ble Division Bench consisting of Gurdev Singh and Gopal Singh, JJ., to forward therewith the copies of the letters dated 3rd November, 1971, 26th November, 1971 and 30th November, 1971 addressed to the Governor of Haryana and the Hon'ble the Chief Justice and letter dated 17th December, 1971. There is nothing in the order of the Bench from which it could be warranted that copies of other letters were not intended to be supplied to the respondent.

Such like mischiefs are common where the intentions of the C.J. are not sincere and therefore, it can safely to interpreted that like the previous, the present Deputy Registrar (Judicial) might have implemented your will."

"Now, it has come to my notice that Mr. Justice S. C. Mital has heard the bail application of same Bansilal, the former C.M. Haryana. Why discrimination ? In my case he declined but now heard. Double standards in judiciary will not pay dividends to the Nation not the generations to come. Hence, I am inclined to take up the matter in the Hon'ble Supreme Court and for that the copy of the report, submitted by Mr. Justice S. C. Mital, washing off the strictures on administrative side, passed by the D.B. on the judicial side, be given to me. This is in pursuit of my earlier demand dated 24th January, 1979 with an additional ground that as to why Justice S. C. Mital declined my Revision against Bansilal and Sukhdev Parshad and why he has heard the petition of Bansilal, the difference being more clear, Bansilal is involved in corruption cases whereas myself is an aggrieved, being made to run from post to pillar. Had this been a judicial order ....."

12. Letter dated 19th of May, 1979 was addressed by Shri Ram Piara to K.S. Tiwana, J., on which C.O.C. No. 21 of 1979 was initiated under the order of a Division Bench. The portions which are

material and have been marked by the Bench in issuing him notice are as under :—

“I having lost faith in your Lordship, your Lordship having

\* \* \* \* \*  
 worked under the influence of Hon'ble C.J. Mr. S. S. Sandhawalia, who is watching the interest of the most corrupt, Mr. Sukhdev Parshad, I.A.S., under suspension since long because of number of cases under Prevention of Corruption Act and abuse of powers and he along with his son has grabbed huge sums, public money and indulged in number of nefarious activities. Perhaps before his arrest even he had the undue help of Mr. S. S. Sandhawalia guaranteed.

\* \* \* \* \*

“I, being law abiding, and not law trampler as your Lordship or Hon'ble C.J. Mr. S. S. Sandhawalia, atleast in my cases.

Copy to: Hon'ble Mr. S. S. Sandhawalia, the C.J. with the submission that he is becoming the root cause to bring down the standards of judiciary.”

13. The respondent again addressed letter dated 28th of May, 1979 to K. S. Tiwana, J. on the basis of which C.O.C. N. 22 of 1979 for committing the contempt of the Court was issued. The objectionable portions are reproduced hereinafter :—

'A' “.....and therefore rod of justice in your hands not straight nor the scales of justice uquioposed.”

\* \* \* \* \*

'B' Because of the interest of Mr. Sandhawalia, C.J., the case file was consigned, for making arrangements to the advantage of Mr. Sukhdev Parshad, Bansilal.

\* \* \* \* \*

'C' Mr. Sandhawalia did not refer to any other Bench, who had not declined earlier because K. S. Tiwana Judge, he knew, was a class-fellow of Mr. Sukhdev Parshad and could better watch the interest of Sukhdev Parshad and Bansilal.

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'D' But he had to obey the C.J. Sandhawalia and not the healthy precedents.”

\* \* \* \* \*

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'E' The order of Mr. K. S. Tiwana is not only full of infirmities but full of *malafides*, cunningness, rather dishonesties and therefore both of your Lordships are guilty of misbehaviour and misconduct which calls for an impeachment, by Almighty if not by Parliament.

\* \* \* \* \*

'F' .....but you have acted otherwise because of the affection for the corrupt who have trucks in this Court.

\* \* \* \* \*

'G' I observe that authority has been abused by both of you, taking out the essence, life and basis from the case and deciding my Cr. Revision on the residue and therefore polluted not only the judiciary but encouraged corruption.

\* \* \* \* \*

'H' It is my considered opinion that if I dare write to both of you, that you are most corrupt, partisan, unjust, you will feel very much annoyed.

\* \* \* \* \*

'I' In fact you have proved yourselves more corrupt, more unscrupulous than both, i.e., Bansi Lal and Sukhdev Parshad. My purpose of writing to you is that you should not create havoc with those who cannot read or write. I know that the Advocates can offer (some) drinks and what not and so is the utility of Mr. Sat Pal Party, Secretary of the C.J. Mr. Sandhawalia, for whose sake the very Constitution of which he is the Custodian, has been violated and in this way corrupt practices have been encouraged.

\* \* \* \* \*

'J' I will see and do my best at the cost of sufferings to work hard for your impeachments because both of you coupled with Justice S. S. Sidhu and Harbans Lal, whose orders too, are not only based on foolishness but on cunningness too, because they cannot afford to annoy Mr. S. S. Sandhawalia.

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'Let me, before summing up, appeal to you in the name of generations to come to be just and not be thick with corrupt by polluting the judiciary and thereby corrupting the society.'

14. Notice in C.O.C. No. 23 of 1979, the last in the series, was issued on the basis of a letter dated 14th of June, 1979 addressed by the respondent to S. S. Sidhu and Harbans Lal, JJ., who had heard these cases against him. The portions, which, in the opinion of the Bench issuing the notice, amounts to contempt of court are :—

'A' ".....for the reasons best known to your Lordships of Mr. C.J. Sandhawalía, who, with evil designs, wants to demoralise me so that I may not point out his very lapses or may not pursue my earlier complaints, one of which I had protested against the violation of Constitution by the custodian of Constitution. Your Lordship, if can afford to appreciate, please appreciate when the C.J. Mr. S. S. Sandhawalía himself violates the Constitution and that too for an individual, thus, ignoring the society then where lies the sanctity of the Constitution and where lies the credibility or reliability of the C.J. Mr. Sandhawalía. Reliable is more reliable than truthful. The misfortune is that there is dearth of protestors, otherwise on his back, many observe rather assert that C.J. Mr. S. S. Sandhawalía by violating the Constitution, has obliged Mr. Sat Pal Party, who has taken upon himself to supply wine to the C.J. Mr. Sandhawalía.

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'B' ".....and on 16th April and on later dates, the Advocate General was very much present, took part in the deliberations but your Lordships, for the reasons best known to you, deliberately did not mention his presence. It was but natural that I should be apprehensive, particularly in view of the misbehaviour of C.J. Mr. S. S. Sandhawalía, who dishonestly kept back some of the papers. Both of you did not, despite my protests, ask the C.J, Mr. Sandhawalía to place all the papers before the Court, as the remaining papers, with him, are not his property but the property of the Court. I was left with no course but to demand all those documents without which Affidavits in response to the notices, cannot be filed. But you cared little for the decencies, justice, law but cared more for the whims and inkling by the C.J. Mr. Sandhawalía. I wanted to draw your attention towards the Reported Judgments, in Criminal Law Journal, 1973, page 1106, of this very High Court but you declined to hear because by

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declining so, your Lordships watched the interest of C.J. Mr. Sandhawalia and not of justice.

\* \* \* \* \*

'C' This time, you do not want to hear because it appears that you have special instructions from the C.J. Mr. Sandhawalia.

\* \* \* \* \*

'D' Unfortunately I have totally lost faith in the *bonafide* of C.J. Mr. S. S. Sandhawalia, who found his company in Mr. Sukhdev Parshad, most corrupt, drunkard and debauch and for his sake threw all the healthy precedents and good traditions to wind and so asked Justice K. S. Tiwana to decide dishonestly my Revision against Mr. Bansi Lal, Sukhdev Parshad and C.J. Mr. Sandhawalia himself also acted maliciously and in this situation, if he can stoop down too low, how will he not stoop down to fasten me, through fair and foul means. Agreed that he, Tiwana, Sidhu and Harbans Lal, C.J., JJJ. have the authority and there are very few protestors and this was the background that is, the C.J. Mr. Sandhawalia misused Article 229 of the Constitution and I was obliged to protest and C.J. Mr. Sandhawalia had been asked to comment, not once but twice and he is not finding way to offer comments and in this situation his wrath against me knows no bounds. Fasten, all of you, me must, but do not lose grace, do not trample healthy precedents, do not trample your own High Court's reported Judgment, i.e., Criminal Law Journal, 1973, page 1106, which proved that the Chief Justice, the would be Chief Justice can touch any lowest ebb and can even misdirect the Deputy Registrar.

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'E' You are not prepared to get inspiration from the judgment reported in 1973 and this is all because you cannot afford to annoy the C.J. Mr. S. S. Sandhawalia, you being near retirement, whereas he is to continue for many years, if not impeached because of his misbehaviour and misconduct and, therefore, you are looking towards your sons and relations, who are minting money because of you

and you wish that if C.J. is annoyed, he will become a barrier in the way of minting money by your kith and kins.

\* \* \* \* \*

'F' As the marked portion is not signed, nor the page is signed, therefore, for clarity, I am reproducing the marked portion, with the hope, you will or the office will confirm as without which and without the other relevant record, which has been deliberately and maliciously withheld by the C.J. Mr. Sandhawalia."

We have marked portions in C.O.C.P. Nos. 22 and 23 of 1979 for convenience as these were not marked initially by the Bench issuing notice.

15. The respondent filed a 17 pages common reply dated by him as 22nd of October, 1979/7th of November, 1979 in all the 11 cases against him. It starts:—

"In the matter of Criminal Originals from 7 to 11, Criminal Original No. 18 and Criminal Originals from 19 to 23, all of 1979 and pending for disposal before Hon'ble Justice M. R. Sharma and Hon'ble Mr. Justice S. S. Sidhu.

Next date of hearing .....23rd October, 1979 (adjourned to 12th November, 1979.)

The matter for all practical purposes being one and having arisen from Criminal Revision No. 444/78, wherein the role of Hon'ble the Chief Justice Mr. S. S. Sandhawalia is highly deplorable and with an ulterior motive, on one hand to shield the most corrupt, i.e., Sarvshri Bansi Lal and Sukdhey Parshad I.A.S. and on the other hand to victimise the petitioner, in an old fashion of British rule, where subjects duty and Government's rights, prevail and not the Constitution of India, under which Hon'ble the C.J. Mr. Sandhawalia, Mr. Justice S. C. Mital and Mr. Justice K. S. Tiwana took the oath."

