

BEFORE THE HON'BLE HIGH COURT,
AT NEW DELHI
WRIT PETITION (C) OF 2019
PUBLIC INTEREST LITIGATION

In the Matter of;

Pawan Prakash Pathak & Anr. ...Petitioners

Versus

Union of India & ors. ...Respondent

(Paper Book, for Index please see inside)

Petitioners

(In Person)

Pawan Prakash Pathak &

Prakash Sharma, Adv.

Office No.22, Chawla Complex,

Street No.01, Laxmi Nagar-96

8600545332

BEFORE THE HON'BLE HIGH COURT,
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INDEX

S.NO	Particulars	Page No.
1.	Notice of Motion	
2.	Urgent Application	
3.	Memo of Parties	
4.	Synopsis & list of dates and events.	
4.	Writ Petition under Article 226 of the COI along with the Affidavit.	
5.	Annexure P-1 Copy of order dated 03.11.2019 & 06.11.2019 by this Hon'ble Court.	
6.	Annexure P-2 True copy of the Broadcasted News on	

	AIR by various news channels between the date 02.11.2019 to 06.11.2019.	
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Notice of Motion

Sir,

The enclosed application in the aforesaid matter as being filed on behalf of Petitioner and is likely to be listed on _____ or any date, thereafter.

Please take notice accordingly.

Petitioner

Dated:16.10.2019

Through

New Delhi

Pawan Prakash Pathak

Office No.22, Gali No.01 Chawla
Complex, A-215,
Laxmi Nagar-110092
(8600545332)
jqdelhi@gmail.com

BEFORE THE HON'BLE HIGH COURT,
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URGENT APPLICATION

To,

The Registrar,
High Court of Delhi,
New Delhi

Dear Sir,

This is to request you to kindly treat the accompanying Applications along with the aforesaid Writ Petition as Urgent in accordance with Delhi High Court Rules and Procedures.

Thanking You

Petitioner

Dated:

Through

New Delhi

Pawan Prakash Pathak
Office No.22, Gali No.01 Chawla
Complex, A-215,
Laxmi Nagar-110092
(8600545332)
jqdelhi@gmail.com

BEFORE THE HON'BLE HIGH COURT,

AT NEW DELHI

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SYNOPSIS AND LIST OF DATE & EVENTS

That the gruesome act of 02.11.2019 in Tis Hazari court premises, a parking row between police personnel and lawyers on Saturday had escalated leading to violence and arson within the court premises in which at least 20 police personnel and several lawyers were injured.

The Delhi high court on 03.11.2019 ordered a judicial inquiry in into the violence by a team comprising a retired judge, directors of the Central Bureau of Investigation (CBI), the Intelligence Bureau and Vigilance. On the Delhi High Court's order, special commissioner (in-charge Law and Order) Sanjay Singh was removed on Monday and special commissioner RS Krishnaiya was given the additional charge.

That with the news of "Vakil vs Police" on-air, the issue was given different colours by the media, a one which suit there to their TRP

agenda.

That the Delhi Police force on the next day of the news gathers in count if thousands in front of Delhi Police Headquarter, ITO and then later took this agitation to the streets and followed by “Chalo India Gate” march and with the slogans that “Haamare maange pure karo.

That the present situation of Delhi state has come to a standstill and it is a emergency situation, which needs to be resolved quickly and it is only possible when there is possible condition of mediation, meeting of officials of both sides, which petitioner again submit “it is a single side, portioned into two” also the Hon’ble Delhi High court order dated 06.11.2019 is of similar view.

That the instant PILis not against the freedom of speech and expression of media and nor against those who criticize the judiciary, lawyers or police, it is the reasonable right of the media with the reasonable sense of journalism. The instant petition is against the unreasonable & unwarrantable exercise of journalism where an issue is shaped as agitation and tension between the pillars of democracy, and the law and order of state comes to standstill situation and all this for an objective of TRP.

