

To,

The Hon'ble Chief Justice and his Companion Judge's

The High Court of Judicature at Patna
Bihar

Through,
Registrar General,
High Court of Judicature at Patna
Bihar

Date: [02.02.2021](#)

Subject: Representation Letter requesting issuance of a direction to the Economic and Cybercrime Department (Bihar Police Headquarters) to withdraw its order dated [21.01.2021](#) inviting police action for posts against govt, elected representatives on social media.

Your Lordship,

I am Saurav Narayan, resident of Subhash Nagar, Hajipur, Vaishali, Bihar [844101](#) and I am currently pursuing law from Law Centre-1, Faculty of Law, University of Delhi.

This letter is in reference to the subject above stated with regard to the impugned order of the Economic and cybercrime Department (Bihar Police Headquarter) number [13/2021/विविध/गामा-1/साईबर/आ०अप०ई०](#) dated [21.01.2021](#) which states "offensive, indecent and fallacious Social media posts against government, ministers, MPs, MLAs and govt officials will invite action by Bihar police". This order creates a chilling effect in the minds of citizens while making constructive criticism or offering important comments on the social media.

Although, the government of Bihar follows the principle of "Development with Social Justice" but the Economic and Cyber Crime Department evidently doesn't reflect it in their actions.

How can any state develop without allowing citizens to register their Dissent?
In fact dissent is the essence of Democracy and not treason.

As Justice Deepak Gupta former Judge of Supreme court of India had stated so importantly that Suppression of dissent has a chilling effect on democracy.¹

“The right to dissent is one of the most important rights guaranteed by our Constitution. As long as a person does not break the law or encourage strife, he has a right to differ from every other citizen and those in power and propagate what he believes is his belief.”²

The hon’ble Supreme Court and the High Courts have zealously discharged the duties of “protector of fundamental rights of citizens” endowed by the ever so reverential constitution, whenever called upon to do so. It is with this firm faith, belief and devotion I would like to quote Nariman J. that suppressing dissent will have “chilling effect” on the freedom of speech. I, in my utmost conscience cannot evoke a better response against the matter instant pleaded.

Shreya Singhal vs. Union of India³

“In point of fact, Section 66A is cast so widely that virtually any opinion on any subject would be covered by it, as any serious opinion dissenting with the mores of the day would be caught within its net. Such is the reach of the section and if it is to withstand the test of constitutionality, the chilling effect on free speech would be total.”

“The very essence of democracy is that every citizen has a right to participate not only in the electoral process but also in the way in which our country is run. This right becomes meaningless if that person cannot criticize the Government.”⁴

There can be no democracy without dissent. Recently, Justice D.Y. Chandrachud in his speech put the matter very succinctly. His lordship stated

“The blanket labelling of dissent as anti-national or anti-democratic strikes at the heart of our commitment to protect constitutional values and the promotion of deliberative democracy”.

¹ INAUGURAL LECTURE DELIVERED BY HON’BLE MR. JUSTICE DEEPAK GUPTA, JUDGE, SUPREME COURT OF INDIA ON ‘DEMOCRACY AND DISSENT’ ORGANISED BY THE SUPREME COURT BAR ASSOCIATION ON 24.02.2020 AT THE MAIN AUDITORIUM, INDIAN SOCIETY OF INTERNATIONAL LAW, V.K. KRISHNA MENON BHAWAN, BHAGWANDAS ROAD, OPPOSITE, SUPREME COURT OF INDIA, NEW DELHI

² Supra Note 1

³ Shreya Singhal vs. Union of India ; (2015) 5 SCC 1.

⁴ Supra Note 1

(Please have a kind perusal of Annexure in this regard)

ANTI - GOVERNMENT SOCIAL MEDIA POSTS A CYBERCRIME SINCE
[21.01.2021](#)

The Economic and cybercrime Department (Bihar Police Headquarter) number [13/2021/विविध/गामा-1/साईबर/आ०अप०ई०](#) dated [21.01.2021](#) which states "offensive, indecent and fallacious Social media posts against government, ministers, MPs, MLAs and govt officials will invite action by Bihar police".

This order is unconstitutional as it clearly violates freedom of speech and expression which is enshrined in Article 19(1)(a) of Indian constitution.

Will people be jailed for asking questions on Social media about governance? It is the police itself which will judge which post is offensive for it and which is not, and hence it will have immense powers to arrest and detain anyone for his or her social media which doesn't portray the govt in good light.

It is pertinent in the interest of the people that the right to speech and expression must upheld at higher pedestal.