The respondent in this reply repeated the same matter at different places using the same type of intemperate and contemptuous language, which he had used in the letters/communications

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addressed to the Chief Justice and other Judges of this Court, which were the basis of initiation of the above referred 11 Criminal Original Contempt Cases. He used sarcastic and contemptuous language in regard to the Chief Justice, ex-Chief Justice, sitting Judges and a retired Judge of this Court, exhibiting his personal dislike to the decisions taken by them judicially and in some cases administratively. Though it was not relevant for the purpose of these cases, but he referred to Shri Bhajan Lal, Chief Minister of Haryana, Shri Devi Lal, ex-Chief Minister of Haryana and Shri Prem Bhatia, Editor of the Daily Tribune in an unbecoming manner. Much of the matter in the reply centres around Criminal Revision No. 444 of 1978 filed by him, which could not be listed according to his wishes before a Full Bench of this Court, Shri R. L. Lamba, and the orders of the Chief Justice enhancing the age of retirement of the High Court employees from 58 to 60 years. He also referred to certain news-items appearing in certain newspapers criticising Shri Bansi Lal, ex-Chief Minister of Haryana and Shri Bhajan Lal, Chief Minister of Haryana. He also referred to the case of Shri Ram Lal, ex-M.L.A. instituted under section 193 I.P.C. by this Court, which resulted in acquittal in the Court of Judicial Magistrate 1st Class, Karnal. Contemptuous language has been used against that Magistrate, the Chief Justice and J. V. Gupta, a sitting Judge of this Court. Along with the reply he attached a printed letter dated 14th September, 1979 in his name, making vicious attack and using foul language about the Judges and the Magistrate. The respondent again in his reply has used aggressive and undignified language towards a Judge of this Court. Although we do not want to lengthen the judgment by reproduction in detail from the reply, but a few portions seem necessary. The first is at page 3 of his reply :—

“All along the petitioner has been under wrong impression that the rod of justice in the hands of C.J. Mr. Sandhawalia, Justice S. C. Mital and Justice K. S. Tiwana could be nothing but straight and scales of justice, nothing but equiposed as is expected,—*vide* standards of High Court Judges/judiciary but the arbitrary role of Mr. S. S. Sandhawalia, having more affection for the most corrupt and less with justice, has made the impressions of the petitioner, to disappear. And these were his unholy standards and these were the protests of the petitioner, which landed the petitioner into trouble of these Contempt Notices through the misuse of his authority, still the petitioner is not at all unhappy because these Hon'ble Judges

stand exposed to judicial records for historical purposes for public gaze and future guidance of the masses and not the classes to which these Elite, i.e., Justice Sandhawalia, Justice S. C. Mital and Justice K. S. Tiwana belong.”

The other portion is at page 8 of his reply in this language :—

“These Hon’ble Judges, Sandhawalia and K. S. Tiwana not only failed to supervise the subordinate judiciary but themselves acted in a *mala fide* manner and the petitioner is obliged to explain the conduct of the C.J. Mr. Sandhawalia, who has embraced the corrupt Bansilal, Sukhdev Parshad. Before this petitioner is obliged to make it clear that he is fully conscious of the fact that “Harsh words do not break bone” but another saying of common knowledge, also cannot escape the notice of the petitioner which is: “Stones are not moved by tears” and it is but natural that the petitioner could be asked as to why this is applicable to these Hon’ble Judges, i.e., Sarvshri Sandhawalia, S. C. Mital and K. S. Tiwana, JJJ.”

The third is at page 10 of his reply: —

“During the very emergency, a few Judges were transferred and there was a hue and cry but the Bar Association of Punjab and Haryana has passed a unanimous resolution for the transfer of Judges to other States and such was reported in the Press but the Tribune under Mr. Prem Bhatia did not publish the news when the petitioner filed a Contempt Petition against the C.J. Mr. Sandhawalia, Justice S. C. Mital, Justice K. S. Tiwana and Mr. N. L. Pruthi, Judicial Magistrate and the role of Bansilal, Bhajan Lal, finding mention in the statement of the petitioner and Exhibits from P-1 to P-88, including the photostat copy of a newspaper, which published the photos of Bansilal, Bhajan Lal on the front page, with a Foot note:—Bansilal Bhajan Lal and Company:

Smugglers and Commission Agents has not attracted the keen wits of Justice K. S. Tiwana because he had already lent his lens and conscience to the C.J. Mr. Sandhawalia who had further pledged both with Bansilal and Sukhdev Parshad. Sukhdev Parshad got a show room, out of the

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way and without right to Mr. Ram Lal M.L.A. accused in Karnal whereas Hon'ble Justice A. D. Kaushal, as High Court Judge ordered his prosecution under section 193, he like Sukhdev Parshad and S. K. Sethi, IPS had already fabricated records, used them in Court proceedings and another tragedy is that order of Justice Kaushal remained suppressed in this High Court for about 30 months and everything is in records but the pity is that all these the corrupt, the fabricators of false records joined hands as alleged above and not only the Crl. Revision of the petitioner was dismissed but Ram Lal M.L.A. accused was also got acquitted and it is thus also on record that what Mr. Hira Lal Sibal, the senior-most Advocate, could not get it done from Justice A. D. Kaushal, that has been got done by Bhajan Lal, J. V. Gupta with the connivance and blessings of the C.J. Mr. Sandhawalia from a petty judicial officer, Mr. B. P. Jindal, the Chief Judicial Magistrate, who should not be blamed because of the dirty role of all those who are capable to join hands against a holy cause, thus polluting the fountain of justice."

These passages are reproduced to notice the temperamental trend of the respondent in the reply by him to notices for contempt of Court. There are other portions of the reply in which equally bad and contemptuous language, if not worse, is used. The respondent insisted in this reply that the previous correspondence and communications are his defence and wanted those to be made a part of the record. Towards the end at page 16 of the reply he wrote :—

"that the petitioner is not at all praying for the discharge of rule against the petitioner, but prays for the detailed decision so that the masses, some of which are dumb and others coupled with the generations to come may understand about the role and conduct of these Hon'bles as has been known of the conduct of the C.J. Mr. Harbans Singh (Retd.) and Justice D. K. Mahajan (Retd.) in Criminal Law Journal, 1973 page 1106."

He also wanted contempt notice issued to the Chief Justice, J. V. Gupta, J. and Shri Bhajan Lal, Chief Minister in the case of Shri Ram Lal, M.L.A. Though the paper book prepared under rule 15(1) of the Contempt of Court (Punjab and Haryana) Rules, 1974, hereinafter referred to as the Rules, framed by this Court under the

Contempt of Courts Act, 1971, had been supplied to him, but he at the end of his reply said:—

“that any date after the delivery of the paper-book be fixed for arguments to decide these notices of contempt.”

16. Although the respondent had submitted a reply in all these cases dated 22nd of October, 1979/7th of November, 1979 as referred in the previous paragraph, but on 16th of September, 1980 he filed yet another reply styling it as a provisional and incomplete reply in C.O.C.P. 7 of 1979. In this he almost repeated those very things, which are the subject-matter of his letters, communications and the joint reply referred in the previous paragraphs, but couched in a very slanderous and maligning language.

17. All the 11 cases of contempt initiated against Ram Piara have common features, involving the same type of allegations and he has himself filed a common reply in all of them. We also proceed to decide all the cases by one common judgment.

18. We find that notices issued to the respondent in C.O.C.P. Nos. 19 to 23 of 1979 on 5th of July, 1979 were to show cause as to why contempt proceedings be not taken against him. In compliance with these notices, Ram Piara respondent appeared and filed a composite reply referred to in para 15 of this judgment. He joined proceedings and accepted the authorship of all these letters and communications. At page 97 of the main paper book in C.O.C. No. 7 of 1979 in para 16 of his reply, which though reproduced earlier, is against reproduced for appropriate notice. In this para is stated:—

“that the petitioner is not at all praying for the discharge of rule against the petitioner, but prays for the detailed decision so that the masses, some of which are dumb and others, coupled with the generations to come may understand about the role and conduct of these Hon'bles as has been known of the conduct of the Chief Justice Mr. Harbans Singh (Retd.) and Justice D. K. Mahajan (Retd.) in Criminal Law Journal 1973, page 1106.”

At the end of the reply, he further stated :—

“that any date after the delivery of the paper book be fixed for arguments to decide these notices of contempt.”

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The Bench on 5th of July, 1979 in these C.O.C. Nos. 19, 20, 21, 22 and 23 of 1979 had sent a show-cause notice, but the respondent did not want that to be discharged, as is apparent from the passage quoted above, but its decision, meaning thereby that he invited contempt proceedings to be taken against him and joined the proceedings taking it that Rule had been issued against him, which he did not want to be discharged. The different Benches dealing with these cases also proceeded on similar assumption after his reply. He wanted the decision of the whole case asserting his right to indulge in such correspondence. Although the respondent has voluntarily enlarged the scope of enquiry by his conduct, we deem it necessary to straighten the record since we noticed it ourselves going through the records of these five cases. After the reply of the respondent, this matter was treated by the Benches dealing as a regular one and the respondent himself had taken these to be notices of contempt and he wanted a decision.

19. At the outset Shri Ram Piara respondent insisted that,—*vide* Criminal Miscellaneous No. 2548 of 1979 filed by him on 18th of May, 1979, he wanted the copies of certain letters mentioned by him. At page 5 of this Miscellaneous application he made a prayer for the supply of communications sent by him on 18th September, 1978, 25th October, 1978 and 25th/27th December, 1978. On our enquiry, the office has informed us that Ram Piara respondent filed an application on May 25, 1979, in reference to Miscellaneous Application No. 2548, dated May 18, 1979, for getting the copies of communication, dated 18th September, 1978, 25th October, 1978, 25th/27th December, 1978 and 21st September, 1978. This application made by Ram Piara, in which Cr. Miscellaneous No. 2548 of 1979 is specifically mentioned, was entered by the office as Application No. 2753 of May 25, 1979. The copies of the first three communications, that is, of 18th September, 1978, 25th October, 1978 and 25th/27th December, 1978 were supplied to him per his request per V.P.P. by the Copying Agency of this Court. The fourth communication of 21st September, 1978 was sent to him,—*vide* No. 26190, dated July 25, 1979. This record of the office proves that the copies demanded by the respondent,—*vide* Criminal Miscellaneous No. 2548 of 1979 had been supplied to him, on his application to the Copying Agency, on payment. That may be the reason for the absence of any specific order by the Bench on Criminal Miscellaneous Application No. 2548 of 1979. After the noticing of the record we find that the request which the respondent made feebly before us at the time of arguments, and also earlier, was baseless and not serving any useful purpose. We find that the copies

of the paper book prepared under rule 15(1) of the Rules have been supplied to the respondent.

20. The second objection raised by the respondent is that notices in these cases could not be issued to him. He has taken this ground,—*vide* Criminal Miscellaneous No. 3243 of 1981 submitted to this Court on 21st of July, 1981. The grounds urged in this are that the communications were addressed to the President and the Prime Minister of India, who are administrative and constitutional authorities over the High Court and that the communications have been addressed to the High Court and the Judges, which does not amount to publication. These were repeated by the respondent during the course of his arguments also. Though no provision of law has been referred by the respondent to support this argument in this Criminal Miscellaneous No. 3243 of 1981, but in his verbal address, he relied on section 6 of the Contempt of Courts Act, 1971, hereinafter referred to as the Act. Section 6 is as under :—

“6. A person shall not be guilty of contempt of court in respect of any statement made by him in good faith concerning the presiding officer of any subordinate court to.....

(a) any other subordinate court, of

(b) the High Court, to which it is subordinate.

*Explanation.*—In this section, ‘subordinate court’ means any Court subordinate to a High Court.”