That the few news channel has aired the news in following manner and especially knowing that the issue is sensitive and sub-judice before the Delhi High Court:-

News Channel	Date	Anchor	Comments
Aaj tak tej	04.11.2019	Sunita Sharma & Nidha Ahmed	The prime time show is telecasted as “GUNDAA LLB”
ABP News	05.11.2019	Rubika Liyakat	“Kannon ke rakhwale, kale coat ke Gundagrde se

			hare”.
ABP News		Live telecast	“Vaakilo ke atyachar ke saamne police waale bebas”.
Republic Tv		Live telecast	“Lawyers attack Media in Delhi HC”
Zee Tv	03.11.2019	Aditi Tyagi	<p>“1. Khule aam gunda gardi”</p> <p>2.Kannon ke pehredar ka system pe tamacha”</p> <p>3. War of Ego</p>
The Lallantop	Episode 339	Saurabh Dwivedi	Mr. Lallantop runs the show with headline “ Galti kiske” and runs the entire trial for his audience, a classic example of Media trial.
NDTV	05.11.2019	Ravish Kumar	News is bias sly run as “ Self respect of Policemen & association demand ” and question is raised on entire judiciary fraternity.

BEFORE THE HON'BLE HIGH COURT,
AT NEW DELHI
WRIT PETITION (C) OF 2019
PUBLIC INTEREST LITIGATION

In the Matter of;

1. Pawan Prakash Pathak
S/o Chandra Prakash Pathak
R/o 47/2/9 Bapdev Nagar, Dehu Road,
Pune- 412101

2. Prakash Sharma
S/o Sh.Ganesh Prasad Sharma
R/o EWS 20/18, Pritam Nagar
Allahabad- 211011

...Petitioners
Versus

1. Union of India
Through Secretary,
Ministry of Information & Broadcasting,
Dr Rajendra Prasad Rd, Shastri Bhavan,
New Delhi, Delhi 110001.

2. ABP News Network Pvt Ltd

Through Director,
A-37, Sector 60, Noida,
U.P. 201307.

3. New Delhi Television Ltd (NDTV)
Archana Shopping Complex, G.K-1,
Delhi - 110048, Near N Block Market.

4. Saurabh Dwivedi
Editor in Chief, Lallantop
FC8, Film City, Sector 16A, Noida
Uttar Pradesh

Respondents

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF
MANDAMUS OR ANY OTHER APPROPRIATE WRIT FOR
ISSUING DIRECTIONS, ORDERS TO THE MINISTRY OF
INFORMATION & BROADCASTING, TO REGULATE/
CONTROL/ RESTRAIN MEDIA FROM BROADCASTING
ANY FAKE, CONTEMPTUOUS, UNTRUE, DISPARGING &
DEROGATORY STATEMENTS AGAINST JUDICIARY &
LAWYERS, WHICH IS CREATING UNREST/ AGITATION
STORYLINE AMONG PUBLIC AT LARGE.

To

The Hon'ble Chief Justice and His Lordship's Companion
Justices of the Hon'ble High Court, Delhi.

The Humble petition of the Petitioner above named.

MOST RESPECTFULLY SHEWETH :

1. The present Writ Petition under Article 226 of the Constitution of India is being filed by the Petitioners to enforce fundamental & statutory rights of the Practicing Advocates across India. Also, to regulate the media from telecasting any news which is untrue, derogatory to entire fraternity of the lawyers in India. That the petitioner is a law-abiding citizen of this country and filling the instant writ petition for the issuance of a writ of mandamus or any other appropriate writ to respondent to regulate the media in present scenario or pass any other appropriate order, direction.

1A. That the petitioners have not made any similar representation or filled any representation of this nature before any court, tribunal or any state instrumentalities.

1B. That there is no civil, criminal or revenue litigation, involving the petitioners, which has or could have a legal nexus with the issues involved in this PIL nor with any other pending litigation.

1C. That there is no personal interest in filling this PIL and it is bonafide and in large public interest so that the present situation which is being portrayed as "Lawyer Vs Police" can be controlled.

