

ITEM NO.43

Court 4 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).956/2020

FIROZ IQBAL KHAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 28-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
 HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Rashid Azam, Adv.
 Mr. V. Elanchezhiyan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 The petitioner, who is an advocate, has instituted these proceedings under Article 32 of the Constitution. The fifth respondent is a television channel by the name of Sudarshan News.
- 2 The grievance of the petitioner pertains to a programme which is to be broadcast today at 8 pm by the fifth respondent. The petition has been moved with a few hours left for the broadcast. The petitioner has relied on the transcript of a clip of forty-nine seconds which according to counsel was aired on the television channel in the course of the last week. The contention of the petitioner is that the clip contains statements which are derogatory of the entry of Muslims in the civil services.

3 The respondents to the Writ Petition under Article 32 are:

- (i) Union of India;
- (ii) Press Council of India;
- (iii) News Broadcasters Association; and
- (iv) Sudarshan News.

4 Learned counsel appearing on behalf of the petitioner submits that the airing of views in the course of the programme would violate the Programme Code enumerated under the Cable Television Networks (Regulation) Act 1995, together with the Code of Ethics and News Broadcasting Standards Regulations.

5 During the course of the hearing, it has been highlighted that the expression of views derogatory to a particular community has a divisive potential. Prima facie, the petition raises significant issues bearing on the protection of constitutional rights. Consistent with the fundamental right to free speech and expression, the Court will need to foster a considered a debate on the setting up of standards of self- regulation. Together with free speech, there are other constitutional values which need to be balanced and preserved including the fundamental right to equality and fair treatment for every segment of citizens.

6 Having regard to the importance of the issues which arise from the petition under Article 32, we direct that notice be issued to the respondents, returnable on 15 September 2020. On the next date of listing, the court will consider appointing amicus curiae to assist it towards a resolution which advances the protection of constitutional rights.

- 7 Liberty to serve the Central Agency on behalf of the first and second respondents, in addition.
- 8 At this stage, we have desisted from imposing a pre-broadcast interlocutory injunction on the basis of an unverified transcript of a forty nine second clip. The Court has to be circumspect in imposing a prior restraint on publication or the airing of views. We note that under statutory provisions, competent authorities are vested with powers to ensure compliance with law, including provisions of the criminal law intended to ensure social harmony and the peaceful coexistence of all communities.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER