ADV. ABHISHEK MISHRA

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Date: 30th September, 2021.

To,

1. Mr. Suraj Rao

Resident Grievance Officer for YouTube

Google LLC - India Liaison Office

Unit No. 26 The Executive Center,

Level 8, DLFCentre,Sansad Marg,

Connaught Place, New Delhi - 110001

E-Mail: support-in@google.com

2. Google Signature Towers,

691, Delhi – Jaipur Expressway,

Silokhera, Sector 15 Part 2,

Sector 15, Gurugram, Haryana 122001

support-in@google.com

3. Ms. Susan Wojcicki

Chief executive officer

YouTube, Video Sharing Company

Google LLC, D/B/A YouTube

901 Cherry Ave San Bruno,

CA 94066 USA

4. Mr. Sundar Pichai

Chief Executive Officer

Google LLC, D/B/A YouTube

901 Cherry Ave

San Bruno, CA 94066

USA

Subject:- (i) Compensation of Rs. 1000 Crores for defamation and violation of my client's fundamental right to speech by blocking his Youtube account, when my clients video/post was based on legal evidences and within the framework of legal mandates.

(ii) Immediately stopping the misinformation campaign run by you with ulterior motives to help the vaccine mafias and cheat the public and thereby putting citizens' life into jeopardy.

(iii) Immediately stopping the Contempt of Hon'ble Supreme Court and Hon'ble various High Courts in India.

(iv) To immediately start respecting & following the Constitution of India and our country's domestic laws and also to act as per United Nations Universal Declaration on Bioethics, 2005 & International Covenant on Civil & Political Rights.

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Sir,

Under the authorization and instructions of my client **Mr. Virender Singh, R/o** [redacted] I, the undersigned, serve you the legal notice as under:

1. That my client believes in dissemination of information for the public at large. All the posts are based on sound data and have scientific origin. He is exercising his constitutionally guaranteed right of freedom of speech and also performing his constitutional duty to spread awareness to develop a spirit of enquiry and reforms.

2. However, you Noticee seem to have a feeling that you are above the law and our constitution of India and also above International laws made by United Nations regarding freedom of speech and right of people to know.

3. Under the said illusion, you Noticee have deleted few posts of my client.

4. Brief details of the posts/Videos & channel which were deleted and restricted by you. History of the posts:-

Videos Removed from Youtube Channel :

https://www.youtube.com/virendersingh16

1) Video Removed on 25th Aug 2020, Video URL **https://youtu.be/1oyNLBbX7mg**

2) Video Removed on 07th Nov 2020, Video URL: **https://youtu.be/F7pan4j6P0A**

3) Video Removed on 08th Nov 2020, Video URL: **https://youtu.be/nLlPMBb22Kw**

4) Removed Video URL:

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https://youtu.be/RGYa-BOtNFM

5) Removed Video URL:
https://youtu.be/1fA7KOnzSrs

6) Video Removed on 05th Dec 2020, Video URL:
https://youtu.be/wha0CjILglA

7) Video Removed on 01st May 2021, Video URL:
https://youtu.be/LQn2Y35srjU

Videos Removed from Youtube Channel :

https://www.youtube.com/rajivdixittrust

- Removed Video URL**: https://youtu.be/2_AATlznPhA**

- Removed Video URL**: https://youtu.be/asWW-2jOXh8**

Below is the URL to one of my Channel which was deleted permanently:

https://www.youtube.com/channel/UC_h9y-NX6lZASu7I3bUgadw

5. That, the videos were regarding my client's fair opinion and its duty to expose frauds, faults, ineffectiveness and side effects of vaccines and other offences by the vaccine syndicate. Therefore the act of You Noticee No. 1, 2 & 3 in deleting the said video is violative of Constitution of India and also Article 18 (3) of **Universal Declaration on Bioethics and Human Rights, 2005 (UDBHR)** which reads thus;

Article 18 – Decision-making and addressing bioethical issues

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1. Professionalism, honesty, integrity and transparency in decision-making should be promoted, in particular declarations of all conflicts of interest and appropriate sharing of knowledge. Every endeavour should be made to use the best available scientific knowledge and methodology in addressing and periodically reviewing bioethical issues.

2. Persons and professionals concerned and society as a whole should be engaged in dialogue on a regular basis.

3. Opportunities for informed pluralistic public debate, seeking the expression of all relevant opinions, should be promoted."

6. That, Your act is also contempt of Hon'ble High Court & Hon'ble Supreme Court's binding precedents. In **Secretary General, Supreme Court of India Vs. Subhash Chandra Agarwal, 2010 SCC OnLine Del 111,** it is ruled as under;

"The right to information is thus embedded in Articles 14, 19(1)(a) and 21 of the Constitution.

42. *...The right to information may not always have a linkage with the freedom of speech.* ***If a citizen gets information, certainly his capacity to speak will be enhanced.*** *But many a time,* ***he needs information, which may have nothing to do with his desire to speak. He may wish to know how an administrative authority has used its discretionary powers.*** *He may need information as to whom the petrol pumps have been allotted. The right to information is required to make the exercise of discretionary powers by the Executive transparent and, therefore, accountable*

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because such transparency will act as a deterrent against unequal treatment.

32. *The Universal Declaration of Human Rights of 1948 adopted on 10th December in Article 19 said:*

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

33. *The International Covenant on Civil and Political Rights (ICCPR) was adopted in 1968. Article 19 of the Convention reads as follows:*

(1) Everyone shall have the right to hold opinions without interference;

(2) Everyone shall have the right to freedom of expression, this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice."

India has ratified the ICCPR. Section 2(d) read with 2(f) of the Protection of Human Rights Act, 1993 clarifies 'human rights' to include the rights guaranteed by the ICCPR.

34. *The Convention of the Organisation of American States and European Convention on Human Rights also incorporate specific provisions on the right to information.*

36. *In Benett Coleman v. Union of India, (1972) 2 SCC 788 : AIR 1973 SC 106, the Court held that the impugned*

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Newsprint Control Order violated the freedom of the press and therefore was ultra vires Article 19(1)(a) of the Constitution. The Order did not merely violate the right of the newspapers to publish, which was inherent in the freedom of the press, but also violated the right of the readers to get information which was included within their right to freedom of speech and expression. Chief Justice Ray, in the majority judgment, said:

"It is indisputable that by freedom of the press is meant the right of all citizens to speak, publish and express their views. The freedom of the press embodies the right of the people to read." (para 45)

***37.** In a subsequent judgment in Indian Express Newspaper (Bombay) Private Ltd. v. Union of India, (1985) 1 SCC 641 : AIR 1986 SC 515, the Court held that the independence of the mass media was essential for the right of the citizen to information. In Tata Press Ltd. v. Maharashtra Telephone Nigam Ltd., (1995) 5 SCC 139, the Court recognized the right of the public at large to receive 'commercial speech'.*

***38.** The concept of the right to information was eloquently formulated by Mathew, J. in The State of UP v. Raj Narain, (1975) 4 SCC 428: AIR 1975 SC 865, in the following words : (para 74)*

"In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to

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know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security, see New York Times Co. v. United States, (1971) 29 Law Ed. 822 : 403 U.S. 713. To cover with veil of secrecy, the common routine business, is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption."

