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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10877/2022

TV TODAY NETWORK LIMITED

..... Petitioner

Through: Mr.Hrishikesh Baruah, Ms.Radhika
Gupta, Ms.Apoorva Jain and
Mr.Kshitij Kumar, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms.Monika Arora, SC for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

20.07.2022

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CM APPL. 31663/2022 (for exemption)

Allowed, subject to all just exception.

The application shall stand disposed of.

W.P.(C) 10877/2022

Heard learned counsels for parties.

The petitioner challenges the order of 17 March 2022 issued by the Ministry of Information and Broadcasting imposing the penalty of warning on the petitioner in accordance with the provisions made in the Cable Television Networks Rules, 1994. The incident itself emanates from a broadcast aired by the petitioner on 22 February 2021 which showed an incident of an elephant being mercilessly beaten by its caretakers. Taking cognizance of the complaint which was made, the respondent has after

placing the petitioner on notice, passed the impugned order.

Before this Court, it is not disputed that the visual clips which were originally broadcast were neither blurred nor did the presenter forewarn the viewing public to exercise discretion bearing in mind the barbaric action of the caretakers and the pain and distress of the animal which was displayed. Viewed in light of those admitted facts, the Court finds no justification to interfere with the order impugned.

While the act of the petitioner in bringing that incident to the notice of the viewers and thus highlighting the issue of cruelty towards animals is not intended to be deprecated, the Court would have hoped that a professional broadcaster would have borne in mind the minimum precautions which must be exercised while broadcasting content which may cause distress and disturb the sensibilities of an ordinary and prudent viewer.

The submission of Mr. Baruah, learned counsel, that the petitioners were heard by another authority while the impugned order has been penned by another, rests on the well settled tenet of *'he who hears must decide'*. However, in the facts of the present case, the petitioner has failed to establish any prejudice.

In view of the above, the Court finds no ground to interfere with the order impugned.

Accordingly and for all the aforesaid reasons, the challenge to the impugned order fails. The writ petition shall stand dismissed.

YASHWANT VARMA, J.

JULY 20, 2022/bh