

**In Re: Order of Punjab and Haryana High Court
dated 17.07.2024 and Ancillary Issues**

(Suo Motu Writ (Civil) No. 8 of 2024)

07 August 2024

**[Dr Dhananjaya Y Chandrachud,* CJI, Sanjiv Khanna,
B.R. Gavai, Surya Kant and Hrishikesh Roy, JJ.]**

Issue for Consideration

Whether gratuitous observations passed by a Judge of a High Court regarding previous orders of the Supreme Court, undermine the authority of the Supreme Court and should therefore be expunged?

Headnotes[†]

Suo moto proceedings initiated by Supreme Court – Observations made in an order by Judge of the High Court of Punjab and Haryana on the Supreme Court found to be a matter of grave concern – Totally unnecessary for the ultimate order passed – Gratuitous observations on previous orders passed by the Supreme Court or for that matter in the course of the same proceedings absolutely unwarranted – Observations to be expunged from the order – Greater caution to be exercised in the future while dealing with orders of the Supreme Court and by the Division Bench of the High Court:

Held: 1. In an order dated 17.01.2024, a Judge of the High Court of Punjab and Haryana made certain observations regarding the Supreme Court of India – These observations were found to be a matter of grave concern and totally unnecessary for the ultimate order passed – Held that such observations tend to bring the entire judicial machinery into disrepute, and affects not only the dignity of the Supreme Court, but of the High Courts as well – Necessity of judicial discipline and respect for the hierarchical structure of the judiciary underscored – Intended to preserve the dignity of all institutions, whether at the level of District, High Court or Supreme Court. [Paras 4 and 6]

2. Compliance with orders passed by the Supreme Court is not a matter of choice, but a matter of bounden constitutional obligation, given the structure of the Indian legal system and the authority of

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the Supreme Court which heads the process of judicial adjudication of the country. [Para 4]

3. Plain function of the Supreme Court to set right any attempt to dislocate the sanctity of judicial authority and maintenance of judicial discipline – Observations made by Judge in order dated 17.07.2024 expunged – Greater caution expected to be exercised in the future while dealing with orders of the Supreme Court and of the Division Bench of the High Court. [Para 8]

4. Whether individual judges are in agreement with the merits or otherwise of an order passed by a superior court is beside the point – Every Judge is bound by the discipline which the hierarchical nature of the judicial system imposes within the system – No Judge is personally affected by the orders passed either by the Division Bench of the High Court or, as the case may be, by the Supreme Court. [Para 8]

5. In an age where there is widespread reporting of every Court proceeding, particularly in the context of live streaming which is intended to provide access to justice to citizens, it is all the more necessary that Judges should exercise due restraint and responsibility in the observations which are made in the course of proceedings sanctity of judicial process can be caused incalculable harm. [Para 9]

Notice not issued to Judge as it would put him in a situation of being subject to a judicial adjudication or inquiry by this Court. [Para 10]

Case Law Cited

Tirupati Balaji Developers (P) Ltd. v. State of Bihar (2004) 5 SCC 1 – followed.

List of Keywords

Contempt of Court; Contempt Proceeding; Judicial Discipline; Hierarchical Nature; Gratuitous Observation; Bounden Constitutional Obligation; Suo Motu Notice; Judicial Authority; Access to Justice; Sanctity of Judicial Process.

Case Arising From

CIVIL ORIGINAL JURISDICTION: Suo Motu Writ (Civil) No. 8 of 2024
(Under Article 32 of The Constitution of India)

**In Re: Order of Punjab and Haryana High Court
dated 17.07.2024 and Ancillary Issues**

Appearances for Parties

By Courts Motion.

R. Venkataramani, Attorney General, Tushar Mehta, SG, Lokesh Sinhal, Sr. AAG, Kanu Agrawal, Advs. for the Respondent.

Judgment / Order of the Supreme Court

Judgment

Dr Dhananjaya Y Chandrachud, CJI

1. The Court has taken up these proceedings *suo motu* in the context of an order dated 17 July 2024 passed by Justice Rajbir Sehrawat, Judge of the High Court of Punjab and Haryana, while entertaining a contempt proceeding titled **Naurty Ram v Devender Singh IAS and Anr.**¹
2. The underlying facts which gave rise to the contempt proceeding do not need to engage the attention of this Court. However, while dealing with the contempt proceedings, Justice Sehrawat has made observations in regard to the Supreme Court of India. Those observations are a matter of grave concern. Since the order forms part of the public record of the High Court, it is unnecessary for this Court to extract those observations, particularly, given the course of action which this Court proposes to adopt.
3. The principles governing the comity between the High Courts, on one hand, and the Supreme Court as the apex judicial institution of the country, on the other, are dealt with in numerous decisions of this Court. We may only reiterate the principles which have been laid down in the decision of this Court in **Tirupati Balaji Developers (P) Ltd v State of Bihar.**²
4. Judicial discipline in the context of the hierarchical nature of the judicial system is intended to preserve the dignity of all institutions, whether at the level of District, High Court or Supreme Court. The observations in the order of the Single Judge dated 17 July 2024 were totally unnecessary for the ultimate order which was passed. Gratuitous

