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

+ **W.P.(C) 3865/2021 & CM APPL. 11656/2021**

INDRAJEET GHORPADE Petitioner

Through: Mr. Mihir Samson, Ms. Amritananda
Chakravarty, Ms. Shreya Munoth,
Mr. Ashwin Pantula, Ms. Suhani
Arya and Mr. Pradip Kumar Singh,
Advocates

versus

UNION OF INDIA & ANR. Respondents

Through: Ms. Suparna Srivastava and Mr.
Tushar Mathur, Advocates for R-1.
Ms. Payal Kakra and Mr. Daman
Popli, Advocates for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **23.03.2021**

1. The present petition has been filed challenging the impugned order dated 1st February, 2021 passed by Respondent No. 1 - Ministry of Information and Broadcasting (*hereinafter referred as 'the Ministry'*). By the said order, it has been communicated to the Petitioner by the Ministry that there is no violation of the Programme Code, as prescribed under Rule 6 of the Cable Television Network Rules, 1994 by TV-9 Marathi Channel.
2. The grievance of the Petitioner is that in a programme titled '*Aarogyam Dhanasampada – Sexual Problems and Solutions*' a guest speaker was invited by the said television channel who communicated during the programme that homosexuality is a disease. As per the Petitioner, various other objectionable statements are stated to have been made in the said programme.
3. The Petitioner initially corresponded with the TV-9 Marathi Channel

itself which agreed to telecast a programme consisting of credible medical professionals etc., to clarify the position on sexuality, gender identity, gender expression and biological sex, vide its email dated 13th March, 2020. However, the said correspondence did not fructify leading to complaints being filed by the Petitioner before the Ministry, as also before the News Broadcasting Standards Authority (*hereinafter referred to as 'NBSA'*), constituted under the News Broadcasters Association (*hereinafter referred to as 'NBA'*), which is an association of private television news and current affairs broadcasters.

4. Insofar as the NBSA is concerned, vide its email dated 23rd June, 2020, the Petitioner was informed by the NBSA that since the programme was aired prior to TV-9 Marathi Channel becoming a member to the NBA, NBSA it would not have any jurisdiction on the matter.

5. Insofar as the Ministry is concerned, vide the impugned order dated 1st February, 2021, it responded stating that the programme does not violate the Programme Code.

6. Today, Id. Counsel appearing for the Petitioner has taken the Court through the correspondence with the television channel, i.e., TV-9 Marathi Channel, and with the NBSA & Ministry. A perusal of the order dated 1st February, 2021 passed by the Ministry shows that no reasons have been given in the said order as to why the programme telecast by TV-9 Marathi Channel is not in violation of the Programme Code. Further, the order has also been passed without affording a hearing to the Petitioner.

7. Ms. Payal Kakra, Id. Counsel also appears for Respondent No. 2 – television channel. Mr. Mathur, Id. Counsel appears for Respondent No.1 and submits that he would be willing to take instructions on whether the

Ministry is willing to reconsider the matter, after affording a hearing to the Petitioner. Insofar as the television channel is concerned, Ms. Payal Kakra, Id. Counsel submits that she would also seek instructions in respect of the programme consisting of credible medical professionals addressing issues of sexuality, gender expression etc., which was being discussed in the correspondence between the Petitioner and TV-9 Marathi Channel.

8. Both Id. Counsels to seek their respective instructions before the next date of hearing.

9. List on 5th April, 2021.

PRATHIBA M. SINGH, J

MARCH 23, 2021

dj /Ap