The purpose of this provision is clear from its language. It deals with the courts which are subordinate to the High Court, but not the High Court. The language of this section does not leave any doubt that it concerns only those courts, which are subordinate to the High Court. Under clause (a) of section 6 are covered the District and Sessions Judges and the District Magistrates and clause (b) of this provision makes a specific mention of the High Court. It does not cover the High Court, which is a court of record and owes its origin to the Constitution, from where its powers flow. Section 6 does not talk of any supervisory powers of any agency or court over the High Court and for that matter protection cannot be claimed by the respondent to his actions. Communication, the basis of C.O.C.P. No. 7 of 1979 is the only one out of the entire set of the letters and communications from the respondent addressed to the President/the Prime

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Minister of India. The notion of the respondent that no notice on its basis could be issued to him is highly misplaced.

The second limb of the argument that in this case no publication could be inferred as the communications were addressed to the Chief Justice and Judges is equally ineffective. Any communication addressed to the Chief Justice or a Judge of the High Court cannot be torn or thrown away. It has to be passed on to the concerned staff employed in the High Court to be preserved and kept as a record. It is the case of the respondent that he had sent some of the present communications by way of reminders to his previous letters. This shows that he wanted his earlier letters to be preserved or at least held the idea that those must have been preserved. He wanted some action on the basis of those and action could not be taken unless those were preserved in the office by the dealing hands. Necessarily such communications are to go to the record office of the High Court. Even if no action is to be taken on them, these have to be passed on to the staff of the High Court, including the Registrar, Deputy Registrar, Superintendents, etc., and have to be annexed to the files. This process, which cannot be dispensed with or avoided and the material irrespective of the fact whether it is libellous, scandalous, abusive, etc., has to pass to the hands of different persons, which amounts to sufficient publication, as intended by the law of contempt for bringing the Court to ridicule, disrepute or in any way to scandalise it.

These objections of the respondent that the notices could not be issued to him are too fragile to stop the process of this Court in issuing the notices of contempt to him.

21. It was urged that his presence was not necessary at the time of hearing and this Court could not issue bailable warrants to secure his presence, as was done by this Court twice on 5th of May, 1980, and 26th of November, 1980. These orders were passed under the Rules, which provide for such a procedure. The respondent had challenged the order of this Court, dated 26th of November, 1980, in the Supreme Court and from it his claim was negated.

22. The next objection of the respondent as raised during the course of arguments and at the earlier stage by filing miscellaneous applications is that no charge for the contempt of court has been framed against him or stated to him. He has urged that till such charge is framed or stated he cannot be proceeded against for contempt of the court. The respondent while arguing his case personally

did not illustrate what he meant when he urged that no charge has been framed or stated against him. If by framing of the charge as stated by him is meant the framing of the charge under the provisions of the Code of Criminal Procedure, then he is under a mistaken notion. The Act is a complete Code in itself. The Act prescribes its own procedure for taking cognizance of the offence. Under section 14 it provides a procedure for taking of the cognizance of dealing and deciding the offences committed in the face of the Supreme Court and the High Court. It lays its own procedure of filing of the appeals and prescribes its own period of limitation for taking cognizance of the offence. It has under section 23 invested the Supreme Court and the High Court with powers to make rules not inconsistent with the provisions of this Act, provided for any matter relating to its procedure. This Court has made self-contained rules, which, being statutory under section 23 of the Act, are a part of it. The Act or the Rules nowhere define the word 'charge'. Under the Act, the accusation stated in the notice or as is made out from the material on the basis of which it is issued is to be treated as a charge. The accusation of the charge is stated as soon as the notice is served upon a contemner. It in a way is reflected from section 14(1)(a), where the Supreme Court or a High Court can take into custody a person committing an offence in their face and cause him to be informed in writing of the contempt with which he is charged. It cannot be equated with a charge framed under the procedure as prescribed by the Code of Criminal Procedure. The accusation made on the basis of the notice and the different portions marked by the Bench in each case is well understood by the respondent in these cases and is so apparent from the reply he filed in these and also from the various miscellaneous applications presented by him to the High Court or sent to it during the course of these proceedings. These are part of the record of the main case, that is, C.O.C. No. 7 of 1979 and are even relied upon by the respondent in his defence. The charge has been stated by the notice which he has well understood and has contested with the same temerity with which he had written the letters and the communications. Understanding the charge of contempt, the respondent in his reply, dated 22nd October, 1979 and 7th November, 1979, stated :—

“The petitioner further prays that all the petitions/communications, applications, the petition for leave to appeal, the contempt petition filed by the petitioner against the

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above-mentioned Hon'ble Judges, returns filed in contempt notice No. 25 to the petitioner and the whole of record right from September, 1978 till today in connection with the complaints of the petitioner, as also in pursuit of Criminal Revision No. 444/78, etc., because all these documents are the defence of the petitioner."

Nothing is vague in these contempt notices and the contemner now cannot turn round to say that the charge was not stated or improperly stated to him to raise an argument for prejudice as he had well understood the case against him. He has depended on his own communications in his defence and argued the case before this Court on two days.

23. Coming now to the main points, whether; Shri Ram Piara Comrade, has by means of letters/communications, subject of these cases, by writing portions extracted in the earlier part of the judgment, committed the offence of criminal contempt of court as contained in section 2(c) of the Act. Section 2(c) for reference is reproduced as under :—

"2. In this Act, unless the context otherwise requires.—

(a) ... ..

(b) ... ..

(c) 'criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which—

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or

(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceedings; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

This provision came up for consideration before the Supreme Court in case reported as *Baradakanta Mishra v. Registrar of Orissa High Court and another*, (2), where it was observed in that case in regard to these provisions:—

- “34. It will be seen that the terminology used in the definition is borrowed from the English law of Contempt and embodies concepts which are familiar to that law which by and large, was applied in India. The expressions ‘(scandalize)’, ‘lowering the authority of the court’, ‘interference’, ‘obstruction’ and administration of justice’ have all gone into the legal currency of our sub-continent and have to be understood in the sense in which they have been so far understood by our courts with the aid of the English law, where necessary.
35. The first sub-clause generally deals with what is known as the scandalization of the court discussed by Halsbury 3rd Edition in Volume 8, page 7 at para 9:

‘Scandalous attacks upon Judges are punished by attachment or committal upon the principle that they are, as against the public, not the Judge an obstruction to public justice; and a libel on a Judge, in order to constitute a contempt of court, must have been calculated to cause such an obstruction..... The punishment is inflicted, not for the purpose of protecting either the court as a whole or the individual judges of the court from a repetition of the attack, but of protecting the public, and especially those who either voluntarily or by compulsion are subject to the jurisdiction of the court, from the ‘mischief they will incur if the authority of the Tribunal is undermined or impaired.’

Sub-clause (1) embodies the above concept and takes in cases when by the publication or the act the administration of justice is held to ridicule and contempt. This is regarded as an ‘obstruction’ of public justice whereby the authority of the court is undermined. Sub-clause (i) refers to one species of contempt of

which 'obstruction' is an important element. Sub-clause (ii) speaks of interference with due course of judicial proceedings and is directly connected with administration of justice in its common acceptance.

36. While clause (i) and (ii) deal with obstruction and interference respectively in the particular way described therein, clause (iii) is a residuary provision by which any other type of obstruction or interference with the administration of justice is regarded as a criminal contempt.
37. In other words, all the three sub-clauses referred to above define contempt in terms of obstruction of or interference with the administration of justice. Broadly speaking our statute accepts what was laid down by the Privy Council and other English authorities that proceedings in contempt are always with reference to the administration of justice."

24. The respondent is accused of scandalising this Court mainly in three ways : (1) by making scandalous criticism of S. S. Sandhawalia, C.J. of this Court on the administrative side, that is, in not succumbing to his demand for constituting a Full Bench for the hearing of Criminal Revision No. 444 of 1978, filed by him, under the stress of the contumacious communications. It also includes the criticism of S. C. Mital, J. and a retired Chief Justice of this Court discharging administrative functions: (2) that the language used by the respondent towards S. S. Sandhawalia, C.J., in criticising him purely on the administrative side for the age of retirement of the employees of the High Court has a scandalising effect; and (3) that the contempt of court committed by him in criticising Judges of this Court in their conduct as Judges and in discharge of their judicial functions in passing order and rendering judgment.

25. In the light of the argument of the respondent that he committed no offence on the first and second points as he has criticised the Chief Justice, S. C. Mital, J. and Harbans Singh, C.J. (Retd.) of this Court on the administrative side, it attracts immediate notice as to what is meant of administration of justice. Does it mean only the adjudication of matters pending before the courts on the judicial side or it also includes the administrative functions

of the Chief Justice and the Judges, which are necessary attributes of the discharge of duties as Judges. This matter directly came up before the Supreme Court in *Baradakanta Mishra's case* (supra), where their Lordships held in para 43:—

“We have not been referred to any comprehensive definition of the expression ‘administration of justice’. But historically and in the minds of the people, administration of justice is exclusively associated with the Courts of justice constitutionally established. Such courts have been established through the land by several statutes. The Presiding Judge of a court embodies in himself the Court, and when engaged in the task of administering justice is assisted by a complement of clerks and ministerial officers whose duty it is to protect and maintain the records, prepare the writs, serve the processes, etc. The acts in which they are engaged are acts in aid of “administration of justice by the Presiding Judge. The power of appointment of clerks and ministerial officers involves administrative control by the Presiding Judge over them and though such control is described as administrative to distinguish it from the duties of a Judge sitting in the seat of justice, such control is exercised by the Judge as a Judge in the course of judicial administration. Judicial administration is an integrated function of the Judge and cannot suffer any dissection so far as maintenance of high standards of rectitude in judicial administration is concerned. The whole set up of a court is for the purpose of administration of justice, and the control which the Judge exercises over his assistants has also the object of maintaining the purity of administration of justice. These observations apply to all courts for justice in the land whether they are regarded as superior or inferior courts of justice.”

It was also held in para 45:—

“The mere function of adjudication between parties is not the whole of administration of justice for any court. It is important to remember that disciplinary control is vested in the court and not in a Judge as a private individual. Control, therefore, is a function as conducive to proper administration of justice as laying down the law or doing justice between the parties.”

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Their Lordships of the Supreme Court further observed in the same case in para 46 :—

“It is obvious that this authority of the Chief Justice to appoint clerks and ministerial officers for the administration of justice implies an authority to control them in the interest of administration of justice. This controlling function which is commonly described as an administrative function is designed with the primary object of securing administration of justice. Therefore, when the Chief Justice appoints ministerial officers and assumes disciplinary control over them, that is a function which though described as administrative is really in the course of administration of justice. Similarly, section 9 of the High Courts Act, 1861 while conferring on the High Court several types of jurisdictions and powers says that all such jurisdictions and powers are ‘for and in relation to the administration of justice in the Presidency for which it is established’. Section 106 of the Government of India Act, 1915 similarly shows that the several jurisdictions of the High Court and all their powers and authority are ‘in relation to the administration of justice including power to appoint clerks and other ministerial officers of the court’. Section 223 of the Government of India Act, 1935 preserves the jurisdictions of the existing High Courts and the respective powers of the Judges thereof in relation to the administration of justice in the court. Section 224 of that Act declares that the High Court shall have superintendence over all courts in India for the time being subject to its appellate jurisdiction and this superintendence, it is now settled, extends both to administrative and judicial functions of the subordinate courts. When we come to our Constitution we find that whereas Articles 225 and 227 preserve and to some extent extend these powers in relation to administration of justice.”

