

IN THE SUPREME COURT OF INDIA
[EXTRAORDINARY ORIGINAL JURISDICTION]

M. A. No.OF 2020

IN

WRIT PETITION (CRL) No. 130/ 2020

IN THE MATTER OF:-

Arnab Ranjan Goswami

...PETITIONER

VERSUS

UNION OF INDIA

...RESPONDENT

And

In the matter of

Reepak Kansal,

S/o Sh. Hansraj Kansal,

R/o WB-211, Lane NO. 3,

Ganesh Nagar, Shakarpur,

Delhi-92.

Applicant

APPLICATION PRAYING FOR INTERVENTION

To

**The Hon'ble Chief Justice of India
and his companion judges,
Supreme Court of India.**

The Humble Application of the Applicant above named

MOST RESPECTFULLY SHOWETH:

1. That the Applicant named hereinabove crave leave of this Hon'ble Court to intervene in the above mentioned Writ petition filed by the petitioner in this Hon'ble Court .

2. That present application is being filed for initiating perjury proceedings against Petitioner in Writ Petition (Crl) 130 of 2020 and who made false statements with supporting affidavit to get favorable order and thereby committed offence of perjury u/s 191, 199 & 200 etc of IPC.

3. That relevant extracts of sections attracted are as below.

191. Giving false evidence.—Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence. Explanation 1.—A statement is within the meaning of this section, whether it is made verbally or otherwise. Explanation 2.—A false statement as to the belief of the person attesting is within the meaning of this

section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

199. False statement made in declaration which is by law receivable as evidence.—Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

200. Using as true such declaration knowing it to be false.—Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence. Explanation.—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 to 200.

4. The applicant is an advocate and member of the Supreme Court of India. The applicant is also one of the viewers of said broadcasting electronic channels claimed to be "PRESS". Being a member of legal fraternity, it is duty of the applicant to bring truth before this Hon'ble Court.

5. That the petitioner in Writ Petition (Crl) No. 130 of 2020 wrongly mentioned that Petitioner is a Journalist. Some of the relevant para / statements made by petitioner in Writ Petition (Crl) No. 130 of 2020 for misleading this Hon'ble Court are reproduced as under :

Para1of the Writ Petition

"The Petitioner is a journalist by profession and the Editor-in-Chief of Republic TV, one of the leading English news channels in India and the Managing Director of ARG Outlier Media Asianet News Private Limited (ARG). ARG also owns and operates a Hindi news channel in the name of R. Bharat on which the Petitioner anchors news shows."

Para 4

The Complaints and the FIRs are false, vindictive, frivolous, malicious, precipitated with malice, untenable in law and have been filed with mala-fide intent by the Congress activists to coerce, harass and intimidate the Petitioner in order to muzzle the media and in particular the Petitioner, from carrying these news reports and conducting investigative journalism to bring the truth before the public.

Ground D

(d) FOR THAT it is respectfully submitted that Complaints / FIRs ought not to be lodged to gag the media and prevent freedom of the press, which is a fundamental right under the Constitution of India.

7. In the above Para (s) the Petitioner stated that Petitioner is journalist, Editor in Chief, investigating Journalism and freedom of Press etc only with intention to mislead this Hon'ble Court. The definition of Press, Editor and Working Journalist as per the Act (s) in India are reproduced as under:

A). THE PRESS AND REGISTRATION OF BOOKS ACT, 1867

- (I) Preamble. - WHEREAS it is expedient to provide for the regulation of printing-.....
- (II) "editor" means the person who controls the selection of the matter that is published in a newspaper;

B). Section 4. Keeper of printing press to make declaration.—

(1) No person shall within ²[India], keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before ⁵[the District, Presidency or Sub-divisional Magistrate] within whose local jurisdiction such press may be:

"I, A.B., declare that I have a press for printing at " .

And this last blank shall be filled up with a true and precise description of the place where such press may be situate.

