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

+ W.P.(C) 5792/2020 & CMs 20930-20934/2020

SYED MUJTABA ATHAR & ORS. Petitioners
Through Mr.Shadan Farasat, Mr.Bharat
Gupta, Mr.Shourya Dasgupta, Advs.

versus

THE UNION OF INDIA THR. THE SECRETARY, MINISITRY
OF INFORMATION AND BROADCASTING & ORS.

..... Respondents
Through Mr.Anurag Ahluwalia, CGSC, UOI/
R-1 with Mr.Abhigyan Siddhant, Adv.
Mr.Naresh Kaushik, Mr.Vardhman
Kaushik, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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28.08.2020

This hearing has been held by video conferencing.

CM 20931-32-33/2020 (Exemptions)

Allowed, subject to all just exceptions.

CM 20934/2020 (Exemption from filing notarized affidavit and affixing of court fees)

1. This application has been filed seeking exemption from filing duly notarised affidavit and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.
2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date

of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.

3. Application is disposed of.

W.P.(C) 5792/2020 & CM 20930/2020 (Stay)

The petition has been listed before this court on being mentioned.

The learned counsel for the respondent no.2 submits that he is neither a necessary nor a proper party to the petition.

On his submission, the learned counsel for the petitioners prays for deletion of the respondent no.2 from the array of parties.

It is ordered accordingly. Let an Amended Memo of Parties be filed within a week.

Issue notice.

Notice is accepted by Mr.Anurag Ahluwalia, Advocate on behalf of the respondent no.1.

Notice be issued to the respondent nos.3 and 4 to be served by the petitioner on the said respondents by way of electronic mode as also *Dasti*, returnable on 7th September, 2020.

The learned counsel for the petitioner has taken this Court through the video clip of the trailer that has been released by the respondent nos.3 and 4 for the programme 'Bindas Bol' that is scheduled to be telecast on respondent no. 3 TV Channel today at 8.00 p.m. He submits that the trailer itself shows that the programme in question could be in complete violation of the Programme Code. He places reliance on Section 5, 19 and 20(3) of the Cable Television Network (Regulation) Act, 1995. He further submits that an irretrievable damage would be caused to the petitioner if the

programme is allowed to be telecast today.

The learned counsel for the respondent no.1, on instructions, submits that on several complaints having been received by the Ministry of Information and Broadcasting, a notice has been issued to the respondent nos.3 seeking its clarification. Notice *inter alia* records as under:

"This Ministry has received several complaints regarding a programme which is proposed to be broadcast on Sudarshan News TV from 28.08.2020 at 8.00 PM. In the promo of the proposed programme which is viral on Social Media Platforms, Shri Chavhanke for Sudarshan TV News Channel is raising concerns how people of a particular community have suddenly increased in IAS and IPS cadre, etc.

2. You are therefore, requested to clarify on the above in context of the Programme Code enshrined under Cable Television Network Rules, 1994 by return mail."

Having considered the submissions made, till the next date of hearing, the respondent nos.3 and 4 are restrained from telecasting the programme titled 'Bindas Bol' scheduled to be telecast at 8.00 p.m. today.

In the meantime, the respondent no. 1 shall decide on the notice issued and place its decision before this court.

A copy of the order be supplied to the learned counsels on their e-mail addresses provided.

NAVIN CHAWLA, J

AUGUST 28, 2020

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