

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

Petition(s) for Special Leave to Appeal (Civil) No.6679/2004

(From the judgement and order dated 23/03/2004 in WPMP 5214/2004
of The HIGH COURT OF A.P AT HYDERABAD)

SECY., MIN. OF INFORMATION& BROADCASTING

Petitioner (s)

VERSUS

M/S GEMINI TV PVT. LTD. & ORS.

Respondent (s)

(With appln. for exem. from filing c/c of the impugned judgment
and prayer for interim relief)

Date : 02/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. Soli J. Sorabjee, AG
Mr. Rajeev Sharma,Adv.
Mr. Pawan, Adv.
Mr. A.U. Khan, Adv.

For Respondent (s)
Nos. 1 and 2Mr. H.N. Salve, Sr.Adv.
Mr. P. Venkat Reddy, Adv.
Mr. Anil Kumar Tandale,Adv.

Mr. G.R.K. Prasad, Adv.
Mr. Wasay Khan, Adv.

UPON being mentioned by the counsel the Court made the following
O R D E R

Issue notice on the special leave petition as also on the prayer for interim relief.

Mr. Anil Kumar Tandale, learned counsel, accepts notice on behalf of respondent Nos. 1 and 2.

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In the meantime, in substitution of the order under challenge, we pass the following interim order:

(i)No cable operator or T.V. Channel shall telecast any advertisement, which does not conform to the law of the country and which offends the morality, decency and susceptibility of views

or which is shocking, disgusting and revoking;

(ii)The telecast shall be monitored by the Election Commissioner of India;

(iii)The question as to whether the expenditure incurred by the candidate on inserting such advertisement should or should not be included, shall be considered on 5th April, 2004; and

(iv)The modalities whether such advertisements are in conformity with law, shall be laid down by the Election Commissioner of India.

Mr. S. Muralidhar, learned counsel, appears for the Election Commissioner. He prays for and is allowed three days time to obtain instructions.

List this case on 5th April, 2004.

[Alka Dudeja]
Court Master

[Janki Bhatia]
Court Master