Drawing conclusions about the functions of the High Court their Lordships in the same case held in para 47 :—

“We thus reach the conclusion that the courts of justice in a State from the highest to the lowest are by their constitution entrusted with functions directly connected with

the administration of justice, and it is the expectation and confidence of all those who have or likely to have business therein that the courts perform all their functions in a high level of rectitude without fear of favour, affection or ill-will."

26. It was argued, as noticed in the preceding paragraph by Shri Ram Piara respondent that he had criticised the High Court on the administrative side and that does not fall within the category of 'criminal contempt' as defined in section 2(c) of the Act. Similar argument was raised before the Supreme Court on behalf of the appellant in *Baradakanta Mishra's case* (supra) that the criticism of administration of the High Court even in vilificatory terms does not amount to contempt of court. That argument was repelled by their Lordships in that case with the observations :—

"There is high authority for the proposition that vilificatory criticism of a Judge functioning as a Judge even in purely administrative or non-adjudicatory matters amounts to criminal contempt."

It, therefore, could not be said by the respondent as he did during the course of arguments, that his criticism even couched in a language which might be intemperate, could not fall within the ambit of 'criminal contempt'.

27. In the matter of constituting Benches, the Chief Justice discharges his right given to him by law in vesting powers in him as a Chief Justice of a High Court in relation to the administration of justice. The fact of the matter is that the respondent wanted to influence the Chief Justice that his Criminal Revision No. 444 of 1978 be heard by a Full Bench. When he did not find proper response to his undue overture, he took resort to use the vilificatory and intemperate language to influence the discretion of the Chief Justice for achieving his aim, which was not being fulfilled. The respondent then became more aggressive and started attributing motives casting aspersions on the Chief Justice for a bias. Cashing upon one instance when S. S. Sandhawalia, C.J., when as a Judge, declined to hear his Criminal Revision No. 444 of 1978, he unleashed vituperative attack on his becoming the Chief Justice with a hope that he (Chief Justice) might ultimately succumb to his demand. By this method the respondent wanted the Chief Justice to exercise his powers for constituting the Bench

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in favour of the respondent's demand to refer his Criminal Revision to a Full Bench irrespective of the fact whether there was merit in his demand or not.

28. The Chief Justice runs the administration of the High Court's vast establishment not as an individual but by virtue of his position as a Chief Justice of this High Court. He discharges these functions under Articles 225/229 of the Constitution of India. The power of raising the age of retirement from 58 to 60 years of the employees of the High Court establishment was exercised by him. We do not go to the merits of the argument whether S. S. Sandhawalia, C.J., was legally competent to enhance the age of retirement of the High Court employees from 58 to 60 years, as its merits are not relevant for the purpose of these cases. Whether that act of the Chief Justice is justified or not, but the fact remains that so long that order is in existence, no one has a right to level unfair and unreasonable criticism attributing motives or bias amounting to scandalisation of the administration run by the Chief Justice, which duty he performs in the administration of Justice. The observations of the Supreme Court in *Baradakanta Mishra's case* (supra) are fully attracted to this aspect of the case.

29. About the third facet of the charge, there is hardly any doubt that if any disparaging comment regarding the role of a Judge about his integrity in the discharge of the judicial functions is aimed at to scandalise or to lower the authority of any court, it amounts to criminal contempt. When any such attack or criticism prejudices, interferes, tends to interfere or obstructs or tends to obstruct the administration of justice it also amounts to criminal contempt.

30. The word, 'scandalise' as used in the Act does not have any special or technical meaning. Its ordinary meanings, which are commonly understood, have to be taken into account in the context of section 2(c)(i) of the Act. We see a reason for it also because a man indulging in the scandalising of court may plead that he understood only the ordinary dictionary meanings of the word and was not conversant with the technical meanings given to it in a special context by the statute. We have to see whether the act of Ram Piara, respondent falls within the ambit of scandalising the Court in the meaning of that word, which is commonly understood, and also whether it comes within the ambit of section 2(c). We have also to see whether the conduct of the

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respondent in writing the communications caused prejudice, interference and obstruction in judicial proceedings or administration of justice or it tended to these things.

The meanings of the word, 'scandalise' as given in Shorter Oxford English Dictionary,, Volume II, 1959 Edition are : "to utter false or malicious reports of (a person's) conduct; to slander; to talk scandal; to bring shame or discredit upon; to disgrace". In Webster's Third New Internal Dictionary, Volume III, the meanings of the word 'scandalize' given are : "to speak falsely or maliciously of; defame; malign; to bring into reproach; dishonour; disgrace; to offend the feelings, conscience or propriety of by an action considered immoral, criminal or unseemly."

31. During the course of arguments the respondent maintained that he had written all this material with an idea to maintain the purity of the administration of justice and improve its efficiency and that he has a fundamental right to do so. He described himself as a crusader against corruption and referred himself as such in the communications and Miscellaneous Applications sent to this Court. The self-styled role which the respondent has adopted is to be examined in detail in the back-drop of history and his interest in the litigation, which he has been pursuing, to achieve his object of getting his Criminal Revision listed the way he thought through the use of vilificatory language against the Chief Justice. He claims a right of freedom of expression and stated in the arguments that even if in the quest of his objective of maintaining purity in the judicial administration and bringing efficiency in this branch he had used the language which might even be intemperate, then this language may be ignored as it was done with bona fide intentions. Our Constitution guarantees freedom of speech and expression but not to an unlimited extent. People have a guarded right to criticise the Judges in their roles in the administration of justice, but that should be constructive. Criticism cannot go unbridled and unchecked. The freedom of expression of opinion in criticising the Judges has to be within the limits of decency. These limits are not to be crossed and if anybody transgresses or over-steps such limitations set by the Judge-made law handed down since ages and improved from time to time by the highest courts of different countries, then the courts have to step in to check it. The normal policy of law of contempt is that the move in the direction of initiation of contempt proceedings should be with reluctance and

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this jurisdiction should be exercised with reservation. Sometimes comments with a little overtone of indecency or impropriety should not be taken personal affront by the Judges. They have to take note of it when the comments made about the Judges in their judicial capacity in connection with the administration of justice are such which when made to scandalise the courts or to prejudice or interfere with the administration of justice or judicial proceedings, cannot be tolerated or countenanced by the Judges, who are sober by nature, because of their office, and are experienced in the matter of restraint and rectitude. It has not to be resorted to by an exaggerated notion of the dignity of Judges. It has to be resorted to only when a blatant attack on the authority of the High Court or its Judges is made to undermine the authority of this institution having responsibility in the administration of justice or tend to bring it to disrepute or lower its authority. It is never pleasant to hear the slanderous and libellous language used against a Judge punctuated by invectives and innuendoes. The Judges, who are human, hearing such cases have to maintain calm and balance of mind in front of the contemner, who during arguments, many a times, uses foul language with more fervour and sarcasm than the matter written or printed by him. There is always a difference between reading a libel on oneself or the institution to which one belongs than to hear it repeated in Court before the Judge. In this situation, which can provoke any other individual, not experienced in judicial training, the Judge has to remain calm, balanced and cool. All these cherished principles of law were present to our mind when we on two days heard Ram Piara respondent repeat his assertions in a wild, biting, unsavoury and offensive language against the Judges of this Court and also to some retired Judges and the judicial orders passed by them. He kept on deriding this Court most of time during arguments. We won't be uncharitable to Ram Piara respondent if we say that we suffered him on two days in the name of fair opportunity to him to defend himself for his action in these cases. We deem it appropriate to notice certain factors about the previous conduct of the respondent, which are established.

Two notices for contempt Criminal Original Nos. 257 and 259 of 1971 were issued to him in the year 1971, in which he was discharged. The observations of the Bench about his contemptuous language and irresponsible use of the language have been reproduced in para 1 of the judgment. At another place, the same

Bench observed about him :—

“No useful purpose will be served by multiplying the extracts from various letters and suffice to state that the trend of all these letters is more or less to the same effect except that the respondent was in subsequent letters using some time more intemperate language insinuating that the High Court was suppressing his complaints in order to help Shri Lamba.”

He, as is evident from his letters/communications has litigation with other persons. The observations of the Bench in 1973 Criminal L.J. 1106 (supra) reproduced above and para 1 of this judgment support our view, which we take, that the respondent is habituated to use this type of language against any person who comes in his way. The observations of H. R. Sodhi, J., who spoke for the Court in Criminal Original Nos. 257 and 259 of 1971, were very correct in assessing him and came out to be true when we examined the matter in the year 1981. The respondent thought that Harbans Singh, retired Chief Justice of this Court did not act according to his wishes and he continued writing against him whether his reference towards him was justified or not. The respondent thought that S. C. Mital, J., passed some orders favouring Shri R. L. Lamba in some administrative matter and he started writing against this learned Judge without realising whether there was any occasion for it or not. His reference to S. C. Mittal, J., in the letters of these original contempt cases, which we will discuss at the appropriate stage, will bear this out. When S. S. Sandhawlia, C.J., did not agree to his request to constitute a Full Bench in his criminal revision, the respondent did not accept the position and started deriding his authority and writing contemptuous and vilificatory letters. The portions marked by the different Benches have been reproduced in the earlier part of the judgment, which depict the mind of the respondent not to spare any one, including the retired, present Judges of the Court, politicians or even the Editor of the Tribune. The trend of these letters depicts the mind of the respondent afflicted by aversion against any person who does not do in the manner he wants him to do, irrespective of the position the other person holds. To us it appears that he was emboldened by the discharge of the notice in the earlier Criminal Original Nos. 257 and 259 of 1971 and a feeling took root in his mind that he can say anything against any one in any language with impunity. During the course of arguments he tried to take credit

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for his conduct and attitude which he described as bold by saying that on two occasions he was issued notices for the contempt of court committed in the face of the Judges in this Court hearing cases in hand. On verification we found that one notice of contempt was issued to Shri Ram Piara, respondent in Criminal Original No. 25 of 1979 by M. R. Sharma and S. S. Sidhu, JJ and decided on the same day. The act in which the notice was issued was committed during hearing in these cases. While appearing before M. R. Sharma and S. S. Sidhu, JJ., Ram Piara, respondent stated:—"I wish that this Court be independent". Notice was issued to him there and then and his reply was noted by the Bench as: "That the words uttered by the respondent were merely *obiter dicta* for pure ethical reasons based on long public life experience in which the respondent tasted bitter experiences for some of the unworthy doings of some of the Hon'ble Judges". Observing, "it appears that the contemner in his own inimitable fashion has tried to express a feeling that the aforementioned words just escaped his lips and he had no intention to offer any insult to this Court" the notice was discharged.