39. *In the case of S.P. Gupta v. Union of India, 1981 Supp SCC 87 (para 65), Bhagwati, J (as he then was) emphasising the need for openness in the government, observed:*

65. The demand for openness in the government is based principally on two reasons. It is now widely accepted that democracy does not consist merely in people exercising their franchise once in five years to choose their rules and, once the vote is cast, then retiring in passivity and not taking any interest in the government. Today it is common ground that democracy has a more positive content and its orchestration has to be continuous and pervasive. This means inter alia that people should not only cast intelligent and rational votes but should also exercise sound judgment on the conduct of the government and the merits of public policies, so that democracy does not remain merely a sporadic exercise in voting but becomes a continuous process of

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government - an attitude and habit of mind. But this important role people can fulfil in a democracy only if it is an open government where there is full access to information in regard to the functioning of the government."

7. That, you have acted against the Constitution of India, which guarantees freedom of speech. You Noticees 1 and 2 have prohibited my client from performing his constitutional duties as enshrined under **Article 51 (A)** of the Constitution, to expose the malpractices in any institution. It is worth to quote the wordings of Hon'ble Supreme Court in the case of **Indirect Tax Practitioners Association Vs. R.K. Jain, (2010) 8 SCC 281**, where it is ruled as under;

> ***Voltaire*** *expressed a democrat's faith when he told, an adversary in arguments:*
>
> > ***"I do not agree with a word you say, but I will defend to the death your right to say it."***
>
> *Champions of human freedom of thought and expression throughout the ages, have realised that intellectual paralysis creeps over a society which denies, in however subtle a form, due freedom of thought and expression to its members.*
>
> *"**Freedom of the Press is the Ark of the Covenant of Democracy because public criticism is essential to the working of its institutions. Never has criticism been more necessary than today, when the weapons of propaganda are so strong and so subtle."***
>
> *A person like the respondent can appropriately be described as a whistleblower for the system who has tried to highlight*

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the malfunctioning of an important institution and there is no reason to silence such person.

Intellectual advances made by our civilisation would have been impossible without freedom of speech and expression. At any rate, political democracy is based on the assumption that such freedom must be jealously guarded .

Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple;

whoever knew Truth put to the worse, in a free and open encounter?... Who knows not that Truth is strong, next to the Almighty; he needs no policies, no stratagems, no licensings to make her victorious; those are the shifts and defences that error makes against her power ...."

A whistleblower is a person who raises a concern about wrongdoing occurring in an organization or body of people. Usually this person would be from that same organization.

15. In the land of Gautam Buddha, Mahavir and Mahatma Gandhi, the freedom of speech and expression and freedom to speak one's mind have always been respected. After independence, the Courts have zealously guarded this most precious freedom of every human being. Fair criticism of the system of administration of justice or functioning of institutions or authorities entrusted with the task of deciding rights of the parties gives an opportunity to the operators of the system/institution to remedy the wrong and also bring about improvements. Such criticism cannot be castigated as an attempt to scandalize or lower the authority of the Court

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or other judicial institutions or as an attempt to interfere with the administration of justice

"But, like other liberties, this also must be limited."

Krishna Iyer, J. agreed with C.J. Beg and observed:

"Poise and peace and inner harmony are so quintessential to the judicial temper that huff, "haywire" or even humiliation shall not besiege; nor, unveracious provocation, frivolous persiflage nor terminological inexactitude throw into palpitating tantrums the balanced cerebration of the judicial mind. The integral yoga of shanti and neeti is so much the cornerstone of the judicial process that criticism, wild or valid, authentic or anathematic, shall have little purchase over the mentation of the Court. I quite realise how hard it is to resist, with sage silence, the shafts of acid speech; and, how alluring it is to succumb to the temptation of argumentation where the thorn, not the rose, triumphs. Truth's taciturn strategy, the testimony of history says, has a higher power than a hundred thousand tongues or pens. In contempt jurisdiction, silence is a sign of strength since our power is wide and we are prosecutor and judge."

What the respondent projected was nothing but true state of the functioning of CESTAT on administrative side and to some extent on judicial side.By doing so, he had merely discharged the constitutional duty of a citizen enshrined in Article 51A(h).

8. Similarly in the case of **Anirudha Bahal vs. State 2010 SCC OnLine Del 3365,** it is ruled as under;

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*"**DUTY OF A CITIZEN UNDER ARTICLE 51A(H) IS TO DEVELOP A SPIRIT OF INQUIRY AND REFORMS -** Constitution of India mandates citizens to act as agent provocateurs to bring out and expose and uproot the corruption - **it is a fundamental right of citizens of this country to have a clean incorruptible judiciary, legislature, executive and other organs and in order to achieve this fundamental right, every citizen has a corresponding duty to expose corruption wherever he finds it, whenever he finds it and to expose it if possible with proof so that even if the State machinery does not act and does not take action against the corrupt people when time comes people are able to take action***

Chanakaya in his famous work 'Arthshastra' advised and suggested that honesty of even judges should be periodically tested by the agent provocateurs. I consider that the duties prescribed by the Constitution of India for the citizens of this country do permit citizens to act as agent provocateurs to bring out and expose and uproot the corruption

*I consider that one of the noble ideals of our national struggle for freedom was to have an independent and corruption free India. The other duties assigned to the citizen by the Constitution is to uphold and protect the sovereignty, unity and integrity of India and I consider that sovereignty, unity and integrity of this country cannot be protected and safeguarded if the corruption is not removed from this country. - **I consider that a country cannot be defended only by taking a gun and going to border at the time of war. The country is to be defended day in and day***

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<u>out by being vigil and alert to the needs and requirements of the country and to bring forth the corruption at higher level. The duty under Article 51A(h) is to develop a spirit of inquiry and reforms. The duty of a citizen under Article 51A(j) is to strive towards excellence in all spheres so that the national constantly rises to higher level of endeavour and achievements I consider that it is built-in duties that every citizen must strive for a corruption free society and must expose the corruption whenever it comes to his or her knowledge and try to remove corruption at all levels more so at higher levels of management of the State.</u>

9. *I consider that it is a fundamental right of citizens of this country to have a clean incorruptible judiciary, legislature, executive and other organs and in order to achieve this fundamental right, every citizen has a corresponding duty to expose corruption wherever he finds it, whenever he finds it and to expose it if possible with proof so that even if the State machinery does not act and does not take action against the corrupt people when time comes people are able to take action either by rejecting them as their representatives or by compelling the State by public awareness to take action against them.*

The rule of corroboration is not a rule of law. It is only a rule of prudence and the sole purpose of this rule is to see that innocent persons are not unnecessarily made victim. The rule cannot be allowed to be a shield for corrupt.

