



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 8918 of 2025

Sharad Chandra Srivastava 7 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ranjana Agnihotri, Utkarsh Pratap Singh
Counsel for Respondent(s)	: C.S.C., A.S.G.I.

Court No. - 2

**HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE BRIJ RAJ SINGH, J.**

1. Heard the learned counsel for the petitioners and Shri S.B. Pandey, learned Deputy Solicitor General of India/ learned Senior Advocate assisted by Shri Anand Dwivedi for the Opposite party nos.2, 3 and 4.

2. This petition has been filed by the petitioners for the following prayers:-

" A) A writ order of direction in the nature of mandamus be issued commanding the Opposite Parties No. 1, in exercise of powers provided under section 98 of Bhartiya Nagrik Suraksha Sanhita, 2023, to immediately censure, ban and cease the objectionable contents of newspapers being circulated widely on social media platforms such as inter alia Facebook, Instagram, X, YouTube, and Google.

B) A writ order or direction in the nature of mandamus be issued commanding the opposite party no. 2 to review the effectiveness of the current internal complaint's mechanisms being used by social media platforms like X. Facebook and Instagram and take steps to increase its effectiveness and robustness.

C) A writ order of direction in the nature of mandamus be issued commanding the opposites parties no. 1 to 5 to frame guidelines to curb the menace of

social discrimination, abuses, filthy remarks, unsolicited comments about physical appearance and disability, and mockery of disability being suffered by all persons with disabilities in day to day life and various social media platform and thereafter directing the respondents to implement the said guidelines through their law enforcement agencies at all public forums etc.

D) A writ order or direction in the nature of mandamus be issued commanding the opposite party no. 4 and 5 to take Suo Motu cognizance of the instant matter under sections 3. 7, and 92 of the Rights of Persons with Disabilities Act, 2016 in exercise of their powers provided under 75 and 80 of the said Act.

E) A writ order or direction in the nature of mandamus be issued commanding the opposite party No. 1 to take appropriate actions against the Opposite Parties 10 according to Sections 196, 197, 294, 295, 299 and 302 of Bhartiya Nyaya Sanhita, 2023, Sections 67A and 67B of Information Technology Act, Section 3 and 4 of Indecent Representation of women's Act, Sections 3. 7, and 92 the Rights of Persons with Disabilities Act, and Section 98 of Bhartiya Nagrik Suraksha Sanhita.

F) A writ order or direction in the nature of mandamus be issued commanding the opposite party no. 1 to initiate a state wide sensitization drive in order to apprise people of the Rights of Persons with Disabilities.

G) Any other suitable order may also be passed that this Hon'ble Court may deem to be necessary in the interest of Justice.

H) Cost of the writ petition be awarded in favour of the petitioners."

3. It has been submitted by the learned counsel for the petitioners that the petitioners are followers of Sanatan Dharma and disciples of Swami Ram Bhadra Charya Ji Maharaj. The Chancellor of Jagadguru Swami Ram Bhadracharya Divyang Vishwavidhyalay, Chitrakoot Dham, Chitrakoot. Swami ji was rendered blind at the time when he was three months old because of some incurable disease but he did not lose hope and studied Sanskrit and secured the Gold Medal in 1976 for the Degree of Shastri. He also studied as Acharya in Sanskrit Grammar and secured a Gold Medal. In 1983 he achieved PhD. and in 1995 he did research for "*Panini Ashtadhyayi Pratisutram*

Shabda Kosh Sameeksha" and obtained D.Lit. He is a widely respected person and has been honoured with the highest civilian work of Padmavibhushan in the year 2015 by the Government of U.P. and he was conferred Gyanpeeth Award in the year 2025 for his contribution to literature. However, for some reasons known best to the Opposite party no.10, he, who is a local YouTuber/ Reporter based out of Gorakhpur, uploaded malicious YouTube video alongwith one Vimlesh Shukla on 29.08.2025 on all social media accounts containing defamatory and derogatory, insulting and vile and abusive news items against Swami Ram Bhadracharya ji Majaraj. The video was uploaded under the title "***Rambhadracharya par Khulasa, 16 saal pahle kya hua tha***". The defamatory video was shown on his YouTube Channel, Facebook and Instagram accounts of the Opposite party no.10. Some screenshots from the aforesaid video, as available on the YouTube channel, have been filed as Annexure no.2 to the petition. Earlier in the year 2008, a blasphemous and insulting and abusive news articles was publishing in a Hindi Magazine called "Prakhar Vichar/ Prakhar Astha" targetting Swami Ji and one Shiv Asrey Asthana and Vimlesh Shukla were the perpetrators, who had for reasons best known to them tried to malign the reputation of the Swami Ji. FIR was lodged on 08.04.2008 in Police Station Hazratganj, District Lucknow, under Sections 124A, 153A, 295A, 504, 502, 34 against Shiv Asrey Asthana and Vimlesh Shukla but no action was taken by the police and therefore, Writ Petition No.3115 (M/B) of 2008 was filed before this Court which was finally disposed of with a direction to the Senior Superintendent of Police, Lucknow, to look into the matter. A copy of the order dated 11.04.2008 passed by this Court in Writ Petition No.3115 (M/B) of 2008 has been filed as Annexure no.4 to the petition. Thereafter, Charge-sheet No.655 of 2008 in Case Crime No.307 of 2008 was filed on 19.12.2008. A complaint was also filed before the Chairperson, Press Council of India against Shiv Asrey Asthana and Vimlesh Shukla, Editor and Co-Editor of Magazine Prakhar Vichar/ Prakhar Astha.