1D. That the petitioners are a practising advocate and is capable of making this representation before the Hon'ble Court and for this, they need no assistance from Legal aid or any other representation and also will bear the cost if any imposed by this Hon'ble Court.

ARRAY OF PARTY;

2. The Petitioner no.01 is a citizen of India, practising Advocate enrolled with Delhi Bar Council, with annual

income of about Rs. 2,50,000/- per annum, R/o 47/2/9 Bapdev Nagar, Dehu Road, Pune. The email address of the Petitioner is jqdelhi@gmail.com and mobile no. +91- 8600545332. Also, the petitioner no.02 is practising advocate in supreme court and having roll as UP/0656/2011. A true copy of the Provisional Identity Card issued by the BCI is attached herewith at page No. which is a self-attested and true copy.

3. That the respondent No.01 is a Ministry of Information & Broadcasting who is responsible for controlling & regulating the other respondents who are in their private capacity.

FACTS OF THE CASE:

4. That the gruesome act of 02.11.2019 in Tis Hazari court premises, a parking row between police personnel and lawyers on Saturday had escalated leading to violence and arson within the court premises in which at least 20 police personnel and several lawyers were injured, has become a sensational news in India.

5. The Delhi high court on 03.11.2019 ordered a judicial inquiry in into the violence by a team comprising a retired judge, directors of the Central Bureau of Investigation (CBI), the Intelligence Bureau and Vigilance. On the Delhi High Court's order, special commissioner (in-charge Law and Order) Sanjay Singh was removed on Monday and special commissioner RS Krishnaiya was given the additional charge. Copy of the Order dated 03.11.2019 is annexed as Annexure P-1.

6. That it is respectfully submitted that the order dated 03.11.2019 of Hon'ble Delhi High court, has been given different shape by the

media and moulded to an unreasonable level to suit their channel viewership and gain media popularity and Television Rating Point (TRP) but the TRP race among the media channels has further added the fuel to the fire and extremists of Indian democracy who holds no law degree or reasonable knowledge of rule of law, have privilege of freedom of speech and expression to modify the order of the Hon'ble High Court to a point, "Kala Coat Vs Khakhi Vardi" in which the news was run as, khaki Vardi which is Delhi Police, has not been given any stand or chance of representation before the Court and favorable order passed in favor of the Lawyers, with this telecast "the news has turned into the agitation which was further followed by the protests, strike & mass violence.

7. That with the above telecast, the issue which would have been resolved by simple mediation between the two sides has been given colour of "Lawyers vs Police" and same is being telecasted throughout the day and by the next day this news was all over the India, possibly on all television screens which is plugged in electric socket.

8. That with the news of "Vakil vs Police" on-air, the issue was given different colours, a one which suit to their TRP agenda. It is respectfully submitted that Constitution gives fundamental right of Freedom of speech and expression as enshrined under Article 19(1)(a) to protect and preserve the fourth pillar of the Democracy but it is not the unreasonable and uncontrolled freedom given in hand of media and press.

"With Power comes the responsibility, similarly with freedom comes the sense of responsibility"

8. That over the years, judicial creativity, judicial wisdom and judicial craftsmanship have widened the scope of freedom of speech & expression by including in it the following aspects-

a. Freedom of Press-Democracy thrive through vigilant eye of Legislature but also care and guidance of public opinion and press par excellence. Freedom of speech include right to propagate one's views through print media or any other communication channel e.g radio, television subject to reasonable restrictions imposed under Article 19(2). Romesh Thappar v. State of Madras(1950 SCR 594, 607; AIR 1950 SC 124),was amongst the earliest cases decided by the Supreme Court declaring freedom of press as a part of freedom of speech and expression. Justice Patanjali Sastri, rightly observed that-'Freedom of Speech and of Press lay at the foundation of all democratic organizations, for without free political discussion, no public education, so essential for the proper functioning of the process of Government, is possible' but now the journalism has also become the polluted Yamuna river & Air pollution which flows in Delhi.