9. That, your act of deleting the video of my client has caused a great damage to the image and reputation of my client and he has suffered a lot

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of pressure, mental torture, annoyance, inconvenience apart from monetary losses.

10. That, the contents of my client's videos were based on the sound beliefs and all his views expressed were legally admissible views. He was expressing his opinions which is permissible as per Indian laws. My client's only intention was to make people aware and to help them to protect from any misinformation or agenda run by the pharma syndicate. But you noticee YouTube deleted it without any lawful reason.

Hence, you are guilty of offences under section 500, 501 r/w 120 (B) & 34 etc. of IPC.

11. Needless to mention here that, the act of stopping, hiding, removing, suppressing, concealing and twisting material facts from any patient/citizen and leaving him no option but to adopt the option of dangerous vaccines is a preparation of offence as defined under section **511 of IPC** and if any person dies due to such acts of commission and omission, then you noticees will be liable for offence of murder of said person as defined under section 115 & 302 of IPC. Law is made clear in the case of **Airedale N.H.S. Trust v. Bland, (1993) 2 WLR 316 : (1993) 1 All ER 821**, where it is ruled as under ;

> ***"6……****If the patient had been capable of deciding whether or not he wished to be treated, and had either not been asked for his consent or had refused it, the doctors would have been criminally liable since consent is normally an essential element in proper medical treatment. ……..*
>
> *7. Murder. It has been established for centuries that consent to the deliberate infliction of death is no defence to a charge of murder. Cases where the victim has urged the defendant to kill him and the defendant has complied are likely to be rare, but the proposition is established beyond doubt by the*

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law on duelling, where even if the deceased was the challenger his consent to the risk of being deliberately killed by his opponent does not alter the case.

Again, as has been pointed out (Skegg, Law, Ethics and Medicine (1984), p.169 et seq.) if the switching off of a ventilator were to be classified as a positive act, exactly the same result can be achieved by installing a time-clock which requires to be reset every 12 hours: the failure to reset the machine could not be classified as a positive act. In my judgment, essentially what is being done is to omit to feed or to ventilate: the removal of the nasogastric tube or the switching off of a ventilator are merely incidents of that omission: see Glanville Williams, Textbook of Criminal Law , p.282; Skegg , pp.169 et seq.

A. Criminal liability/murder

It is the submission of the Official Solicitor that the withdrawal of artificial feeding would constitute murder. The Official Solicitor has been criticised for using emotive language in this case. In my judgment this criticism is misplaced: much the most difficult question is indeed whether the proposed course of action is, in law, murder notwithstanding the best motives from which everyone concerned is acting.

Murder consists of causing the death of another with intent so to do. What is proposed in the present case is to adopt a course with the intention of bringing about Anthony Bland's death. As to the element of intention or mens rea, in my judgment there can be no real doubt that it is present in this

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case: the whole purpose of stopping artificial feeding is to bring about the death of Anthony Bland.

As to the guilty act, or actus reus, the criminal law draws a distinction between the commission of a positive act which causes death and the omission to do an act which would have prevented death. In general an omission to prevent death is not an actus reus and cannot give rise to a conviction for murder. But where the accused was under a duty to the deceased to do the act which he omitted to do, such omission can constitute the actus reus of homicide, either murder (Rex v. Gibbins and Proctor (1918) 13 Cr.App.R. 134) or manslaughter (Reg. v. Stone [1977] Q.B. 354) depending upon the mens rea of the accused. The Official Solicitor submits that the actus reus of murder is present on two alternative grounds, viz. 1. the withdrawal of artificial feeding is a positive act of commission; or 2. if what is proposed is only an omission, the hospital and the doctors have assumed a duty to care for Anthony Bland (including feeding him) and therefore the omission to feed him would constitute the actus reus of murder.

12. The abovesaid law is made a law of India as per Supreme Court judgment in **Common Cause case (2018) 5 SCC 1,** It is also followed recently in **Meghalaya Vs. State of Meghalaya 2021 SCC OnLine Megh 130** which is regarding the corona vaccines.

13. Section **115 & 302** of **Indian Penal Code** read thus;

"115. Abetment of offence punishable with death or imprisonment for life—if offence not committed.— *Whoever abets the commission of an offence punishable with death or 1[imprisonment for life], shall, if that offence be not*

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committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; If act causing harm be done in consequence.—and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine. Illustration A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or 1[imprisonment for life]. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine. CLASSIFICATION OF OFFENCE Para I: Punishment—Imprisonment for 7 years and fine—According as offence abetted is cognizable or non-cognizable—non-bailable—Triable by court by which offence abetted is triable—Non-compoundable. Para II: Punishment—Imprisonment for 14 years and fine—According as offence abetted is cognizable or non-cognizable—non-bailable—Triable by court by which offence abetted is triable—Non-compoundable.

302. <u>Punishment for murder.—</u>*Whoever commits murder shall be punished with death, or 1[imprisonment for life], and shall also be liable to fine.***"**

14. That You noticee involved in a conspiracy to supress the data and run only one false narrative that vaccines are safe and only solution. In furtherance of said sinister plan, You at your own have uploaded many videos of many captured doctors to spread misinformation that 'vaccines are completely safe and the only available complete solution against the Covid-19.

15. Falsity of all your advertisements, interviews, false narratives and conspiracy theories have been exposed from the following;

(i) Vaccine is not a solution against corona since people getting two doses of vaccine are also infected with corona and some have died.

Link:

1. https://drive.google.com/file/d/1gFR9YyJnjxTu3-Q-D2uG-PmF7uAG4cDp/view?usp=sharing
2. https://theprint.in/health/at-least-60-delhi-doctors-have-died-in-2nd-covid-wave-families-are-left-to-pick-up-pieces/661353/
3. https://www.ndtv.com/india-news/dr-kk-aggarwal-ex-chief-of-india-medical-association-ima-dies-of-covid-19-coronavirus-2443827

(ii) Vaccines are not safe at all and vaccines are having several death causing & other side effects.