More than anything else, the citizens crave for their fundamental rights of speech and expression and right to dissent. As a Law student and a responsible citizen of India, I urge and implore your lordship to take steps as you deem fit to serve the public, by upholding the values of free speech enshrined in the Constitution of India as a fundamental right.

I end with a poem of Rabindranath Tagore.

Where the mind is without fear and the head is held high;
Where knowledge is free;
Where the world has not been broken up into fragments by narrow domestic walls;
Where words come out from the depth of truth;
Where tireless striving stretches its arms towards perfection;
Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;
Where the mind is led forward by thee into ever- widening thought and action
Into that heaven of freedom, my Father, let my country awake.

PRAYERS:

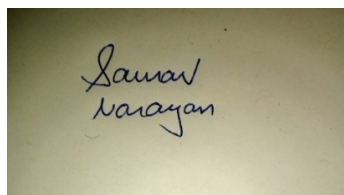
It is therefore humbly prayed that Your Lordship may please to:

1. Direct Economic and cybercrime Department (Bihar Police Headquarter) number [13/2021/विविध/गामा-1/साईबर/आ०अप०ई०](#) dated [21.01.2021](#) to withdraw it's order .
2. Pass any such order or direction in the best interest of the residents of Bihar.

Thanking you in anticipation and looking forward to a favorable response.

Yours Sincerely,

Name: Saurav Narayan

A rectangular image showing a handwritten signature in black ink on a light-colored background. The signature reads "Saurav Narayan" in a cursive script.

R/o: Subhash Nagar, Hajipur, Vaishali, Bihar [844101](#)

Contact: [+91 7979069617](#)

Email Id: s4srvarayan@gmail.com

ANNEXURE

ज्ञापक...13.../2021/विविध/गामा-1/साईबर/आ0अप0ई0

बिहार पुलिस मुख्यालय
(आर्थिक एवं साईबर अपराध प्रभाग)

पटना, दिनांक-21/01/2021

प्रेषक,

नैयर हसनैन खान, भा.पु.से.
अपर पुलिस महानिदेशक,
आर्थिक अपराध इकाई,
बिहार, पटना ।

सेवा में,

सरकार के सभी प्रधान सचिव/सचिव
बिहार, पटना ।

विषय:-

सरकारी पदाधिकारियों के संबंध में सोशल मिडिया/इन्टरनेट पर अवांछनीय
व्यक्ति/ संगठनों द्वारा की जाने वाली आपत्तिजनक टिप्पणियों के संबंध में ।

महाशय,

उपरोक्त विषय के संबंध में ऐसी सूचनाएं लगातार प्रकाश में आ रही है कि
कतिपय व्यक्ति/ संगठनों द्वारा सोशल मिडिया/इन्टरनेट के माध्यम से सरकार, माननीय
मंत्रीगण, सांसद, विधायक एवं सरकारी पदाधिकारियों के संबंध में आपत्तिजनक/अभद्र एवं
भ्रान्तिपूर्ण टिप्पणियां की जाती है । यह विधि विरुद्ध एवं कानून के प्रतिकूल है तथा साईबर
अपराध की श्रेणी में आता है । इस कृत के लिए ऐसे व्यक्तियों, समूहों के विरुद्ध
विधि-सम्मत कार्रवाई किया जाना समीचीन प्रतीत होता है । उल्लेखनीय है कि आर्थिक
अपराध इकाई, आर्थिक अपराध के साथ-साथ साईबर अपराध की नोडल संस्थान है ।

अतः आप सभी से अनुरोध है कि उक्त प्राकृति के मामले संज्ञान में आने
पर कृपया आर्थिक अपराध इकाई, बिहार, पटना को विस्तृत सूचना के साथ अवगत कराने
की कृपा की जाय ताकि ऐसे मामले में आर्थिक अपराध इकाई द्वारा संज्ञान लेकर
जॉचोपरान्त संबंधित व्यक्ति/ समूहों के विरुद्ध विधिनुकूल प्रभावी कार्रवाई की जा सके ।

21.01.21.
(नैयर हसनैन खान)

प्रतिलिपि:- मुख्य सचिव, बिहार, पटना को कृपया सादर सूचनार्थ ।

2. अपर मुख्य सचिव, गृह विभाग, बिहार, पटना को कृपया सादर सूचनार्थ ।
3. पुलिस महानिदेशक, बिहार, पटना को कृपया सादर सूचनार्थ ।

21.01.21
अपर पुलिस महानिदेशक
आर्थिक अपराध इकाई,
बिहार, पटना ।