[(2)] As often as the place where a press is kept is changed, a new declaration shall be necessary:

C) The Working Journalists And Other Newspaper Employees (Conditions Of service) And Miscellaneous Provisions Act, 1955 define definition of working journalist as under:

2(f) " working journalist" means a person whose principal avocation is that of a journalist and⁴ who is employed as such, either whole- time or part- time, in, or in relation to, one or more newspaper establishments], and includes an editor, a leader- writer, news editor, sub- editor, feature- writer, copy- tester, reporter, correspondent, cartoonist, news photographer and proof- reader, but does not include any such person who—

(i) is employed mainly in a managerial or administrative capacity, or

(ii) being employed in a supervisory capacity, performs, either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature;

8, Thereafter, no law is enacted or amended till today to bring broadcasting employees / Anchors in the definition

of journalist and electronic broadcasting channels in the definition of 'PRESS'.

9. The Supreme Court said the same in the Secretary Ministry of Information and Broadcasting, Government of India and others v/s. Cricket Association of Bengal and Others 1995 SCC (2) 161 as under :

“(c) Broadcasting media is inherently different from Press or other means of communication / information. The analogy of press is misleading and inappropriate. This is also the view expressed by several Constitutional Courts including that of the United States of America.”

10. The PCI was established under the PCI Act of 1978 for the purpose of preserving the freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India which does not *have* the power to review the functioning of the *electronic media* like radio, television and internet media. These electronic broadcasting channels do not come under the ambit of Press Council of India, a statutory authority.

11. Thereafter, no law is enacted or amended till today to bring broadcasting employees / Anchors in the definition of Journalist or Editor and electronic broadcasting channels are also not covered under the definition of 'PRESS'.
12. The PCI was established under the PCI Act of 1978 for the purpose of preserving the freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India which does not *have* the power to review the functioning of the *electronic media* like radio, television and internet media. These electronic broadcasting channels do not come under the ambit of Press Council of India, a statutory authority.
13. That petitioner had filed W.P.(Cr) NO. 130/20 on 23.04.2020 **supported by an affidavit of the petitioner was known to him to be false which he believed to be false and / or at least did not believe to be true. It is not disputed that an affidavit is evidence within the meaning of Section 191 of the Indian Penal Code and a person swearing to a false affidavit is guilty of perjury punishable under Section 193 of IPC.**

14. **The respondent herein, being legally bound by an oath to state the truth in his affidavit accompanying the petition is prime facie held to have made a false statement which constitute an offence of giving false evidence as defined under Section 191 IPC, punishable under Section 193 IPC.**
15. That it is of paramount importance that person/s who misled the Hon'ble Court be identified and suitably dealt with so as to also uphold the sanctity of the judicial proceedings of the Hon'ble Court. Submitting untruths and suppressing information with an intention to get favorable order is amount to perjury.
16. That the Hon'ble Court has been misled into rendering its judgment on the basis of false submission should be identified and proceedings initiated against them for offences made out under Sections 191, 199 & 200 of IPC.
17. As this false submissions and evidence have been given /suppression of information done in 'writ Petition filed pursuant to the Order (s) of the Hon'ble Court, it is also contemptuous and has lowered the dignity and majesty of the Hon'ble Court and suo moto action may be

considered by the Hon'ble Court against Petitioner in Writ Petition (Crl.) NO. 130/2020.

18. Even, the freedom of expression under Article 19 (1) of the Constitution doesn't permit anyone to assassinate the dignity of individuals and political & religious organisation. The clause (2) of Article 19 prevents any person from making any statement that injures the reputation of another. The Constitution also prohibits a person from making any statement that incites people to commit offense and do not permit to assassinate the dignity of individual and religious and political organisation.

PRAYER

In these circumstances, it is therefore most respectfully prayed that your Lordships may graciously be pleased to:

- a. Allow the application and Punish the Petitioner for filing Writ Petition (Crl) No. 130/2020 containing false and/or misleading information intended to mislead this Hon'ble Court and to get favorable order AND /OR

- b. Direct to initiate the perjury proceeding against the Petitioner in Writ Petition (Crl.) NO. 130/2020 **before a Magistrate of competent jurisdiction at Delhi**

- c. Pass such other orders or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present application.

AND FOR THESE ACTS OF KINDNESS, THE APPLICANTS,
AS IN DUTY BOUND, SHALL EVER PRAY.

Drawn By
Reepak Kansal

New Delhi

Filed on: 05.05.2020