Link:

1. https://drive.google.com/file/d/1uikc1a6_KDzUx7HNLrfwaI1NJRt0D_YP/view?usp=sharing
2. https://u.pcloud.link/publink/show?code=kZ03dwXZcrC28I987y41sJlCLpBSUbgJHz07

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(iii) The immunity developed in the person due to his/her coming in contact of SARS-CoV-2 is far superior than the vaccines. It is at least 13 times superior than the immunity developed due to vaccines

Link:

Natural immunity 13 times more effective than vaccine immunity

https://youtu.be/6v5VrpgXPm4

16. However, you noticee run only unilateral and false narrative and have always tried your level best to suppress & conceal the true information from common people. This is in fact an offence of luring the people to take medicine by misrepresenting the public at large. It is an offence punishable under section 420 r/w 120(B) & 340 of I.P.C.

17. That Hon'ble Meghalaya High Court in **Registrar General, High Court of Meghalaya Vs. State of Meghalaya 2021 SCC OnLine Megh 130**, ruled by High Court as under;

> ***"Thus, by use of force or through deception if an unwilling capable adult is made to have the „flu vaccine would be considered both a crime and tort or civil" wrong, as was ruled in Airedale NHS Trust v Bland reported at 1993 AC 789 = (1993) 2 WLR 316 = (1993) 1 All ER 821, around thirty years (30) ago. Thus, coercive element of vaccination has, since the early phases of the initiation of vaccination as a preventive measure against several diseases, have been time and again not only discouraged but also consistently ruled against by the Courts for over more than a century.***

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<u>However, vaccination by force or being made mandatory by adopting coercive methods, vitiates the very fundamental purpose of the welfare attached to it.”</u>

18. That in a case of misinformation campaigne like you, the accused company GlaxoSminthkline recently paid $ 3 Billion (around Rs. 2228 Crores) to the victim.

Link:- **https://www.justice.gov/opa/pr/glaxosmithkline-plead-guilty-and-pay-3-billion-resolve-fraud-allegations-and-failure-report**

Relevant extracts from article reads thus;

“GlaxoSmithKline to plead Guilty and pay $ 3 Billion to Resolve Fraud Allegations and Failure to Report Safety Data.

GSK agreed to plead guilty to a three-count criminal information, including two counts of introducing misbranded drugs, Paxil and Wellbutrin, into interstate commerce and one count of failing to report safety data about the drug Avandia to the Food and Drug Administration (FDA). Under the terms of the plea agreement, GSK will pay a total of $1 billion, including a criminal fine of $956,814,400 and forfeiture in the amount of $43,185,600. The criminal plea agreement also includes certain non-monetary compliance commitments and certifications by GSK’s U.S. president and board of directors. GSK’s guilty plea and sentence is not final until accepted by the U.S. District Court.

GSK will also pay $2 billion to resolve its civil liabilities with the federal government under the False Claims Act, as well as the states. The civil settlement resolves claims relating to Paxil, Wellbutrin and Avandia, as well as

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additional drugs, and also resolves pricing fraud allegations.

"Today's multi-billion dollar settlement is unprecedented in both size and scope. It underscores the Administration's firm commitment to protecting the American people and holding accountable those who commit health care fraud," said James M. Cole, Deputy Attorney General. "At every level, we are determined to stop practices that jeopardize patients' health, harm taxpayers, and violate the public trust – and this historic action is a clear warning to any company that chooses to break the law."

"Today's historic settlement is a major milestone in our efforts to stamp out health care fraud," said Bill Corr, Deputy Secretary of the Department of Health and Human Services (HHS). "For a long time, our health care system had been a target for cheaters who thought they could make an easy profit at the expense of public safety, taxpayers, and the millions of Americans who depend on programs like Medicare and Medicaid. But thanks to strong enforcement actions like those we have announced today, that equation is rapidly changing."

This resolution marks the culmination of an extensive investigation by special agents from HHS-OIG, FDA and FBI, along with law enforcement partners across the federal government. Moving forward, GSK will be subject to stringent requirements under its corporate integrity agreement with HHS-OIG; this agreement is designed to increase accountability and transparency and prevent future fraud and abuse. Effective law enforcement partnerships and

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*fraud prevention are hallmarks of the Health Care Fraud Prevention and Enforcement Action Team (HEAT) initiative, which fosters government collaboration to fight fraud.***"**

19. That your office is not providing the full and correct information which is need of the hour in the interest of public.

19.1. A Hon'ble High Court in **Samson Arthur Vs. Quinn Logistic India Pvt. Ltd. and Ors. MANU/AP/0623/2015: [2016] 194 Comp Cas 100 (AP)** called such act as an offence under sec. 192,193 etc. of Indian Penal Code.

"SUPPRESSIO VERI SUGGESTIO FALSI – The suppression of relevant and material facts is as bad as a false representation deliberately made. Both are intended to dilute- one by inaction and the other by action. Suppression of the truth is equivalent to the suggestion of what is false.

B] A false statement willfully and deliberately made, and a suppression of a relevant and material fact, interfere with the due course of justice and obstruct the administration of justice.

E] It is the duty of the Court, once false averment of facts are discovered, to take appropriate steps to ensure that no one derives any benefit or advantage by abusing the legal process. Fraudulent and dishonest litigants must be discouraged. It is the bounden obligation of the Court to neutralize any unjust and/or undeserved benefit or advantage obtained by abusing the judicial process.

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F] Dishonesty should not be permitted to bear fruit and confer benefit to the person who has made a misrepresentation."

19.2. That section 420 of I.P.C. reads thus;

"Section 420 in The Indian Penal Code

"420. *Cheating and dishonestly inducing delivery of property.—Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."*

19.3. Hon'ble Supreme Court in **Bhanwar Kanwar Vs. R.K.Gupta (2013) 4 SCC 252,** had ruled as under;

"19. *The National Commission has already held that* ***Respondent 1 was guilty of unfair trade practice and adopted unfair method and deceptive practice by making false statement orally as well as in writing. In view of the aforesaid finding, we hold that both Prashant and the appellant suffered physical and mental injury due to the misleading advertisement, unfair trade practice and negligence of the respondents. The appellant and Prashant thus are entitled for an enhanced compensation for the injury suffered by them****. Further, we find no reason given by the National Commission for deducting 50% of the*

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compensation amount and to deposit the same with the Consumer Legal Aid Account of the Commission.

20.** We, accordingly, set aside that part of the order passed by the National Commission and enhance the amount of compensation at **Rs 15 lakhs for payment in favour of the appellant with a direction to the respondents to pay the amount to the appellant within three months.** The appeal is allowed but there shall be no separate order as to costs."***

19.4. GlaxoSmithKline to Plead Guilty and Pay $3 Billion to Resolve Fraud Allegations and Failure to Report Safety Data

Largest Health Care Fraud Settlement in U.S. History

Global health care giant GlaxoSmithKline LLC (GSK) agreed to plead guilty and to pay $3 billion to resolve its criminal and civil liability arising from the company's unlawful promotion of certain prescription drugs, its failure to report certain safety data, and its civil liability for alleged false price reporting practices, the Justice Department announced today. The resolution is the largest health care fraud settlement in U.S. history and the largest payment ever by a drug company.