The second notice which was issued is attached with the records of Criminal Original No. 7 of 1979. Again, appearing before the same Bench on 18th of December, 1979, Ram Piara respondent described the orders of the Chief Justice of this Court as malicious and dishonest. Notice was given to him and he stated that whatever he had stated was justified. He was convicted for committing the offence of contempt of court and sentenced to imprisonment till the Court rose for the lunch. He was also fined Re 1 or in default of payment of fine to undergo simple imprisonment for 15 days. The Bench observed that : "the conduct of Ram Piara contemner shows that he intends to make a political issue of his own action."

These instances which he himself brought to the notice of the Court to high-light his sense of bravado indicates his stubbornness and persistence in using the contemptuous language deliberately with an idea to overawe the Judges of the Court so that they may either avoid to hear his cases or be afraid of his bitter tongue. Further emboldened, although there was no occasion for that, he has not even spared the Chief Justice of India in a Criminal Miscellaneous petition presented before us on 3rd of August, 1981, from whose Bench his cases were dismissed.

32. A resume of the above facts, which are gleaned from the records, it is clear that it is not a stray incident, but a design of a

litigant, who under the veil of a crusader against corruption has started a vilification campaign against the Judges of this Court from whom he does not except judgment in his favour or who have decided the cases against him. He is more or less a regular complainant against the subordinate judicial officers. He filed a complaint against Shri R. L. Lamba, as is apparent from the reported case in Criminal Original Nos. 257 and 259 of 1971. He had also adversely criticised in a complaining manner the conduct of Shri Pruthi, Judicial Magistrate, and another Judicial Officer, who had decided the case of Ram Lal, Ex-M.L.A., which has been often referred by him in the miscellaneous applications and a printed letter, which are part of the record of these cases. His conduct is in a way similar to Amrik Singh, whose case came to be decided by the Supreme Court and is reported as *Amrik Singh vs. State of Delhi Administration*. An extract from that judgment will bring out similarity of these two persons about the aptitude of their minds regarding the complaints. The reproduction is:—

“The allegations made against the Judges of this Court are scandalous allegations. The petitioner has been contumacious. We have given him repeated opportunities to explain his position or to detract from them and offer apologies in this Court, but he has not availed of those opportunities. It is clear from the record of this case that he is given to intimidating Judges, Magistrates, and officers of the Courts. He has also made in this Court desperate allegations against the police officers. He has accused the learned Government Pleader of chicanery and resorting to subterfuge.”

The respondent during the pendency of the cases in this Court before different Benches continued presenting applications, which themselves amount to contempt of the court, but except a few, notice of others was not taken. In some of these he even tried to intimidate the Judges by threatening with impeachment. He is habitual in this way of writing. When we pierced through the veil of crusade worn by him to bring purity and efficiency in the judicial administration, we find from the above facts that his activity is not a crusade as he says but to malign the courts.

33. Coming to the cases, we have examined each case individually. The respondent referring to portion in his letter, dated 4th of November, 1978, on the basis of which Criminal Original No. 7

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of 1979 is instituted described those as very innocuous. On examining this portion closely, we find that it is not as it is stated by him. The extracted portion marked 'A', which is reproduced in para 2 of the judgment, is not to be torn out of the context. The sentence immediately preceding portion 'A' provides a clue to the intention and the motives of the respondent :—

“Again in any registered letter dated 25th October, 1978. I repeated my prayer, urging that preferably it should be heard by five Hon'ble Judges and if not possible, atleast by three Hon'ble Judges. Finally, it was listed for 3rd November, i.e., yesterday.”

It was in this context when the contemner had wanted the case to be listed before a Full Bench that he gave vent to his irate feelings against the Chief Justice of this Court. It was a manipulated ridicule by the respondent regarding the right of the Chief Justice in the matter of constitution of Benches.

In portion 'B' the contemner addressed the Chief Justice as violator of the Constitution, attributing his motive to favour his Secretary Shri S. P. Parti. This is one form of unbridled criticism directed against the Chief Justice in a dubious method to achieve the object of getting an important distinction of getting his revision, which was ordinary, heard by a Full Bench. The intention to persist in his demand by the respondent for the listing of his revision before a Full Bench seems to be that he wanted to give out in public, as was the impression of the Bench which convicted him on 18th of December, 1980 for contempt of court to gain public importance, that because of the involvement of his personality the case was heard by a Full Bench.

To call the Chief Justice repeatedly a violator of the constitution in the administration of the establishment of the Court, which is a necessary part of the administration of justice, is only to show contempt towards the office of the Chief Justice. These allegations are a part of the maligning campaign adopted by the respondent against the Chief Justice by calling him the violator of the Constitution. Thus, portions 'A' and 'B' of this letter, which was addressed to the President and the Prime Minister of India, fall within the ambit of section 2(c) (i) of the Act as it has a scandalising effect.

34. From C.O.C. No. 8 of 1979, portion 'A' has been reproduced in para 4 of the judgment. It was in a context as depicted by the immediately preceding sentence that Shri K. S. Thapar, counsel for the

respondent in Criminal Revision No. 444 of 1978 had withdrawn his memo. of appearance, which he had filed on behalf of Shri S. K. Sethi, IPS and the respondent because of this had to go back to his place. Out of frustration as he had to go back, he opened up in intemperate language against the High Court office in this portion. As portion 'A' of this letter addressed to the Chief Justice came to be written in that manner; it requires to be ignored. Every use of intemperate language does not amount to contempt of the Court. We, therefore, do not take notice of portion 'A' of this letter to convict the respondent for the contempt of the Court.

Part 'B' of this letter is in the same context as portion 'A'. In this case the respondent had attributed malicious motive to the Chief Justice for not constituting a Full Bench for his revision. To the same effect is portion 'A' of C.O.C. No. 9 of 1979 and portion 'A' of C.O.C. No. 11 of 1979, where the false prestige of the Chief Justice to constitute Full Bench was repeated and it was also stated that to help Bansilal and Sukhdev Parshad Full Bench was not being constituted. The matter in these portions is the same and is an unjustified allegation. A person like the respondent, who was once a legislator and having vast experience of litigation and complaints against officers and other people ought to have known that Full Benches are not constituted on a simple involvement of a personality, but only because of the involvement of legal and complicated questions. To tell the Chief Justice that Full Bench was not being constituted by him acting under a false prestige and with an idea to help some persons is an aspersion on the independent functioning of the Chief Justice in the matter of constitution of Benches. We addressed ourselves to this question as to what false prestige the Chief Justice could have in the matter and on exploration found that there was none. This portion, therefore, amounts to scandalising the Chief Justice of this Court by attributing false motive in the discharge of his judicial functions.

The sentence preceding portion 'C' of this letter is sarcastic. This sentence reads:—

“Then if you do not bother about individuals and so rigid that repeated requests of Comrade have failed to persuade you to constitute a Bench, them——.”

This sentence is continuous with the portion extracted in paragraph 4 of this judgment and ends up with the sign of interrogation of that portion. When this portion is read in continuity, the insinuation of

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this sarcasm is clearly discernible. The sarcastic remark punctuated in this letter is only to achieve the purpose of getting constituted a Full Bench.

Portions 'D' and 'F' of this letter are self-speaking. In portion 'D', like the previous one, the Chief Justice was referred to as a violator of the Constitution. He has called the Chief Justice as injudicious, anti-national and a violator of the Constitution. He again, as in the past, demanded for the constitution of the Full Bench for having his revision heard. These again fall within the category of scandalising the Chief Justice in his functions of judicial administration. By making a complaint to the Home Ministry, as referred in the portion, he even tried to lower the dignity of the Court.

Portion 'E' is to be read in continuity with the sentence immediately before it, which runs:—

“Now I have to draw your attention towards reported judgment in Criminal Law Journal, 1973, page 1106, wherein it is clear that Chief Justice Mr. Harbans Singh safeguarded the interest of an individual and that too corrupt judicial officer and made me stand in the dock to face the contempt proceedings.”

In this context, he criticised the conduct of Harbans Singh and D. K. Mahajan, Chief Justices (Retired) of this Court. A reference by the respondent against D. K. Mahajan, C.J. again suggests that the respondent does not tolerate any order passed against him by any agency, whosoever that might be. Although D. K. Mahajan, C.J. in the case reported in 1973 Criminal L.J. 1106, does not appear to have done anything about the respondent, yet he slandered him (Mahajan, C.J.) by calling him, a fabricator of judicial records. This portion is similar to portion 'A' of C.O.C., No. 11 of 1979. The mind of the respondent seems to have maligned against the Judges, with whom he did not feel comfortable. To the same effect is portion 'A' of letter dated 24th of January, 1979 in C.O.C.P. No. 11 of 1979 regarding Harbans Singh, C.J. These deliberate and calculated attacks on the integrity of the retired Chief Justices of this Court on their judicial and administrative working cannot be left unnoticed and the respondent cannot be permitted to tarnish their images. The conduct of the respondent falls again within the ambit of section 2(c)(i) of the Act.

35. Portion 'A' of C.O.C. No. 9 of 1979., reproduced in para 5 (supra) has been considered in C.O.C. No. 8 of 1979. In portion 'B'

of this letter the respondent has doubted the intentions of the Chief Justice in regard to his allegations in reference to the allegation in portion 'A'. He went on to say that the intentions of the Chief Justice were not right as because of false prestige Full Bench was not constituted in order to help Bansilal and Sukhdev Parshad. This again is a malicious attribution of motive to the Chief Justice in regard to his judicial functions. This too is criminal contempt.

36. Portion 'A' in C.O.C. No. 10 of 1979 seems to be written by way of desperation because of his failure to achieve his object. For the first time in these letters, the use of objectionable language escaped the pen of the respondent. The language though it tilts towards impropriety, but does not fall within the mischief of any part of section 2(c) of the Act. Rule issued against him in this case is, therefore, discharged.

37. Portion 'A' of C.O.C. No. 11 of 1979 has been considered with C.O.C. No. 8 of 1979. In portion 'B' of this letter, the respondent attributed corrupt motives to Harbans Singh and D. K. Mahajan retired Chief Justices of this Court to help Shri R. L. Lamba. He has further written that throwing all the decencies in the wind, they helped him. Although justification for such like contumacious allegations is hardly a defence, but we have not come across any matter placed by the respondent on the record from which any justification for these remarks might be forthcoming. The respondent in his style of maligning the Judges of this Court, whether present or past, has levelled accusations, which have no basis. The remarks of the Bench in 1973 Criminal L.J. 1106 (supra) in regard to the non-handing over of the complaint filed by the respondent to a Judge of this Court, who had gone to inspect Courts at Karnal, do not reflect any motive of Harbans Singh, C.J. The respondent tried to make capital out of those observations, which, in our view, were beside the point, so far as justification for the levelling of the accusation in portion 'A' is concerned. These allegations are libellous and made with an intent to scandalise those Judges.