It is also submitted that, in case of Indian Express v. Union of India,(1985) 1 SCC 641, it has been held that the Press plays a very significant role in the democratic machinery. The courts have duty to uphold the freedom of press and invalidate all laws and administrative actions that abridge that freedom.

Freedom of Press includes freedom of publication, freedom of circulation and freedom against pre-censorship.

In Sakal Papers Ltd. v. Union of India,[AIR 1962 SC 305]the Daily Newspapers (Price and Page) Order, 1960, which fixed the number of pages and size which a newspaper could publish at a price and in Bennett Coleman and Co. v. Union of India,[AIR 1973 SC 106; (1972) 2 SCC 788],the validity of the Newsprint Control Order, which fixed the maximum number of pages, was struck down by this Hon'ble Supreme Court of India holding it to be violative of provision of Article 19(1)(a) and not to be reasonable restriction under Article 19(2). The Court struck down the Government's stand that it would help small newspapers to grow."

In the case of *Brij Bhushan v. State of Delhi* (AIR 1950 SC 129), the validity of order imposing pre-censorship on an English Weekly of Delhi, which directed the editor and publisher of a newspaper to submit for scrutiny, in duplicate, before the publication, all communal matters, all the matters and news and views about Pakistan, including photographs, and cartoons, on the ground that it was a restriction on the liberty of the press, was struck down by court.

Right to Broadcast- The concept speech and expression has evolved with the progress of technology and include all available means of expression and communication. This would include the electronic and the broadcast media. In *Odyssey Communications (P) Ltd .v. Lokvidayan Sanghatana*, the Supreme Court held that the right of a citizen to exhibit films on the State channel – Doordarshan is part of the fundamental right guaranteed under Article 19(1)(a). In this case, the petitioners challenged the exhibition on Doordarshan of a serial titled “Honi Anhonion” on the ground that it encouraged superstitious and blind faith amongst viewers. The petition was dismissed as the petitioner failed to show evidence of prejudice to the public. From time an again this Hon’ble Court has come to the rescue of fourth pillar of democracy but it is high time that my lords may also guide the fourth pillar and ascertain the responsibility with this freedom of speech and expression of press, a reasonable one with accountability.

Right to information- The freedom of 'speech and expression' comprises not only the right to express, publish and propagate information, its circulation but also to receive information. This was held by this Hon’ble Supreme Court in a series of judgements which have discussed the right to information in varied contexts from advertisements enabling the citizens to get vital information about life-saving drugs, to the right of sports lovers to watch cricket and the right of voters to know the antecedents of electoral candidates.

In Union of India v. Assn. for Democratic Reforms, "One-sided information, disinformation, misinformation and non-information, all equally create an uninformed citizenry which makes democracy a farce. Freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions".(2002) 5 SCC 294.

Right to criticize- In S. Rangarajan vs. P. Jagjivan Ram, the Hon'ble court held that everyone has a fundamental right to form his opinion on any issues of general concern. Open criticism of government policies and operations is not a ground for restricting expression. Intolerance is as much dangerous to democracy as to the person himself. In democracy, it is not necessary that everyone should sing the same song", but the instant petitioner takes this liberty to add,

"it is not necessary that everyone should sing the same song, but it is important that nobody sings- Bharat tere tukde honge Azadi tak"

It is important that petitioner once again quote, for quick reference the Grounds on Which This Freedom Could Be Restricted

Clause (2) of Article 19 of the Indian constitution imposes certain restrictions on free speech under following heads:

- I. security of the State,
- II. friendly relations with foreign States
- III. public order,
- IV. decency and morality,
- V. contempt of court,
- VI. defamation,
- VII. incitement to an offence, and
- VIII. sovereignty and integrity of India.