19.5. It is also contempt of law laid down in **Secretary General, Supreme Court of India Vs. Subhash Chandra Agarwal, 2010 SCC OnLine Del 111**, it is ruled as under;

***"42.** Professor S.P. Sathe, in his brilliant work on right to information ("Right to Information" : Lexis Nexis Butterworths, 2006) stated that there are certain disadvantages of treating the right to information as situated exclusively in Article 19(1)(a) of the Constitution. According*

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to the learned author, the right to information is not confined to Article 19(1)(a) but is also situated in Article 14 (equality oefore the law and equal protection of law) and Article 21 (right to life and personal liberty). The right to information may not always have a linkage with the freedom of speech. If a citizen gets information, certainly his capacity to speak will be enhanced. But many a time, he needs information, which may have nothing to do with his desire to speak. He may wish to know how an administrative authority has used its discretionary powers. He may need information as to whom the petrol pumps have been allotted. The right to information is required to make the exercise of discretionary powers by the Executive transparent and, therefore, accountable because such transparency will act as a deterrent against unequal treatment. In S.P. Gupta's case, the petitioners had raised the question of alleged misuse of power of appointing and transferring the Judges of the High Court by the Government. In order to make sure that the power of appointment of Judges was not used with political motives thereby undermining the independence of the judiciary, the petitioners sought information as to whether the procedures laid down under Articles 124(2) and 217(1) had been scrupulously followed. Here the right to information was a condition precedent to the rule of law. Most of the issues, which the Mazdoor Kisan Shakti Sangathan of Rajasthan had raised in their mass struggle for the right to information, were mundane matters regarding wages and employment of workers, such information was necessary for ensuring that no discrimination had been made between workers and that everything had been done

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according to law. The right to information is thus embedded in Articles 14, 19(1)(a) and 21 of the Constitution.

38. *The concept of the right to information was eloquently formulated by Mathew, J. in The State of UP v. Raj Narain, (1975) 4 SCC 428 : AIR 1975 SC 865, in the following words : (para 74)*

> *"In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security, see New York Times Co. v. United States, (1971) 29 Law Ed. 822 : 403 U.S. 713. To cover with veil of secrecy, the common routine business, is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption."*

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39. *In the case of S.P. Gupta v. Union of India, 1981 Supp SCC 87 (para 65), Bhagwati, J (as he then was) emphasising the need for openness in the government, observed:*

> *65. The demand for openness in the government is based principally on two reasons. It is now widely accepted that democracy does not consist merely in people exercising their franchise once in five years to choose their rules and, once the vote is cast, then retiring in passivity and not taking any interest in the government. Today it is common ground that democracy has a more positive content and its orchestration has to be continuous and pervasive. This means inter alia that people should not only cast intelligent and rational votes but should also exercise sound judgment on the conduct of the government and the merits of public policies, so that democracy does not remain merely a sporadic exercise in voting but becomes a continuous process of government - an attitude and habit of mind. But this important role people can fulfil in a democracy only if it is an open government where there is full access to information in regard to the functioning of the government."*

Liability to Provide Information

46. *Every public authority is liable to provide information. "Public authority" has been defined by Section 2(h) as any authority or body or institution of self-government established or constituted - (a) by or under the Constitution; (b) by any other law made by Parliament; (c) by any other law made by State Legislature; (d) by notification issued or order made by*

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the appropriate Government, and includes any - (i) body owned, controlled or substantially financed; (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government. By virtue of Section 24, the Act does not apply to the Intelligence and Security Organisations specified in the Second Schedule. However, the information pertaining to the allegations of corruption and human rights violations shall be required to be given by such authorities subject to the approval of the Central Information Commissioner.

47. *The Act does not merely oblige the public authority to give information on being asked for it by a citizen but requires it to suo moto make the information accessible. Section 4(1)(a) of the Act requires every public authority to maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated. Section 4 spells out various obligations of public authorities and Sections 6 and 7 lay down the procedure to deal with request for obtaining information."*

20. It is apt to reproduce the excerpts from the speech delivered by Supreme Court of India's Judge Shri. Dr. Dhananjaya Y. Chandrachud on **28 August, 2021** in Justice MC Chagla Memorial Lecture 2021.

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"Understandably, the State does not often adjudicate upon scientific truths but it does provide them its tacit approval when it decides to form policies based on them. As such, all policies of the State can be assumed to have been formed on their basis of what the "truth" of our society is. However, this by no means leads to the conclusion that the States cannot indulge in falsehood for political reasons, even in democracies. The role of the United States in the Vietnam War did not see daylight until the Pentagon Papers were published. In the context of the COVID-19 pandemic, we see that there is an increasing trend of countries across the world who are trying to manipulate data on the COVID-19 infection rate and deaths. Hence, once cannot only rely on the State to determine the "truth".

The second means of determining the "truth" is by 'experts' such as scientists, statisticians, researchers, and economists who can verify knowledge. Because of their expertise in a given area, the citizens are often expected to bow down to their determination of the "truth" since it does not suffer from the malaise of political bias. However, this is not always true because while experts may not have political affiliation, their claims are also subject to manipulation due to reasons such as ideological affinity, receipt of financial aids or personal malice. These 'experts' are also often employed by think-tanks who conduct research to support specific opinions.

However, postmodernist scholars have correctly noted that while the facts in themselves may be accurate, their selection, arrangement, and the conclusions drawn from them are subject to the individual realities of the person making these determinations. As such, the opinion of an 'expert' cannot really be considered as the objective "truth" even when based upon true

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facts because it is one possible opinion based on those facts, and not the only one. *Hannah Arendt notes that this cherry-picking of facts in one's favor has given rise to "spin", in which the citizens are not technically told a lie but the facts are selected in a way to provide only a version of the "truth", which then helps manufacture the consent of the unsuspecting citizens.*

This leaves us with the third means of determination of truth, which is through deliberation and discussion by the citizens – by paralleling, combining, and expounding the claims of truth in the public sphere. It is often argued that scientific truth that is dependent on the knowledge of the experts and truth that is out of the reach of the common man due to non-transparency by State actors, cannot be verified by the common man due to the evident lack of expertise in that field of science and ***lack of information in the public forum. However, as responsible citizens, we should put these 'truth providers' through intense scrutiny and questioning, to convince ourselves of the veracity of the claims made by them.*** *For this, it is also equally important for those making truth claims to be transparent and conspicuous. We must together endeavour to create and encourage a culture that is conducive for deliberation of truth, particularly because "truth" dances on a fine balance between facts and opinions. However, this brings us to the question of who should be the citizens to take up this role?*

Similarly, Noam Chomsky, in his celebrated article The Responsibility of Intellectuals which was written in the context of the United States' ongoing involvement in the war in Vietnam, noted that it was the duty of the "intellectuals" to speak the truth and expose the lies of the State and its 'experts'*.*

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As such, it is important to remember that every person – rich or poor; male or female or belonging to a third gender; Dalit or Brahmin or otherwise; Hindu, Muslim or Christian or belonging to any other religion – has the inherent capacity to identify the truth, and differentiate it from falsehood. This capacity to identify the truth stems from common knowledge, experiences in life, their individual struggles, and much more. However, many of them are unable to participate in this process because of systemic oppression which either does not provide a platform for their voices or works to minimise their actual impact. Hence, while considering the role of citizens in determining the "truth", we must keep in mind that this does not refer only to the elite, privileged class of intellectuals but includes everyone. Therefore, it is imperative upon us to create an environment where this becomes possible.