37-A. In portion 'B' the respondent has made a request in his letter dated 24th of January, 1979, for the supply of a copy of the order of S. C. Mittal, J., regarding the expunging of remarks of Shri R. L. Lamba. This means that at the time when the respondent made allegations against S. C. Mittal, J., in portion 'C' of this letter, he had not seen the order passed by the learned Judge. He was working only on the information which he got in the Court of P. C. Jain, J.

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This goes to show that the respondent made such a scurrilous attack on the administration of a working Judge of this Court, that is, S. C. Mittal, J., without verifying the contents of the order or knowing the truth. Such a wanton attack cannot be justified and cannot be permitted to go unnoticed. The respondent cannot escape liability for this act from the grips of law of contempt of court as it is contained in section 2(c) (i) of the Act.

38. The Criminal Original Contempt cases Nos. 7 to 11 of 1979 were being heard by a Bench consisting of S. S. Sidhu and Harbans Lal, JJ. The respondent presented Criminal Miscellaneous Petition No. 2700, dated 19th of May, 1979, which came up before that Bench. In this Criminal miscellaneous, the respondent accused the learned Judges constituting this Bench of feeling shy to pass such orders, which, in his view, amounted to correction of lapses on their part. This has been referred to in the earlier part of the judgment, where one composite notice was sent to the respondent in all the cases, but on the pointing out by him, separate notices were sent under orders of the Bench. It was in this context that he had referred to the feeling shy to correct the error committed by the office, which he tried to depict as a lapse of the Bench. He further stated in that petition that he wanted to know as to why five notices were sent to him on the basis of five letters, when only one notice for contempt was issued to him in 1971 on the basis of five letters. In this background he wrote part 'A' in Criminal Miscellaneous No. 2700 reproduced in para 9 of the judgment. For this portion from this Criminal Miscellaneous, C.O.C. No. 18 of 1979 was initiated. Each individual communication containing objectionable matter is to be the subject matter of an independent notice. The reaction of the Bench was adversely commented upon by the respondent in a derogatory language. An allegation was also levelled that the inkling of the Chief Justice carried more weight than the legal obligations and other healthy precedents to maintain the dignity of Courts. It was also sarcastically remarked that the rule of law pre-supposes the existence of a fair, fearless and forthright judiciary. There cannot be anything most sinister than accusing a Judge of working under the influence of some one in judicial matters. An inference from this can be deducted that the Bench was not acting in a fearless or forthright manner, but according to the wishes of the Chief Justice. The respondent again, it appears, wanted the things to be done in his own way before that Bench by having one notice for five cases, by equating a case initiated against him in 1971. Issue of a notice is a matter to be considered by the Judges. If at one time it was thought

that only one notice might be sufficient, according to the exigencies of that situation, that does not bind the Court for all times to come to limit the number of notices to only one in case the same contemner repeats the offence. If his position was to be accepted, then the repeaters of such offences will be well-placed to have only one notice even if there were innumerable communications containing offensive matters or making more than one publication of the same type. Seeing his object to get the notices limited to only one frustrated, he accused the Judges in a malicious language for getting more heat than light he expected and also working under the influence of the Chief Justice. The use of the language by the respondent for the conduct and orders of the Judges has to be restrained. He cannot be permitted to continue a tirade of maligning the Judges when he fails in his object of getting the things in the way he wants. The language of portion 'A' of this letter is derogatory to the judicial functioning of the Court and has been used by him deliberately to scandalise the court and interfere with the judicial proceedings. This act of the respondent in writing this matter falls under section 2(c)(i) of the Act.

39. In his communication dated 2nd of April, 1979, on the basis of which C.O.C. No. 19 of 1979 was initiated, two passages have been reproduced in para 10 of the judgment, for which notice was issued. In the first the respondent stated that as the Chief Justice has declined to hear the case, the other Judges thought that he (the Chief Justice) had interest in one or the other in that case, that is, Criminal Revision No. 444 of 1978. The same type of language was used by the respondent in portion 'A' of C.O.C. No. 8 of 1979 and is capable of the same meanings attributing to the Chief Justice an interest in the parties in the Revision. On the basis of the same reasons as given in C.O.C. No. 8 of 1979, we hold about this passage to the same effect.

In the second portion the contemner has levelled accusation that Chief Justice has lowered the prestige of the judicial standards. He also referred to the case of Ram Lal Wadhwa, M.L.A., which was being delayed. As he wanted his Criminal Revision No. 444 of 1978 to be listed in a particular way before a particular number of Judges, which was not done by the Chief Justice, he levelled baseless and wild allegations against him (Chief Justice) for lowering the prestige and the judicial standards. The case, in our view, is just otherwise. If the Chief Justice, under pressure of unbecoming and contemptuous language in the communications, which he received from the respondent, had acted to list the case before a Full Bench, then it could be

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said by some one that the Chief Justice has wilted under the pressure of use undignified language from an overbearing litigant. In that situation it could be taken as lowering of the judicial standards. It cannot, however, now be said in this case that in not heeding the tantrums of a litigant, the Chief Justice has acted in a way by which aspersions could come on his integrity in the discharge of his judicial functions. Being an author of this portion, the act of Shri Ram Piara respondent falls within different clauses of section 2(c)(i) of the Act as he has tried to scandalise the Court by attributing false and malicious language against the Chief Justice.

40. Portion of communication dated 25th of April, 1979, on the basis of which notice was issued in C.O.C. No. 20 of 1979 has been reproduced in para 11 of the judgment. The first part of that reference refers to the order of S. C. Mittal, J., expunging the remarks from the file of Shri R. L. Lamba on the administrative side, describing those as illegal, unconstitutional and setting very bad precedent. He further wrote that their use by some other person may affect the purity of justice. Although the language used by the respondent in this portion is not very happy, but we do not find it fit to use this portion to hold him guilty for the contempt of court.

Referring to the listing of his revision before S. C. Mital, J., when the Hon'ble Judge had already declined to hear it, he accused the Deputy Registrar of this Court, whose name figured in 1973 Criminal L.J. 1106 (supra). Describing the history of his revision, he said that a mischief might have been done in that case. He also stated that such like mischiefs are common when the intention of the Chief Justice is not sincere and it can safely be inferred that like the previous, the present Deputy Registrar might have implemented the will of the Chief Justice. In this he has again doubted the mind of the Chief Justice towards him without any basis. He was referring to the listing of his case when he made these remarks. As we have noticed earlier, the respondent was seeing the phantoms all around him without any basis. He did not keep his vision clear and was non appreciating things in the right perspective because he was obsessed with one idea that his revision should be heard by a Full Bench. The conduct of the respondent in expressing himself about the sincerity of the Chief Justice to the cause of administration is a foul act on his part and has been designedly made to malign him.

The case of the third passage quoted in para 11 of the judgment is not different than the others. In this he has accused S. C.

Mital, J., of using double standards in the dispensation of justice by declining to hear his revision, in which Shri Bansi Lal, ex-Chief Minister of Haryana was a party, but later hearing an application for bail filed by him (Bansi Lal). The respondent maintained throughout that the revision was not heard by S. C. Mital, J., as Shri Bansi Lal was a party in that. We got the records of CrI. Revision No. 444 of 1978 put up and found that on 5th of May, 1978. Reader to S. C. Mital, J., had put up a slip with the file that the case be fixed before another Single Bench. As the practice of this Court is, no reason is to be given and actually was not given for sending the case to another Bench. We cannot equate a Judge of this Court with a litigant, especially of a type the respondent is to find material in support of or against the note of the Reader. It may be noted here that when the case thereafter was listed before me, Shri Ram Piara respondent appeared before me in the chamber with a request that I may not hear the case. I agreed to that request. My Reader put a similar note as was done by the Reader of S. C. Mital, J. Later, the Chief Justice,—*vide* his note reproduced in the reply by the respondent, wanted me to decide the case and it was again listed before me. Now the respondent has come forward with certain statement against me. This instance is given not to bring any material to prejudice the case against Ram Piara respondent, but for appropriate appreciation of the accusations made by him of double standards to the Judges of this Court. The allegation of double standards against S. C. Mital, J., is mischievous, besides being malicious and such utterances fall within the ambit of section 2(c) (i) of the Act and requires to be taken serious notice of.

41. After the decision of Criminal Revision No. 444 of 1978 on 17th of November, 1978, this date is taken from the letter itself, Ram Piara respondent wrote a letter to me as I had decided that revision. In the first two passages quoted from the letter in C.O.C. No. 21 of 1979 in para 12 of this judgment, he has levelled allegations against the Chief Justice for influencing me and myself rendering that judgment under his influence. Both the allegations are being levelled only in a bid to malign the Judges. A slight departure from the records of this case at this stage may not be uncalled for. If we refer to the judgment in Criminal Revision No. 444 of 1978, to which reference has often been made by the respondent, it is to be found in that judgment that Ram Piara respondent did not argue that case on merits. He only argued for a reference of that revision petition to the Full Bench. After saying whatever he wanted in support of his demand for reference of that revision to a Full Bench,

he left the Court Room, of course with permission, without addressing any arguments on merits. The case was decided without his help and assistance. This reference has been made only for the purpose that he acts in his own way having least regard for propriety or adherence to the law or rules. His only aim was to get the revision listed before a Full Bench. If it had been listed, then there may not have been any of the events which have led to the initiation of 11 cases against him. The respondent also in his reply said: "The matter for all practical purposes being one and having arisen from Criminal Revision No. 444 of 1978." But the question is, whether the law and procedure are to be circumvented for the use of such people, who on failure of their unreasonable and untenable demands resort to character assassinations of the Judges, who do not give way to their overtures. Incensed by his failure to have his way to get his Criminal Revision listed before a Full Bench, he made a malicious attack on the Chief Justice and me.

In the last portion extracted from the letter he again maligned the Chief Justice by making false allegations for bringing down the standards of judiciary. Similar remarks have been earlier dealt with by us in the earlier paragraphs of this judgment and found to be an offence under the Act.

We, therefore, for the reasons recorded above, find that the act and conduct of the respondent in C.O.C. No. 21 of 1979 amounts to a 'criminal contempt' as defined in section 2(c) (i) of the Act.

42. In his letter dated 28th of May, 1979, which is the basis of C.O.C. No. 22 of 1979, the respondent has crossed all the limits of decency and propriety in the name of freedom of expression by using nasty, slanderous and vituperative language towards the Judges, who had the occasion to deal with these cases. Calling their judgements and orders as motivated, he has threatened them with impeachment also. In portion 'A' referred to the Chief Justice, he said that the rod of justice in his hands was not straight nor the scales of justice equipoised. The respondent has not said if the Chief Justice had ever the occasion to decide any of his cases judicially. He has tried to brow-heat the Chief Justice only because his Revision Petition was not listed before a Full Bench, which the law and the rules did not permit. This was the only thing to start with on which the respondent felt offended and it is not justified for him to say that the rod of justice was not straight or the scales of justice

equipoised in the hands of S. S. Sandhwalia, C.J. The respondent made efforts to complicate the matters later on by writing various letters to the Chief Justice, which are part of the record of these cases by levelling unfounded allegations. It seems to us that all this was done by the respondent to capitalise on his own actions in his favour by writing numerous letters, on which he now wanted to rely for his defence. There was neither any occasion nor basis for the use of these words against the Chief Justice. This was done to scandalize the Court through the Chief Justice.