9. That the Delhi Police force on the next day of the news, gathers in count if thousands in front of Delhi Police Headquarter, ITO and then later took this agitation to the streets and followed by "Chalo India Gate" march and with the slogans that "Haamare maange pure Karo,

i.e we demand:- Withdraw police force from courts, judges, and also those deployed for personal security” and surprisingly the protest was called off with the assurances by senior Delhi police officials that will address these grievances. It is humbly submitted that this is not “Lawyer vs Police” rather it is,

Lawyer + Police machinery

Vs

Corruption/ illegality

10. That the present situation of Delhi state has come to a standstill and it is a emergency situation, which needs to be resolved quickly and it is only possible when there is possible condition of mediation, meeting of officials of both sides, which petitioner again submit “it is a single side, portioned into two” also the Hon’ble Delhi High court order dated 06.11.2019 is of similar view.

11. That the instant public interest litigation is not against the freedom of speech and expression of media and nor against those who criticize the judiciary, lawyers or police, it is the reasonable right of the media with the reasonable sense of journalism. The instant petition is against the unreasonable & unwarrantable exercise of journalism where an issue is shaped as agitation and tension between the pillars of democracy, and the law and order of state if forces to standstill situation and all this for an objective of TRP. It is humbly submitted that the few news channel has aired the news in following manner and especially knowing that the issue is sensitive and sub-judice before the Delhi High Court:-

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The Lallantop	Episode 339	Saurabh Dwivedi	Mr. Lallantop runs the show with headline " Galti kiske" and runs the entire trial for his audience, a classic example of Media trial.
NDTV	05.11.2019	Ravish Kumar	News is bias sly run as " Self respect of Policemen & association demand " and question is raised on entire

			judiciary fraternity.
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12. That the above news channel and various others have aired the news in an arbitrary manner and specially when the entire matter is pending consideration before the Hon'ble High Court and it is respectfully submitted that "this is not within the fair & reasonable scope the criticism, which is being allowed and protected by this Hon'ble court through above-marked judgments, but telecasting at national television a entire show based on unaccredited sources of video clippings, edited clips, unknown sources, hearsay news, viral posts & social media contents is not reasonable and within the scope of Article 19(1)(a) of COI. It is respectfully submitted that such news on-air like " goons in black coat" " Dogs in black Coat" " Dictatorship of Black Coat" seeds the suspicious question in mind of public at large that the judiciary and its court officers are not trustworthy and there is a situation of emergency in the country and such unreasonable news with no fact-finding is pushing the Indian democracy into grave danger, as such telecast portray the picture far away from reality and is not the true meaning and spirit of journalism.
13. That with the instant petition, the petitioner is not questioning the sense of journalism of any of the above news reporter/ anchor, it is only the respective news which is mentioned above and also annexed as Annexure P-2, being questioned keeping into mind the present situation of law in state of Delhi and the role mentioned media has played. Media trial will also affect the investigation of the committee as constituted by the Hon'ble High Court.
14. That with the instant scenario it is not possible to hold the bilateral talks as long as media runs this as "Blackcoat Vs Police",

let's see who wins ??? With this, both party won't be able to come to a consensus and will be against the order of the Hon'ble High court dated 06.11.2019, in which chief justice and justice Hari Shankar, in equivocal voice prayed both party to settle the dispute amicably by holding meetings.

15. That it is also submitted that the various District Bar Associations strike/ protest is the direct outcome of the media trial which is being aired 24*7 on all national news channel and social media platforms. It is submitted that such arbitrary news which is being aired against the lawyers fraternity and judiciary is illegal and arbitrary in law and violative of Article 19(1)(a) & Article 21 of the Constitution of India.

16. The Hon'ble Supreme Court has rightly observed the fact in the cricket broadcasting case in the following words, "It is absolutely essential, in the interests of public, in the interests of the freedom of speech and expression guaranteed by Article 19(1) (a) and with a view to avoid confusion, uncertainty and consequent litigation that Parliament should take steps to fill the void by enacting a law or laws, as the case may be, governing the electronic media. The Hon'ble Supreme Court said the same in the Secretary Ministry of Information and Broadcasting, Government of India and others V Cricket Association of Bengal and Others (AIR 1995 SC 1235). Hence in this aspect also a law comprising all the electronic media is to be made.