This is also keeping in line with the ideas of John Stuart Mill, who in his seminal work Liberty elucidated on the disadvantage of suppressing opinions and stated.

> *"The peculiar evil of silencing the expression of an opinion is, that it is robbing […] those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."*

As such, Mill was a firm believer in the "market place of ideas", where given enough time, the truth would always prevail over falsehood. However, we must test the veracity of this claim in present time, in what is now being called the "post-truth" world.

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"Speaking truth to power" aims to wield the power of "truth" against the powerful, be it an imperial power or even an all-powerful State. Crucially, the assumption is that the act of speaking the "truth" will counter-act power, and obviate a predisposition towards tyranny.

At the outset then, it is important to consider why "truth" is so important to democracy, which is the form of governance adopted in order to prevent the tyranny of the few.

Truth Commissions immediately upon gaining independence from a totalitarian regime or after coming out of a period fraught with human rights violations. These Commissions function to document, record and acknowledge the "truth" of earlier regimes and violations for future generations, so as to not only provide catharsis to the survivors but also prevent any possibility of denial in the future . In a different context, this role can also be played by Courts which have the ability to document information from all the parties involved, after due process has been followed. In the suo motu cognizance of the COVID-19 pandemic taken by our Supreme Court, we have acknowledged this very role in the context of the pandemic.

However, the relationship that truth shares with democracy is that of both a sword and a shield. The scope for extensive deliberation, particularly in the age of social media, exposes multiple "truths" so much so that it seems like we live in an "age of lies", and that shakes the very foundation of a democracy. The citizens should arrive at a consensus on at least the basic facts that are backed by both science and society to form collective decisions. ***Hence, if deliberations are censored by the State or if we either subconsciously or deliberately censor them, we would discern just***

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one "truth" – one that is not challenged by us. In contrast, deliberation by multiple groups with differing viewpoints will pave way for correction of errors in this "truth". Ideas will be aggregated, and the entire process will help in the emergence of a creative solution that no one person could have thought of individually.

This then brings us to the 'pragmatic' theory of truth, which defines "truth" in terms of 'opinions'. ***It is in this context that Sophia Rosenfeld, an eminent historian****, notes that due to the increasing belief of people in the non-existence of impartial 'facts' and their legitimate sources, people's idea of "truth" has become more instinctive, where "truth" is whatever feels right to them. In essence, ""[t]ruth" has become personal, a matter of subjective feeling and taste and not much different from an opinion" . However, a quick glance through history will teach that individuals sometimes tend to have opinions that may not be morally justifiable to others.*

As such, women and black Africans were not treated as citizens because they were – according to those who held power and could wield words – cunning, manipulative, and weak. Hence, the very fact that these opinions are acknowledged today for their racist and sexist overtones lends credence to argument that "truth" cannot be akin to an opinion, since that would allow for personal prejudices to creep into its determination. It is in this vein, that Daniel Patrick Moynihan, an American politician, sociologist, and diplomat had said that "everyone is entitled to [their] own opinion, but not [their] own facts*"*

As such, it was argued by philosopher Michel Foucault that different societies are engaged in different "regimes of truth".

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Even within such societies, different sections are governed by different truths, with often those in dominant positions imposing their version of the truth upon others. Hence, facts and opinions cannot be confined to water-tight compartments when they overlap in various instances in their relationship with "truth". The opinion of a person is conferred the status of a 'fact' and subsequently "truth" depending upon the power they yield in society. This was also confirmed in a 1994 study by a historian of science named Steven Shapin, when he noted that even at the height of the Scientific Revolution in seventeenth century England, truth was closely linked to an elite culture of honour, wealth, and civilized comportment and was not a universal standard.

The first of these was factual or forensic truth, which we would describe as "scientific" truth since it is determined on the basis of facts and is the most commonly understood definition of "truth". However, it is the other three which were extremely peculiar. ***The second was personal or narrative truth****, which was based upon the cathartic benefit of storytelling, where every person who was affected by the apartheid regime could come forward and tell their story in public hearings. The third was social or "dialogue" truth, which was defined by Justice Albie Sachs of the Constitutional Court of South African as "the truth of experience that is established through interaction, discussion and debate". The basis of this truth often arose from the dialogue surrounding the work of the Truth Commission, which happened in an entirely public setting. And finally, the fourth was healing and restorative truth, where the Truth Commission offered an acknowledgment of the crimes committed against the survivors by putting the facts collected by them in their proper political, social, and ideological context.*

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While someone's speech may not be removed from the internet, it can be effectively drowned out by flooding the internet with massive amounts of information to the contrary. This will ensure that many people do not even read the original speech or will be unconvinced of its truth.

This tendency to exhibit 'epistemic spillovers' has led to the manifestation of multiple truths. No consensus is reached on the identification of "the truth" due to our tendency to not be able to accept or even consider the views of those whom we reflect to be different from us. We subconsciously filter the "truth" that does not align with our interest.

Indeed, social media corporations can be afforded some of the blame because their interface and algorithms help increase existing polarization. But doing so only ignores the deeper underlying issues in our communities. People often have such differing conceptions of the "truths" because their realities are very different to one another.

Finally, as citizens of a democracy that is India, we need to commit ourselves to the search for "truth" as a key aspiration of our society. I had mentioned earlier that our national motto is "Satyamev Jayate" or "Truth Shall Prevail". It is crucial that we etch this into all our hearts, and work towards living up to it by developing the right temperament. We can do this by questioning of the State, 'experts' and fellow citizens in order to determine the "truth", and then speaking this truth to them, if they choose to ignore or deny it.

I will not deny that the challenge before us is tough and requires constant effort from all of us. I hope every single citizen of India does their bit in honouring the memory of the great Justice Chagla

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by speaking truth to power and working towards bettering our democracy!"