A similar matter like part 'B' of this letter has been dealt with by us in part 'B' of C.O.C.P. No. 8 of 1979 and found to be of contempt of court. In accordance with the reasons advanced there this is also held to fall under contempt.

In part 'C', the respondent commented on the revision being listed before me, in Single Bench, saying that the Chief Justice entrusted the case to me as he thought I was a class-fellow of Shri Sukhdev Parshad and his (Sukhdev Parshad's) interest could be better watched by me. I may add here that Shri Sukhdev Parshad was never my class-fellow. He was a contemporary student in the law college where I studied but not my class-fellow. In this portion, motive has been attributed to the Chief Justice for listing the case before me as I had once directed it to be listed before another Bench. In portion 'D' of this letter, referring to the said Revision, he mentioned that I had to obey the Chief Justice and not the healthy precedents and thus charged me with the working in judicial matters under the influence of the Chief Justice, against whom he had levelled multifarious baseless and malicious allegations. Such insinuations have dealt with by us at other places in this judgment earlier and found to amount to contempt. Such a false attribution of motives falls within the ambit of section 2(c) (i) of the Act.

Referring to me in portion 'D' of this letter, he wrote in the context of the decision recorded by me in Criminal Revision No. 444 of 1978 that I had to obey S. S. Sandhwalia, C.J., and not the healthy precedents. Similar insinuation has been discussed by us in the earlier part of this judgment and held to be 'criminal contempt'. By repeating the same reasons, we do not want to add to the volume of the already lengthy judgment. Utterances in portion 'D', therefore, amount to 'criminal contempt' as defined in section 2(c) of the Act.

The language used in portion 'E' of this letter *prima facie* amounts to contempt of Court, when he had described the judgment

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in Criminal Revision No. 444 of 1978 as "full of malafides, cunningness, rather dishonesties. He, therefore, said that I was guilty of misconduct which called for the impeachment by the Almighty, if not Parliament. In similar matter in portion 'J', he threatened S. S. Sidhu and Harbans Lal, JJ., with impeachment. He also described their order to be passed on 'not only foolishness but on cunningness too, because they cannot afford to annoy S. S. Sandhawalia'. There cannot be a greater misconduct by a litigant exposing him to the penalties of criminal contempt than calling a judgment or the order of the Judges in judicial proceedings as corrupt and based on cunningness and malafides. We have gone through the orders passed by the Bench constituting of S. S. Sidhu and Harbans Lal, JJ. The Bench constituted by both these Judges had initially issued notice to the respondent in C.O.C. Nos. 7 to 11 of 1979. When the five cases were being dealt with by them, the respondent filed Criminal Miscellaneous No. 2700 of 1979 making certain baseless accusations against them. They rejected this Criminal Miscellaneous petition, but issued another notice for contempt of Court to Ram Piara respondent and initiated C.O.C. No. 18 of 1979. Those passages, which are contemptuous, in this Criminal Miscellaneous No. 2700 of 1979 and have been discussed in para 38 of this judgment, *prima facie* amount to a contempt of the court. It is manifest from the conduct of the respondent and the resume of the facts discussed above that whenever the Benches of this Court did not agree with his contention, he came forward making malicious attacks on them. When he did not argue his Criminal Revision No. 444 of 1979 on merits and it was dismissed, he levelled allegations against the Chief Justice and me. In portion 'F' of this communication he referred to us having acted otherwise because of the affection for the corrupt who have trucks in this Court. In portion 'G' he again referring to both of us wrote that the authority has been abused in deciding his Criminal Revision and to encourage corruption. In this portion the attack is the most out-spoken and slanderous when he wrote that "it is my considered opinion, if I dare write to both of you, that you are most corrupt, partisan, unjust, you will feel very much annoyed." In a part of portion 'I' of this letter, Ram Piara, respondent has written: "In fact you have proved yourselves more corrupt, more unscrupulous than both, i.e., Bansi Lal and Sukhdev Parshad." The respondent, who was unsuccessful in his attempts in spite of his objectionable language used in his letters, miscellaneous applications in Court, and similar behaviour to get any matter decided in his own way, he imputed such motives as referred to in this paragraph against the Judges of this Court. The principles of Rules of law and justice did not permit

the taking of decisions by the Judges in the way the respondent wanted them and he did not accept the orders passed by the Judges or the decisions recorded against him. In the previous portion of the judgment, the conduct and attitude of Ram Piara respondent had been noticed in sufficient detail, which depicts him as a habitual offender to commit contempt of court by using derogatory, scandalous and even abusive language against the Judges with a motive to cow them down. The language in these portions discussed in this subparagraph is also with a purpose to scandalize the Court and prejudice the result of the judicial decisions, that is, the cases of contempt of court pending him. This has been done with an idea to put a fear in the mind of the Judges by the scurrilous attacks, so that they might discharge the notices issued to him or at least keep away from his cases. After his case was heard for one day by the Division Bench consisting of Harbans Lal and C. S. Tiwana, JJ., he sent a letter dated 18th of September, 1980, by post to Harbans Lal, J., levelling allegations against Harbans Lal, J. The result was that,—*vide* orders dated 20th of September, 1980, Harbans Lal, J., directed the case to be listed before some other Bench. When this Bench started hearing these cases, the respondent absented himself on 26th of November, 1980, when the case had been heard for one day. He was specifically ordered to be present on the next day but he disobeyed the direction and absented himself. When the warrants were issued by this Bench for his appearance, he started repeating his performance by levelling allegations against us, so that this Bench may also avoid hearing the cases, which were pending since more than two years. This is the modus-operandi of the respondent to avoid a decision of his cases. The conduct of the respondent in levelling allegations of corruption, etc., was with these motives and this amounts to interference in the administration of justice. The respondent did not hesitate even to intimidate the Judges threatening them with impeachment, as is apparent from portions 'E' and 'F' of this letter. This is nothing short of interference with the administration of justice.

In portion 'K' of this letter, the respondent has again by way of passing references described the acts of the Judges as corrupt and their actions to pollute the judiciary. This again scandalizes the Court.

In portion 'L' the respondent has again referred to the Chief Justice as a violator of the Constitution and encouraging corrupt practices. We have already discussed the similar accusations in the

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earlier part of the judgment and have found these amounting to criminal contempt. These fall within the purview of section 2(c)(i), and 2(c) (iii) of the Act.

43. In case C.O.C. No. 23 of 1979, the respondent sent letter dated 14th of June, 1979, to S. S. Sidhu and Harbans Lal, JJ., when they were hearing the cases against him. In portion 'A' of the letter, the Chief Justice was again accused of having evil designs to demoralise the respondent. The Chief Justice was again referred as the violator of the Constitution for the sake of Shri Sat Pal Parti, who, according to the respondent, had been supplying wine to the Chief Justice. Regarding these remarks about the Chief Justice being the violator of the Constitution, we have already held that this amounts to contempt of court and we need not re-discuss all these allegations, as these have the same purpose, the same history and the same background. The respondent has accused the Chief Justice of demoralising him. We do not understand how the Chief Justice initiated the move to demoralise him or what would be the benefit to the Chief Justice in doing so. It was the respondent himself, who had started the campaign of vilification against the Chief Justice when his case was not listed according to his desire before a Full Bench. In order to bring pressure on the Chief Justice, he started exploiting the orders of the Chief Justice, enhancing the age of the employees of this Court from 58 to 60 years and making all other sorts of allegations, which he could conceive. The Chief Justice is only to protect the dignity of the Court and its image, which the respondent persistently tried to besmear and he placed those letters before a Division Bench, which issued notices to his (respondent). The Chief Justice as we find, had not done anything except taking the steps to get the outburst of the respondent against him and other Judges examined judicially to know whether these amounted to any violation of law. The respondent created a situation for himself and from this position started levelling unfounded allegations against the Chief Justice for evil designs to demoralise him. Does the respondent want that the Chief Justice should have encouraged him to carry on his contumacious campaign against this Court and its Judges. The allegations about the supply of wine by Shri S. P. Parti, Secretary to the Chief Justice is derogatory and levelled with a design to malign the personality of the Chief Justice of this High Court and defence him. This portion again securely falls within section 2(c) (i) of the Act.

In portion 'B' of this letter he has written about the Bench having not deliberately recorded the presence of Shri S. C. Mohunta, the

then Advocate-General, Haryana who was to assist the Court. This reference is not very material for taking any notice of it. The other part of this portion, however, is contemptuous when the respondent wrote that in not supplying the documents and affidavits the Bench little cared for the decencies, law and justice, but cared more for the whims of the Chief Justice.

In portion 'C' he has again alleged that the Bench was having special instructions from the Chief Justice. These wild allegations against the Bench for surrendering its judgment to the Chief Justice are ill-founded and contemptuous. These wild and baseless allegations were made when these two Judges in a Bench were dealing with the cases against the respondent. Use of such a language at such a stage of the proceedings as noted in the previous paragraph could be for no other purpose than with a motive to interfere with the administration of justice, so that under the impact of such scurrilous remarks the Bench may not proceed with the cases against him. These remarks fail within the grip of section 2(c) (i), 2(c)(ii) and 2(c)(iii) of the Act.

In portion 'D' of this letter, he again repeated the allegations of indecency in passing the judgment and orders as in portion 'E' and 'G' in C.O.C. No. 22 of 1979. We need not repeat all over again the same and similar reasons regarding the imputation of dishonesty to the Judges in the decision of judicial matters in their judicial capacity. For the reasons recorded in the aforesaid portions in C.O.C. No. 22 of 1979, we find that these writings of the respondent in this letter fall within the ambit of section 2(c)(i), 2(c)(ii) and 2(c)(iii) of the Act. In portion 'E' of this letter he not only threatened S. S. Sidhu and Harbans Lal, JJ., with impeachment, but further stated:—

“..... because you cannot afford to annoy the Chief Justice Mr. S. S. Sandhawalia, you being near retirement, whereas he is to continue for many years, if not impeached because of his misbehaviour and misconduct and, therefore, you are looking towards your sons and relations, who are minting money because of you and you wish that if Chief Justice is annoyed, he will become a barrier in the way of minting money by your kith and kins.”

This is too wild an allegation against the Bench. This has been levelled, as noticed earlier, only with a design to over-awe the Judges by

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maligning them by making false accusations. The threat of impeachment again fell within the area of operation of section 2(c)(i), 2(c)(ii) and 2(c) (iii).

We need not take any notice of portion 'F' of this letter, as we have already discussed such matters in the earlier part of the judgment.

