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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 4181/2020 & CM No.15050/2020 (for interim directions)  
LT. COL. P.K. CHOUDHARY ..... Petitioner

Through: Mr. Shivank Pratap Singh, Adv.

Versus

UNION OF INDIA & ORS. .... Respondents

Through: Mr. Chetan Sharma, Additional  
Solicitor General with Mr. Ajay  
Digpaul, Adv. for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

% **14.07.2020**

**[VIA VIDEO CONFERENCING]**

**CM No.15051/2020 (for exemption)**

1. Allowed, subject to just exceptions and as per the extant rules.
2. The application is disposed of.

**W.P.(C) 4181/2020 & CM No.15050/2020 (for interim directions)**

3. The petitioner, an officer serving with the Indian Army and currently posted in Jammu & Kashmir, has filed this petition impugning the policy dated 6<sup>th</sup> June, 2020 (sic) of the respondent no.2 Director General of Military Intelligence, to the extent it bans the petitioner and other members of Indian Army from using social networking platforms like Facebook and Instagram.

4. The petition is based on newspaper reports and though the petitioner in the petition has pleaded that on 9<sup>th</sup> July, 2020, the policy was also circulated to the members of the Indian Army but the counsel for the petitioner contends that the petitioner as a responsible officer, to maintain confidentiality, has not annexed the same to the petition or reproduced the

contents thereof in the petition.

5. The Additional Solicitor General (ASG) appearing for the respondents on advance notice has opposed the petition. However, we are of the view that the counsels be heard after we have had an occasion to peruse the policy and if the document prescribing the policy does not record the reasons therefor, the document containing the reasons for the policy.

6. The said document/s be circulated in a sealed cover, to both of us, either through the High Court or directly at our respective residences, at least a day before the next date of hearing.

7. The counsel for the petitioner has e-mailed to us certain judgments. The same be shared with the respondents also.

8. The learned ASG has also referred to *Union of India Vs. Ex. Flt. Lt. G.S. Bajwa* (2003) 9 SCC 630 and the same, as well as any other judgments intended to be relied upon, be also circulated including to the counsel for the petitioner.

9. The counsel for the petitioner seeks interim relief of relieving the petitioner from the mandate of being required to delete any existing social media accounts. It is contended that the same has been directed to be deleted by 15<sup>th</sup> July, 2020.

10. Till we have found reason to entertain the petition and have entertained the petition, the question of granting any such interim relief does not arise especially when the matter has the potential of concerning the safety and security of the country.

11. At the insistence of the counsel for the petitioner, he has been granted five minutes time to argue further.

12. We have given to the counsel for the petitioner as long as he wanted

to argue.

13. He has contended that till the next date of hearing, the petitioner be permitted to de-activate instead of delete his Facebook account. It is contended that the deletion of the account will result in permanent destruction of valuable data.

14. We still do not find any ground to grant the interim relief as is sought.

15. List on 21<sup>st</sup> July, 2020.

**RAJIV SAHAI ENDLAW, J**

**ASHA MENON, J**

**JULY 14, 2020**

‘gsr’