21. Section 505 (i) (b) of Indian Penal Code reads thus;

> ***"Section 505(1)(b) in The Indian Penal Code:-***
>
> ***(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity."***

22. Section 54 of Disaster Management Act, 2005 reads thus;

> ***"54. Punishment for false warning:-***
>
> *Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine. —Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine."*

23. You were fully aware that in future the issue might come before the Court and in order to frustrate the rights of the victim and to help the vaccine syndicate, you both conspired, connived and ran the narrative with an ulterior motive to be used in court to misguide and mislead the concerned Judge. Hence it is also an offence under Section 192, 193, etc. of I.P.C.

24. Section 192 & 193 of Indian Penal Code reads thus;

> ***"192. Fabricating false evidence:-***

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Whoever causes any circumstance to exist or 1[makes any false entry in any book or record, or electronic record or makes any document or electronic record containing a false statement], intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence".

193. <u>Punishment for false evidence</u>:-

Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.—A trial before a Court-martial; 1[***] is a judicial proceeding. Explanation 2.—An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

25. Section 500 & 501 of Indian Penal Code reads thus;

"500. <u>Punishment for defamation</u>:-

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Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

501. <u>Printing or engraving matter known to be defamatory</u>:-

*Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.**"***

26. Needless to remind You that as per the law of conspiracy as explained in **<u>Raman Lal vs. State of Rajasthan 2000 SCC OnLine Raj 226</u>**, the circumstantial evidence is also sufficient for the prosecution of You notice. It is ruled as under;

"<u>Conspiracy – I.P.C. Sec. 120 (B)</u>:-

*Apex court made it clear that an inference of conspiracy has to be drawn on the basis of circumstantial evidence only because it becomes difficult to get direct evidence on such issue – The offence can only be proved largely from the inference drawn from acts or illegal ommission committed by them in furtherance of a common design – Once such a conspiracy is proved, act of one conspirator becomes the act of the others – A Co-conspirator who joins subsequently and commits overt acts in furtherance of the conspiracy must also be held liable – Proceeding against accused cannot be quashed.**"***

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27. That You noticee are criminal and conspirators of offences against entire humanity. You helped the vaccine syndicate Bill Gates, Dr. Anthony Faucci & others in committing the offences of mass murders and genocide. You people are responsible for the loss of livelihood of Billions of people. You have destroyed the dreams of many children, youth & adults. Because of your act of commission and omission, citizens were unable to get the correct information and under deception they were compelled to take vaccines.

28. That my client tried to educate people but You Noticee obstructed my client from performing his Constitutional duties and because of your act of commission and omission, my client got defamed in the society at large, and therefore you Noticee are liable to pay a compensation of **Rs. 1000 Crores** to my client within a period of Seven Days.

29. The abovesaid proportion of compensation for causing defamation of my client is based on the judgment of **Civil Court Senior Division, Pune** in the case of **Mr. Parshuram Babaram Sawant vs. Times Global Broadcasting Co. Ltd.** In the said case, a compensation of Rs. 100 Crores was granted for defamation on electronic media for half an hour.

30. Said judgment is again referred by Hon'ble Bombay High Court (Division Bench) in the case of **Veena Sippy Vs. Mr. Narayan Dumbre & Ors. 2012 SCC OnLine Bom 339,** where it is ruled as under;

> ***"20….****We must state here that the Petitioner in person has relied upon an interim order passed by this Court in First Appeal arising out of a decree passed in a suit.* ***The decree was passed in a suit filed by a retired Judge of the Apex Court wherein he claimed compensation on account of act of defamation. Considering the evidence on record, the Trial Court passed a decree for payment of damages of Rs. 100/- crores. While admitting the Appeal and while***

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considering the prayer for grant of stay, this Court directed the Appellant-Defendant to deposit a sum of Rs. 20/- crores in the Court and to furnish Bank Guarantee for rest of the decretal amount as a condition of grant of stay. *However, this Court directed investment of the amount of Rs. 20/- crores till the disposal of the Appeal. The interim order of this Court has been confirmed by the Apex Court.*

23….

> ***i.*** *We hold that the detention of the Petitioner by the officers of Gamdevi Police Station from 5th April, 2008 to 6th April, 2008 is illegal and there has been a gross violation of the fundamental right of the Petitioner guaranteed by Article 21 of the Constitution of India.*
>
> ***ii.*** *We direct the 5th Respondent-State of Maharashtra to pay compensation of Rs. 2,50,000/- to the Petitioner together with interest thereon at the rate of 8% per annum from 5th April, 2008 till the realization or payment. We direct the State Government to pay costs quantified at Rs. 25,000/- to the Petitioner. We grant time of six weeks to the State Government to pay the said amounts to the Petitioner by an account payee cheque. It will be also open for the fifth Respondent - State Government to deposit the amounts in this Court within the stipulated time. In such event it will be open for the Petitioner to withdraw the said amount.*
>
> ***iii.*** *We clarify that it is open for the State Government to take proceedings for recovery of the amount of*

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compensation and costs from the officers responsible for the default, if so advised.

iv. *Petition stands dismissed as against the Respondent No. 4.*

vi. We make it clear that it will be open for the Petitioner to adopt a regular remedy for recovery of compensation/damages in addition to the amount directed to be paid under this Judgment."

31. You are requested to go through the case against You noticee where You were fined with 1,00,000 euros by the German Regional High Courts.

The excerpts from the news article are produced here for your ready references.

"*Recently YouTube has been fined 100,000 euros by the German Higher Regional Court at Dresden after it wrongly deleted a user's video which showed massive pandemic lockdown protests in Switzerland – and then failed to reinstate the video 'immediately' after the court ordered it to do so on April 20.*

Meanwhile, a so-called independent fact-checker website FactCheck.org was exposed to be funded by the same $1.9 billion vaccine lobby group that it is supposed to check. The site is a Facebook partner whose articles are used to censor critical voices on the social media platform. It is headed by the former CDC director, which is again a conflit of interest.

In a shocking revelation came to light that Google and USAID funded research conducted by Peter Daszak's EcoHealth Alliance – a controversial group which has

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openly collaborated with the Wuhan Institute of Virology on "killer" bat coronavirus research – for over a decade.

In a move against this Big Tech censorship of free speech, Poland is planning to make censoring of social media accounts illegal.

"Algorithms or the owners of corporate giants should not decide which views are right and which are not," said the prime minister of Poland, Mateusz Morawiecki. "There can be no consent to censorship."