17. The Hon'ble Supreme Court Order caused framing of the new laws on broadcasting. Several years took separate laws on the media. The basis of the law is the seventh schedule and the old telegraph laws. The proposed regulations in the media governments were independent BRAI (Broadcasting Authority of India). The Bill of first BRAI (Broadcasting Authority of India) died in young. The second effort on BRAI was in the form of Broadcasting Services Regulation Bill, 2007. That also did not see any light. Then the

'regulator' like the IBF (Indian Broadcasting Foundation), the EMMC (Electronic Media Monitoring Centre) of the State, and self-regulation by the (NBA), the News Broadcasting Standards Disputes Redressal Authority, and the advertisement standard council of India (ASCI), came to existence. EMMC was a state department with no power to make regulations. In the meanwhile, TRAI came with the addressable system and digitalization. Therefore, humbly pray as well to consider this situation and pass an order for formation of policy on this subject matter, if same exercise has not been done yet.

Question of law;

1. Whether the freedom of speech and expression of media encompasses the hate speech right as well?
2. Whether the Article 19(1)(a) is unguided in case of mass media today?
3. Whether direction can be made to the respondent No.1 for formulation of guideline or policy on this subject matter or not?

GROUNDS;

1. That the Hon'ble Supreme Court of India in Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India has stated:
"In today's free world freedom of press is the heart of social and political intercourse.

The press has now assumed the role of the public educator making formal and non-formal education possible in a large

scale particularly in the developing world, where television and other kinds of modern communication are not still available for all sections of society. The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate [Government] cannot make responsible judgments. Newspapers being purveyors of news and views having a bearing on public administration very often carry material which would not be palatable to Governments and other authorities.”

The above statement of the Supreme Court illustrates that the freedom of press is essential for the proper functioning of the democratic process. Democracy means Government of the people, by the people and for the people; it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his right of making a choice, free and general discussion of public matters is absolutely essential.

2. The fundamental principle which was involved in freedom of press is the “people’s right to know”. It, therefore, received a generous support from all those who believe in the free flow of the information and participation of the people in the administration; it is the primary duty of all national courts to uphold this freedom and invalidate all laws or administrative actions which interfere with this freedom, are contrary to the constitutional mandate.

Therefore, in view of the observations made by the Hon’ble Supreme Court in various judgments and the views expressed by various jurists, it is crystal clear that the freedom of the press flows from the freedom of expression which is guaranteed to “all citizens” by Article 19(1)(a). Press stands on no higher footing than any other citizen and cannot claim any privilege (unless conferred specifically by law), as such, as

distinct from those of any other citizen. Also, The press be subjected to special restrictions while reporting such sensitive information and that to be without proper source and credibility and most importantly when matter is pending subjudice.

3. That the section 69 of the Act grants power to the Central or a State Government to issue directions for interception or monitoring or decryption of any information through any computer resource in the interest of the sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States, public order, for preventing incitement to commission of any cognizable offence, for investigation of any offence.

(c) Section 69A grants power to the Central Government to issue directions to block public access of any information through any computer resource on similar grounds.

(d) Section 69B grants power to the Central Government to issue directions to authorize any agency to monitor and collect traffic data or information through any computer resource for cybersecurity.

(e) Section 79 provides for liability of intermediary. An intermediary shall not be liable for any third party information, data or communication link made available or hosted by him in the

Section 66A of the Information Technology Act, 2000.

4. The principal test applied in India while deciding matters of criminal contempt is the test of erosion of public confidence. The courts have emphasized the distinction between an attack on an

individual judge which may be tantamount merely to libel on the judge and contempt of court. While the former may be a wrong done to the judge personally, the latter seeks to interfere with and denigrate the course of justice and is a wrong done to the public.

In *D.C. Saxena v. Hon'ble The Chief Justice of India*, this distinction between contempt and criticism became blurred as the Supreme Court held that libel against a judge can constitute criminal contempt if the imputation is of such gravity that it erodes public confidence in the system.