44. Shri Ram Piara, respondent during the arguments stated that he had to send the communication to the Chief Justice when his revision was not listed before a Full Bench and he had to go back 5/6 times from Chandigarh to Karnal for the fault of the High Court. He complained that he suffered financial loss and physical discomfort when on reaching Chandigarh he used to be told that his revision could not be heard because of the withdrawal of the memo. by the counsel for the opposite party or some other reason. It is true that he may have suffered any such inconvenience, but such things in judicial proceedings are unavoidable. Such an event, if it happens, does not give reason to the inconvenienced person to impute motives to the Chief Justice and the Judges of the Court. Whether a person is a willing litigant or has been forced to litigate, he is to suffer financial loss and physical inconveniences to some extent in pursuit of the cases. He cannot, under the impact of expenses and inconveniences, be justified to malign or scandalise the Court and commit its contempt. When a person litigates, he is to submit to the orders of the Court and respect them so long they sustain. We find no justification for this type of mental attitude, as the respondent has tried to present. The observations of the Supreme Court in *Shri C. K. Daphtary and others vs. Shri O. P. Gupta and others* (3), can be referred with advantage wherein it was observed that justification is not defence for contempt in such matters.

45. We have found Ram Piara, respondent is a person, who is addicted to this type of behaviour in writing malicious, defamatory and contemptuous correspondence and making scurrilous attacks on the Judges of this Court. His mental frame was rightly judged by H. R. Sodhi, J., in the case reported in 1973 Criminal L.J. 1106 in the passage quoted in paragraph 1 of this judgment. He cannot stand anything against him and opens out maliciously against any person, irrespective of the position a person holds, who comes in his way. He did not spare, as noted in the earlier part of the judgement, the politicians, newspaper editor, Magistrates, Judges of this Court and the

Chief Justice of the Supreme Court from unbecoming criticism and vicious remarks. He though tried to describe himself as a crusader, is a regular complainant against the authorities. Discussing the cases in detail, in the background of the history of Ram Piara, respondent, his role and experience in the litigation and contempt cases, we find him guilty of the offence of contempt of court. Scurrilous attacks on the Judges of this Court, retired and serving, in their judicial acts, has an adverse effect on the due administration of justice. Such attacks in a country like ours have inevitable effect of undermining the confidence of the people in the judiciary. If the confidence of the people goes, then the administration of justice definitely suffers. We, therefore, convict Ram Piara respondent in these cases in the manner given below.

46. In C.O.C. No. 7 of 1979, for writing in the letter dated 24th of November, 1978, the portions reproduced in para 3 of the judgment and discussed in para 33 of the judgment, we convict Ram Piara respondent under section 2(c)(i) of the Act.

In C.O.C. No. 8 of 1979, for writing in the letter dated 2nd of December, 1978, for the portions reproduced in para 4 and discussed in para 34 of the judgment, we convict Ram Piara, respondent under section 2(c) (i) of the Act.

In C.O.C. No. 9 of 1979, for the letter dated 8th of December, 1978, being author of portions reproduced in para 5 and discussed in para 35 of the judgment, we convict Ram Piara, respondent, under section 2(c)(i) of the Act.

In C.O.C. No. 11 of 1979, for the portions of the letter written on 24th of January, 1979, reproduced in para 7 and discussed in para 37 of the judgment, we convict Ram Piara, respondent under section 2(c)(i) of the Act.

In C.O.C. No. 18 of 1979, for writing portions in Criminal Miscellaneous No. 2700 of 1979 reproduced in para 9 and discussed in para 38 of the judgment, we convict Ram Piara, respondent under section 2(c) (i) of the Act.

In C.O.C. No. 19 of 1979, for writing portions in letter dated 2nd of April, 1979, which have been reproduced in para 10 and discussed in para 39 of the judgment, we convict Ram Piara, respondent for committing the contempt of court under section 2(c)(i), 2(c)(ii) and 2(c)(iii) of the Act.

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In C.O.C. No. 20 of 1979 for writing portions in letter dated 25th of April, 1979, which have been reproduced in para 11 and discussed in para 40 of the judgment, we convict Ram Piara, respondent for committing contempt of court under section 2(c) (i) of the Act.

In C.O.C. No. 21 of 1979, for writing portions in letter dated 29th of May, 1979, reproduced in para 12 and discussed in para 41 of the judgment, we convict Ram Piara, respondent for committing contempt of court under section 2(c)(i) of the Act.

In C.O.C. No. 22 of 1979, for writing letter dated 28th of May, 1979 and the portions reproduced out of it in para 13 and discussed in para 42 of the judgment, we convict Ram Piara, respondent for committing contempt of court under section 2(c)(i), 2(c)(ii) and 2(c)(iii) of the Act.

In C.O.C. No. 23 of 1979, for passages in letter dated 14th of June, 1979, which have been quoted in para 14 and discussed in para 43 of the judgment, we convict Ram Piara, respondent, for committing contempt of court under section 2(c)(i), 2(c)(ii) and 2(c)(iii) of the Act.

47. We may mention here that it was not from any exaggerated notion of dignity of any one of us or the retired Judges of the Court that we proceeded against Ram Piara, respondent, for contempt of this Court, but because it is imposed upon this Court the duty of preventing *brevi manu* in contempt to interfere with the administration of justice. The punishment in such cases is not inflicted as observed in *Bradakanta Mishra's case* (supra), for the purpose of either the court as a whole or the individual Judges of the Court from a repetition of the attack, but of protecting the public, and especially those who either voluntarily or by compulsion are subject to the jurisdiction of the court, from the mischief they will incur if the authority of the Court is impaired. The respondent has been with a design deliberately interfering with the course of justice and scandalising the court to achieve his ends. His aim might also be to get notoriously in public for his negative role in the society. He therefore, requires to be dealt with sternly.

48. Now comes the question as to what sentence is to be awarded to Ram Piara, respondent. After his appearance in C.O.C. Nos. 7 to 11 of 1979 on 16th April, 1979, he has not even once exhibited any sign of contrition. On the other hand he persistently committed contempt after contempt of this court in aggravated forms and gave

affront to the different Benches. By sending communications maintaining a spree in his scandalous writing to this Court, he earned the initiation of six more notices of contempt of court, that is, C.O.C. Nos. 18 to 23 of 1979 after he had entered presence in consequence of the notice in the earlier case. During the course of the hearing he committed contempt of court in the face of the court by using contemptuous language for the orders of the Chief Justice and his court. Out of these one notice was discharged and in one he was convicted. These cases have been earlier referred in the course of judgment. He maintained a regular stream of criminal miscellaneous applications, in which he did not spare even the Chief Justice of India, though there was no occasion to say anything about him in this court. He was contemptuous in using the language against us and other Judges of this Court during arguments. He was disrespectful in reference to the Judges of this court and the Chief Justice and for that we had to suffer for two days in the name of affording him fair trial and fair opportunity of defence that we gave him. For this conduct of the respondent, we at one time contemplated to invoke Article 215 of the Constitution of India, which does not limit the powers of the High Court, being a court of record, in awarding punishment. We restrained ourselves only because the respondent may not complain of having been taken by surprise and the plea of prejudice, although it was a fit case to be dealt with under that provision of the Constitution. The respondent has not spared anybody, who has come in his way, from the biting, contemptuous and scandalous accusations. His case is similar to the case of *Amrik Singh* (4), where on one act of contempt of court, the contemner was sentenced to a minimum sentence of six months simple imprisonment by the Supreme Court. Such acts of scandalising the court, as observed in the case of *C. K. Dephtry's* case (*supra*) always lead to bringing the High Court to disrepute and lower its authority and shake the confidence of the people in the courts. When such a thing is resorted to by a man like Piara, respondent, who has once been an M.L.A., and has litigation in this court and the subordinate courts, it has to be viewed seriously. He intends creating atmosphere of fear for the courts, which needs to be checked. We notice with concern that when this is the attitude of the respondent in this court, which we have noticed earlier, then we can imagine the situation he might create before the subordinate courts, where, he, according to his own assertion, often appears. No premium can be put on his activities, which fall within the ambit of law. We do not find any cause for leniency in these cases, where the act and conduct of the respondent has been deliberate and when

(4) (1971) 1 S.C. W.R. 581.

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during the course of more than two years in his numerous appearances in this court in place of being appologetic and repentent he always aried to aggravate the situation and on same occasion really did. With every miscellaneous application filed in court, he committed a fresh act of contempt. Although the material of these 11 cases, besides the portions which we have taken into consideration, amounts to more serious contempt of court, but we have not taken that into consideration since the Bench issuing the notices had already marked those portion. We, are, however, not influenced by those portions, which we have not taken into consideration in our judgment. The respondent, in our view, deserves stern sentence to have a corrective influence on him.

49. With these observations, we sentence Ram Piara, respondent in C.O.C. Nos. 7, 8, 9, 11, 18, 19, 20, 21, 22 and 23 of 1979, under section 12 of the act to undergo simple imprisonment for six months in each case. The respondent is also fined Rs. 1,000/- in each case. In default of payment of fine, he shall further undergo simple imprisonment for two months in each case. To give a deterrent effect to the sentence on Ram Piara, respondent, we direct these sentences to run consecutively. We have not separately convicted the contemner for each portion of the letters in each case, but have passed the orders on a composite basis. We have also not passed a separate sentence in those cases in which we have convicted him for offence under section 2(c)(ii) and 2(c)(iii) of the Act. Ordered accordingly.

50. Before parting with the judgment, we may mention a new turn. We had required the respondent to be present to hear the orders this day. In the mean time on 13th of August, 1981, we received a communication by the respondent through post dated 12th of August, 1981. In this he accused us of having taken time to prepare the judgment for seeking consultation elsewhere to arrive at a conclusion. An extract from the letter is reproduced :—

“I safely concluded that it could not be 7th even, 7th being Friday. And from your faces, I could, because of my wits and experience, gather impression that Saturday and Sunday being holidays shall be availed for calm thinking for consulting C.J. Mr. Sandhawalia and he in turn could consult C.J. Mr. Y. V. Chandrachud, if need be so, because his order dismissing my Writ 6308/80 figured in arguments along with the reading two paras of my letter appearing in Hindustan Times dated 30th May, 1981, where the worthy

role of S. C. Registry along with the unworthy role of this Court's Registry also figured with my comments that these Registries are the Bandies of the Chief Justices and can safely ignore violate written orders or also Rcles of "the Supreme Court and High Court."

(51) This is the kind of person we had to deal with. What flows from this letter is a **matter**, which could await our consideration at a future time.

N.K.S.

*Before R. N. Mittal, J.*

BANWARI LAL (DECEASED),—Appellant.

*versus*

PURAN CHAND AND OTHERS,—Respondents.

Regular Second Appeal No. 1501 of 1976.

January 21, 1985.

*Transfer of Property Act (IV of 1882)—Section 60—Property mortgaged by duly executed mortgage deed—Clause in deed stipulating definite period for redemption failing which mortgage to be treated as sale—Such restriction on the right of the mortgagor—Whether a clog on the equity of redemption—Such clog—Whether liable to be ignored as void.*

*Held*, that the clause in a mortgage deed which bars redemption is in the nature of clog on the equity of redemption. The right of the mortgagor can not be taken away or restricted by such a clause. The courts would ignore any contract, the effect of which was to deprive the mortgagor of the right to redeem the mortgage. As such the clause in the mortgage deed that the property would be redeemed within a stipulated period constitutes a clog on the equity of redemption and is therefore void and liable to be ignored by the Court.

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