Link:

https://greatgameindia.com/youtube-pandemic-fine-german-court/

32. Contempt of Supreme Court and Hon'ble Delhi High Court:-

32.1. That your act also amounts to Civil Contempt for wilful disregard and defiance of Hon'ble Supreme Court & Hon'ble Delhi High Court judgment in the above mentioned cases and more particularly in:

(i) Tata Press Ltd. Vs. Maharashtra Telephone **(1995) 5 SCC 139.**

(ii) Benett Coleman Vs. UOI **(1985) 1 SCC 641.**

(iii) State Vs. Raj Narain **(1975) 4 SCC 428.**

(iv) Secretary General of Supreme Court Vs. Shubhash Chandra Agarwal **2010 SCC OnLine Del 111.**

32.2. That in Re: M.P. Dwivedi **(1996) 4 SCC 152** Hon'ble Supreme Court had ruled as under;

"17. As laid down by this Court

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*"Contempt of court is disobedience to the court, by acting in opposition to the authority, justice and dignity thereof. It signifies a wilful disregard or disobedience of the court's order; it also signifies such conduct as tends to bring the authority of the court and the administration of law into disrepute". (See: Baradakanta Mishra, Ex-Commr. of Endowments v. Bhimsen Dixit [(1973) 1 SCC 446 : 1973 SCC (Cri) 360 : (1973) 2 SCR 495] , at p. 499 SCC p. 449, para 11.***"***

32.3. In **Priya Gupta v. Addl. Secy. Ministry of Health and Family Welfare, (2013) 11 SCC 404**, the Supreme Court held as under:-

"*19.* *It is true that Section 12 of the Act contemplates disobedience of the orders of the court to be wilful and further that such violation has to be of a specific order or direction of the court.* ***To contend that there cannot be an initiation of contempt proceedings where directions are of a general nature as it would not only be impracticable, but even impossible to regulate such orders of the court, is an argument which does not impress the court. As already noticed, the Constitution has placed upon the judiciary, the responsibility to interpret the law and ensure proper administration of justice. In carrying out these constitutional functions, the courts have to ensure that dignity of the court, process of court and respect for administration of justice is maintained.*** *Violations which are likely to impinge upon the faith of the public in administration of justice and the court system must be punished, to*

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prevent repetition of such behaviour and the adverse impact on public faith. With the development of law, the courts have issued directions and even spelt out in their judgments, certain guidelines, which are to be operative till proper legislations are enacted. The directions of the court which are to provide transparency in action and adherence to basic law and fair play must be enforced and obeyed by all concerned. The law declared by this Court whether in the form of a substantive judgment inter se a party or are directions of a general nature which are intended to achieve the constitutional goals of equality and equal opportunity must be adhered to and there cannot be an artificial distinction drawn in between such class of cases. Whichever class they may belong to, a contemnor cannot build an argument to the effect that the disobedience is of a general direction and not of a specific order issued inter se parties. Such distinction, if permitted, shall be opposed to the basic rule of law.

23. *... The essence of contempt jurisprudence is to ensure obedience of orders of the Court and, thus, to maintain the rule of law. History tells us how a State is protected by its courts and an independent judiciary is the cardinal pillar of the progress of a stable Government. If over-enthusiastic executive attempts to belittle the importance of the court and its judgments and orders, and also lowers down its prestige and confidence before the people, then greater is the necessity for taking recourse to such power in the interest and safety of the public at large. The power to*

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punish for contempt is inherent in the very nature and purpose of the court of justice. In our country, such power is codified…"

(Emphasis supplied)

32.4. In **State of Gujarat v. Secretary, Labour Social Welfare and Tribunal Development Deptt. Sachivalaya, 1982 CriLJ 2255**, the Division Bench of the Gujarat High Court summarized the principles as under:-

*"**11.** From the above four decisions, the following propositions emerge:*

(1) It is immaterial that in a previous litigation the particular petitioner before the Court was or was not a party, but if a law on a particular point has been laid down by the High Court, it must be followed by all authorities and tribunals in the State;

(2) The law laid down by the High Court must be followed by all authorities and subordinate tribunals when it has been declared by the highest Court in the State and they cannot ignore it either in initiating proceedings or deciding on the rights involved in such a proceeding;

(3) If in spite of the earlier exposition of law by the High Court having been pointed out and attention being pointedly drawn to that legal position, in utter disregard of that position, proceedings are initiated, it must be held to be a wilful disregard of the law laid down by the High Court and would amount to civil

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***contempt as defined in section 2(b) of the Contempt of Courts Act, 1971.*"**

(Emphasis supplied)

32.5. In the case of **Makhanlal Waza v. State of J&K, (1971) 1 SCC 749**, it is ruled as under;

> *"6. The law so declared by this Court was binding on the respondent-State and its officers and they were bound to follow it whether a majority of the present respondents were parties or not in the previous petition."*
>
> *(Emphasis supplied)*

32.6. Section 12 of the Contempt of Courts Act, 1971 reads thus;

> ***"12. Punishment for contempt of court :-***
> ***(1)*** *Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both: - (1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both\:" Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation. - An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.*

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(2) *Notwithstanding anything contained in any other law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.*

(3) *Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit.*

(4) *Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person: Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.*

(5) *Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such*

Amishra.

director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer. Explanation. - For the purposes of sub-sections (4) and (5), -

(a) *"company" means any body corporate and includes a firm or other association of individuals; and*

(b) *"director", in relation to a firm, means a partner in the firm."*

33. That the offences committed by You Noticee are continuing ones and my client's defamation is still going on.

34. Hence, you are hereby called upon to;

(i) Publish an apology on Facebook / Youtube / Twitter.

(ii) Pay my client a compensation of Rs. 1000 Crores for defamation through **Demand Draft (DD)** within **7 days** of receipt of this notice.

(iii) Remove restriction and restore the videos forthwith.

(iv) Immediately stopping the misinformation campaign run by you with ulterior motives to help the vaccine mafias and cheat the public and thereby putting citizens' life into jeopardy.

(v) Immediately stopping the Contempt of Hon'ble Supreme Court and Hon'ble various High Courts in India.

(vi) To immediately start respecting & following the Constitution of India and our country's domestic laws and also to act as per United Nations Universal Declaration on Bioethics, 2005 & International Covenant on Civil & Political Rights.

Amishra.

35. You are further called upon to resist & desist from assigning yourself to the post of a Judge of a Court and to decide the rival claims of the parties as to whether taking vaccine is good or bad. You are usurping the jurisdiction of the Court and thereby posing yourself above the law and committing Contempt of Court.

36. Please take a note that, this notice is independent of and given by reserving our rights to initiate criminal prosecutions under **sec. 499, 500, 501, r/w 120(B), 34 etc. of Indian Penal Code** and under **Section 12 of Contempt of Courts Act, 1971 r/w Article 129, 215 of the Constitution of India** in the competent courts and even if you pay compensation amount of Rs. **1000 Crores** will not permit you in law, for claiming discharge or exoneration from prosecution.

37. Under these circumstances, please take a serious note of this notice.

Notice charges of Rs. 25 Lacs are levied upon you.

Place: Mumbai
Date: 30/09/2021.

Sincerely

Adv. Abhishek Mishra