ITEM NO.41 COURT NO.7 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 762/2020

REEPAK KANSAL **Petitioner(s)**

VERSUS

UNION OF INDIA & ORS. **Respondent(s)**

WITH W.P.(C) No. 1316/2020
(IA No. 9865/2021 - APPLICATION FOR PERMISSION)

Date : 08-08-2023 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)
Mr. Harisha S.R., AOR
Mr. Reepak Kansal, Adv.
Mr. Venketa Balaji Kodavali, Adv.

Mr. Pai Amit, AOR
Mr. Rajesh Inamdar, Adv.
Mr. Revant Solanki, Adv.
Mr. Abhiyudaya Vats, Adv.
Ms. Vanshika Dubey, Adv.

For Respondent(s) **Mr. Ashok Panigrahi, Adv.**
Mr. Rajat Nair, Adv.
Mrs. Aakanksha Kaul, Adv.
Mr. Anmol Chandan, Adv.
Mr. Amrish Kumar, AOR

Ms. Nisha Bhambhani, Adv.
Mr. Rajat Arora, AOR
Mr. Rahul Unnikrishnana, Adv.
Mr. Rahul Unnikrishnan, Adv.
Ms. Mariya Shahab, Adv.

Mr. Rabin Majumder, AOR
Mrs. Akansha Srivastava, Adv.
Ms. Nimmi Babu, Adv.
Mr. Dusmanta Kumar Pradhan, Adv.
Mr. Nand Ram, Adv.
Mr. Joydeep Mukherjee, Adv.

Mr. Anshuman Ashok, AOR

UPON hearing the counsel the Court made the following

O R D E R

Writ Petition(s)(Civil) No(s). 762/2020

Heard the learned counsel appearing for the parties.

The prayers in this petition invoking Article 32 of the Constitution of India read thus:

> **"(i) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the Central Government/respondent No.1 to restrict the assassination of dignity of individual, community, religious saint, religious & political organisation by these broadcasting electronic channels in the name of freedom of 'Press' and/or**
>
> **(ii) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent No.1 to control these uncontrolled and unregulated broadcasting electronic channels and/or**
>
> **(iii) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to restrict media trail, parallel trial, judgmental views and interfering in the administration of justice and/or**
>
> **(iv) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the Central Government/respondent No.1 to constitute an independent authority to be known as the Broadcast Regulatory Authority of India for the purpose of regulating and facilitating development of broadcasting services in India; and/or**

(v) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to stop the misuse of airwaves by these broadcasting electronic channels in the name of media, press and journalism; and/or"

Firstly, we must note here that the prayers are too wide. Secondly, we have to also keep in mind the fundamental right of freedom of speech and expression. Thirdly, we find from the counter affidavit of the respondent Nos. 2 and 3 that a mechanism has been created to address the grievances made in the petition by constituting the respondent No.3 headed by a retired Judge of this Court. The Committee headed by a retired Judge of this Court consists of members of the Civil Society as well. Moreover, this Court is dealing with hate speeches/news items in separate petitions.

We, therefore, decline to entertain this petition under Article 32 of the Constitution of India. The Writ Petition is accordingly rejected.

If the petitioner so desires, he can always make a representation to the appropriate authorities pointing out alleged illegalities committed by news channels.

Pending application, if any, also stands disposed of.

Writ Petition(Civil) No. 1316/2020

The petitioner has remedy of seeking appropriate writ from the jurisdictional High Court. On that ground, we decline to entertain this Writ Petition by reserving the liberty in favour of the petitioners.

The Writ Petition is accordingly rejected.

Pending application also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER