

ABHISHEK CHOUDHARY

B.Sc. L.L.B (Hons)
Advocate, Hon'ble Supreme Court of India
New Delhi

Ref. 113/2021

29-05-2021

To,

Ms. Vijaya Gadde,
Legal, Policy and Trust & Safety Lead, Twitter
San Francisco, California, United States (@vijaya)

LEGAL NOTICE

In re twitter account "@BanglarGorboMB"

Dear Ma'am,

Upon my discovery of certain misleading facts, having relation to the Constitution of India, being spread through the above-mentioned twitter handle, I do hereby serve you with the following Legal Notice –

1. That, the bio section of the Twitter handle "@BanglarGorboMB", *hereinafter the twitter handle*, describes Mamata Banerjee (@MamataOfficial), the Hon'ble Chief Minister of West Bengal, *inter alia*, as the "protector & guardian of our constitution".
2. That, this claim of being the protector and guardian of our Indian Constitution is *per se* false, incorrect, fallacious, inaccurate, unfounded, fictitious, fabricated, invented, fraudulent, spurious and misleading.
3. That, the Constitution of India confers no such title or role upon Madam Mamata Banerjee. As a matter of fact, as per the constitutional scheme of India, no political person, government, public figures or affiliates can claim such a title of being the protector and guardian of our Constitution.
4. That, a reference to the **Constituent Assembly Debates on 16 October, 1949** Part II (Volume X) would clearly suggest that the Hon'ble Supreme Court of India is the sole guardian of every article of the Constitution. A relevant portion from the **Constituent Assembly Debates on 17 September, 1949** Part II (Volume X), quoted hereinbelow, would make crystal, the intentions of the framers of the Indian Constitution to designate Supreme Court as the sole guardian of the Constitution –

"When the Constitution is passed our Federal Court will be designated as the Supreme Court. It will be the highest court of appeal for all high courts and also the judicial authority for the interpretation of the Constitution. We wish and we hope that the Supreme Court which is going to be the guardian of the Constitution and of the fundamental rights guaranteed therein, will do its function very well and every citizen in India will have the occasion to say that it has protected his rights as a true guardian of this Constitution."

5. That, a reference may also be made to the judgments pronounced by the Hon'ble Supreme Court of India in C. K. Daphtary & Ors v. O. P. Gupta & Ors, [1971 AIR 1132]; A.R. Antulay v. R.S. Nayak & Anr, [1988 AIR 1531]; S. Nagaraj & Ors. v. State of Karnataka & Anr. [(1993) Supp. (4) SCC 595] and Ram Jethmalani and Ors. v. Union of India [2011(10) SCALE 753] in this regard.

To reply, kindly mail at achoudharyllb@gmail.com

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6. That, the noted author and jurist, Granville Austin in his famous book, originally published in the year 1966, titled "The Indian Constitution Cornerstone of Nation" has also described the Supreme Court as the guardian of the Indian Constitution.
7. That, a clear position of law as well as of fact, deduced from the above discussion, is that the Hon'ble Supreme Court of India is the only protector, custodian and guardian of the Indian Constitution and not Madam Mamata Banerjee as claimed in the twitter handle.
8. That, to my utter surprise, twitter has also conferred a verified badge to this twitter handle, thereby authenticating the claims made in this twitter handle. Further to my surprise, the official handle of Twitter Verified (@verified) follows this twitter handle, adding more credibility to the misleading claims.

I hereby call upon you to –

1. Suspend this twitter with immediate effect for spreading false and misleading information,
2. Take down the verification badge from this twitter handle with immediate effect,
3. Explain how this twitter handle was conferred a verified badge, the process of which to my knowledge is stringent and involves strict scrutiny of the documents submitted for verification as well as the information published in the account,
4. Explain how the platform of twitter was allowed to spread the aforesaid fraudulent, spurious and misleading information, and why a lawful action/ prosecution should not be initiated under the relevant Indian laws on this cause.
5. Explain actions purported to be taken by the defaulters in present case for this ignorance,
6. Tender an unconditional apology to the people of India for the aforesaid ignorance.

Kindly note that if you fail to comply with my request, within 15 days, I shall be constrained to initiate legal proceedings against you at your risk, as to costs and consequences.

A copy of this Notice is kept in my office for record and further necessary action and you are also advised to keep the copy safe as you would be asked to produce in the court.

Thank You.



Abhishek Choudhary,
Advocate

Copy to –

1. Twitter, 1355 Market Street Suite 900 San Francisco, CA 94103 United States (@twitter)
2. Twitter India, 203, Dr Dadabhai Naoroji Rd, Borabazar Precinct, Kala Ghoda, Fort, Mumbai, Maharashtra 400001 (@TwitterIndia)

Note – Due to Covid-19 restrictions, this Notice is being served only through electronic media, including *inter alia*, by means of "tweets" from my official handle (@abhishekbscllb)

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