The court held: Any personal attack upon a judge in connection with the office he holds is dealt with under law of libel or slander. Yet defamatory publication concerning the judge as a judge brings the court or judges into contempt, a serious AIR 1936 PC 141. *Perspective Publications (P) Ltd. v. State of Maharashtra*, AIR 1971 SC 221 and

C.K. Daphtary v. D.P. Gupta (1971) 1 SCC 626. (1996) 5 SCC 216. Any caricature of a judge calculated to lower the dignity of the court would destroy, undermine or tend to undermine public confidence in the administration of justice or the majesty of justice.

In *Rajendra Sail v. M.P. High Court Bar Association*, The Hon'ble Supreme Court held that criticism must always be dignified and that motives must never be attributed.

5. In *Saibal v. B.K. Sen*, the Hon'ble Supreme Court said, "It would be mischievous for a newspaper to systematically conduct an independent investigation into a crime for which a man has been arrested and to publish the results of the investigation. This is

because, trial by newspaper, when a trial by one of the regular tribunal is going on, must be prevented. The basis for this view is that such action on the part of the newspaper tends to interfere with the course of justice.”

In Rao Harnarain v. Gumori Ram, the Punjab High Court stated that “Liberty of the press is subordinate to the administration of justice. The plain duty of journalist is the reporting and not the adjudication of cases.”

In Bijoyananda v. Bala Kush the Orissa High Court observed that “the responsibility of the press is greater than the responsibility of an individual because the press has larger audience. The freedom of press should not degenerate into a license to attack litigants and close the door of justice nor can it include any unrestricted liberty to damage the reputation of responsible persons.”

In Harijai Singh v. Vijay Kumar, the Supreme Court stated that press or journalists enjoy no special right of freedom of expression and the guarantee of this freedom was the same as available to every citizen. The press does not enjoy any special privilege or immunity from law.

In-State of Maharashtra v. Rajendra Jawanmal Gandhi, the Supreme Court held that a trial by press, electronic media or by way of a public agitation is the very antithesis of rule of law and can lead to miscarriage of justice.

PRAYER

In the light of above premises, it is prayed that this

Hon'ble Court may be pleased:

- (i) To Order, Direct the respondent no.01 to regularize the viral contents outraging the modesty of judiciary & lawyers on social media & other platforms, which promotes the feeling of enmity between the police and judiciary may be controlled/ regulated/ restrain.
- (ii) Any content on-air by news media channel which may further lead to worsening of the situation may be avoided, and any further statements which create unrest between the lawyers & police may be reported and taken cognizance;
- (iii) To issue a writ of mandamus or any other appropriate writ to the respondents to regularize the media in such situations;

Or to pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case. For such act of kindness, the petitioner shall as in duty bound, ever pray.

BEFORE THE HON'BLE HIGH COURT,
AT NEW DELHI
WRIT PETITION (C) OF 2019
PUBLIC INTEREST LITIGATION

In the Matter of;

Pawan Prakash Pathak & Anr. ...Petitioners

Versus

Union of India & ors. ...Respondent

AFFIDAVIT

I, Pawan Prakash Pathak, aged 26 Years, s/o Chandra Prakash Pathak, R/o 47/2/9 Bapdev Nagar, Dehu Road, Pune-412101, Presently at Delhi, do hereby solemnly affirm as under:

1. I am the Petitioner/applicant in the above mentioned Petition and familiar with the facts and circumstances of the case and competent to swear this Affidavit.
2. I have filed the present petition as a Public Interest Litigation.
3. I have gone through the Delhi High Court (public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
4. Petitioner have no personal interest in the litigation and neither myself nor anybody in whom petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public & Practising advocate enrolled with Bar Counsel of India. This

petition is not guided by selfgain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

5. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in. the present petition any data/material /information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

Deponent

Verification

Verified at New Delhi on this _____ that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from.

Deponent