4. However, only an order censuring the Magazine was passed on 17.11.2011. Shiv Asrey Asthana and Vimlesh Shukla, in turn, filed a

Writ Petition No.8023 (M/B) of 2008 alleging various mischievous acts of the revered saint, but the said writ petition was dismissed on 19.05.2011, imposing a cost of Rs.20,000/- on the writ petitioners- Shiv Asrey Asthana and others. The immediate cause for which this Court has now been approached is the unsavoury and derogatory contents of the episode published by the Respondent no.10 on his YouTube Channel, screenshots of which have been filed as Annexure no.2 to the petition.

5. It has been submitted that the petitioners approached the Opposite party nos.1 to 5 with a detailed Representation highlighting the misdemeanour of the Opposite party no.10 and a 'cease and desist' notice dated 03.09.2025 was also given to the respondent no.10 to take down baseless and defamatory videos running on his social media platform and on YouTube channel. However, no heed was paid either by the Opposite party nos.1 to 5 or by the Opposite party no.10 and no attempt was made by the Respondent nos.6, 7, 8 and 9 to take down such defamatory video continues to run uninterrupted. The counsel for the petitioners has quoted several sections of the B.N.S. 2023 in the writ petition and during the course of arguments and also the Information Technology Act, 2000, Sections 67A, Section 67B and also the Rights of Persons with Disabilities Act, 2016, resulting out of a convention of which India is a signatory since 01.10.2007. It has been submitted on the basis of such statutory provisions that the appropriate Government i.e. the Central and State Governments must ensure that persons with disability enjoyed the rights of equality and the life with dignity. The Respondent nos.1 to 5 have not paid any heed to the Representation dated 04.09.2025 that has been made to them.

6. It has also been stated on the basis of judgments rendered by the Hon'ble Supreme Court in the case of ***Kishore Samrite Vs. State of U.P. and others*** reported in **2013 (2) SCC 398**, ***Umesh Kumar Vs. State of Andhra Pradesh***, reported in **(2013) 10 SCC 591**, ***Om Prakash Chautala Vs. Kanwar Bhan***, reported in **(2014) 5 SCC 417**, and ***Subramanian Swamy Vs. Union of India*** reported in **(2016) 7 SCC 221**, that reputation is a natural Fundamental Right under Article

221 of the Constitution of India and it has also been argued that State has a duty to protect the Fundamental Rights of its citizens and maintain public order, morality and decency. It has been alleged that the contents of the episode published on YouTube and its thumbnail is not only derogatory, but also insulting to all disabled persons, more particularly, Swami Ram Bhadracharya ji Maharaj. The contents are also may disturb public order as they are against morality and decency in public life.

7. Hence, this writ petition has been filed.

8. Shri S.B. Pandey, learned D.S.G./ learned Senior Advocate assisted by Shri Anand Dwivedi, has informed this Court that he has still to receive instructions from the Opposite party no.2 i.e. Union of India through Secretary of Ministry of Information Broadcasting but he has received instructions from the Opposite party no.3, the Department of Empowerment of Persons with Disabilities, that the State Commissioner for persons with disabilities visually impaired etc. i.e. the Respondent no.5 is empowered under the Act and the Rules that is the Rights of Persons with Disability Act, 2016, and the Rules framed thereunder to take action in case he has noticed any incident of any abuse, violence and exploitation and to provide legal remedy available against such incident.

9. We are of the *prima facie* opinion that the contents of Annexure-1 and Annexure-2 as filed in the writ petition, are sufficient for the State Commissioner to initiate legal action against the Opposite party no.10. However, the Representation that has been given to the Opposite party no.5 has not been heeded. The Representation made to the Opposite party no.2 to ensure that the Respondent nos.6 to 9 desist from publishing any content, which is derogatory and defamatory in nature, has also not been looked into.

10. Under the Information and Technology Act, 2000, and Information Technology (Intermediaries Guidelines) Rules, 2011, the Information Technology (Intermediaries Guidelines and Digital Media Ethics Code), Rules 2021 have been published. The Respondent nos.5 to 9 are bound by the Regulations issued for Digital Media Ethics and any

Digitized Content that can be transmitted over Internet or Computer Networks and includes content received, stored, transmitted, edited for processed by an Intermediary or a publishers of online curated content must adhere to the guidelines. A Grievance Officer has to be appointed by the Intermediary i.e. the Publisher of Online curated content and if such Grievance Officer is unable to look into the complaint, if any, made to him and take appropriate steps, then the aggrieved persons have remedy of filing an Appeal.

11. While issuing notice to the Respondent nos.6 to 9, we direct the petitioners to make an application to the Respondent nos.6 to 9 i.e. their Grievance Redressal Officers expressing distress over the defamatory content of such episode that has been published online and is being disseminated through Facebook and Instagram Channel of Respondent no.10 within a week from today. The Respondent nos.6 to 9 shall ensure that their Grievance Redressal Officer looks into the matter and ensures that such content is taken down immediately.

12. Insofar as notices to all the Respondents are concerned, the petitioners shall take steps both ways within a week and file an affidavit of service within two weeks.

13. List this matter on **08.10.2025 at 02:15 PM.**

14. In the meantime, the Respondent no.5 is also directed to look into the matter and take appropriate action against the Opposite party no.10 after issuing notice to him and hearing his explanation.

(Brij Raj Singh,J.) (Mrs. Sangeeta Chandra,J.)

September 17, 2025

N.PAL