¹ COCP-87-2022 (O&M)

² (2004) 5 SCC 1

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observations in regard to previous orders passed by the Supreme Court or for that matter in the course of the same proceedings are absolutely unwarranted. Compliance with the orders passed by the Supreme Court is not a matter of choice, but a matter of bounden constitutional obligation, bearing in mind the structure of the Indian legal system and the authority of the Supreme Court which heads the process of judicial adjudication of the country. In passing its orders, including orders of the nature that gave rise to the observations of the Single Judge, this Court discharges its plain duty. Parties may be aggrieved by an order. Judges are never aggrieved by an order which is passed by a higher constitutional or appellate forum.

5. The Attorney General for India and the Solicitor General, while dilating on the background of the case which led to the passing of the order dated 17 July 2024, have submitted that the order of the Single Judge has affected the dignity not only of this Court, but of the High Court as well.
6. This Court is constrained to take *suo motu* notice of the contents of the order dated 17 July 2024 passed by the Single Judge in view of the fact that such observations tend to bring the entire judicial machinery into disrepute. This affects not only the dignity of this Court, but of the High Courts as well. We are accordingly of the view that such observations were wholly unnecessary for the conduct of the judicial proceedings before the High Court and ought to have been eschewed. Though there is a merit in the submission which has been urged by the Attorney General and the Solicitor General, we are inclined to exercise a degree of restraint in pursuing a further course of action based on the observations of the Single Judge.
7. The Court is apprised of the fact that the Division Bench of the High Court presided over by the Chief Justice has taken *suo motu* notice³ of the observations made by the Single Judge and stayed the operation of the order of the Single Judge.
8. Notwithstanding the aforesaid exercise which has been carried out *bona fide* by the Bench presided over by the Chief Justice, we are of the view that in a situation where the authority of this Court is

³ CWP-19068-2024 (O&M) dated 7 August 2024

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undermined by gratuitous observations made by the Single Judge, it is the plain function of this Court to set right any attempt to dislocate the sanctity of judicial authority and maintenance of judicial discipline. We accordingly expunge the observations which have been made by Justice Rajbir Sehrawat in the order dated 17 July 2024 and expect that greater caution should be exercised in the future while dealing with orders of the Supreme Court and, for that matter, the orders passed by the Division Bench of the High Court. Whether individual judges are in agreement with the merits or otherwise of an order passed by a superior court is besides the point. Every Judge is bound by the discipline which the hierarchical nature of the judicial system imposes within the system. No Judge is personally affected by the orders passed either by the Division Bench of the High Court or, as the case may be, by the Supreme Court.

9. The order dated 17 July 2024 is compounded by a video which has been circulating indicating random, gratuitous and unwarranted remarks made by Justice Rajbir Sehrawat during the course of the hearing. In an age where there is widespread reporting of every proceeding which takes place in the Court, particularly in the context of live streaming which is intended to provide access to justice to citizens, it is all the more necessary that Judges should exercise due restraint and responsibility in the observations which are made in the course of proceedings. Observations of the nature which have proliferated in the video of the proceedings of the Single Judge can cause incalculable harm to the sanctity of the judicial process. We hope and trust that circumspection shall be exercised in the future.
10. We are not inclined to issue notice to the Single Judge of the High Court whose observations form the subject matter of the order dated 17 July 2024. Doing so would place the Judge in a situation of being subject to a judicial adjudication or inquiry by this Court, which we are inclined to desist from doing, at this stage. However, this Court in the exercise of its affirmative obligations as the custodian of the adjudicatory process would be failing in its duty if it were not to intervene by expunging the remarks which were made in the order dated 17 July 2024. The observations in the order dated 17 July 2024 are accordingly expunged with an expression of caution. We hope that it would not be necessary for this Court to intervene any such

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matter in the future either in relation to the same Judge or any other Judge in the country.

10. The present proceedings are accordingly disposed of.

Result of the case: Proceedings Disposed of.

[†]*Headnotes prepared by:* Himanshu Rai, Hony. Associate Editor
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