

ITEM NO. 71

COURT NO.2

SECTION PIL

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

I.A. No. 5 In WRIT PETITION (CIVIL) NO(s). 316 OF 2008

SURAT SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(for stay and interim directions))

Respondent(s)

Date: 09/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Dr. Surat Singh, In-Person
Mr. L. Nghaka, Adv.
Mr. Ashok Mahajan, Adv.

For Respondent(s) Mr. P.P. Malhotra, ASG
CBI/IOI: Mr. T.A. Khan, Adv.
Mr. P.K. Dey, Adv.
Mr. A.K. Sharma, Adv.
Mr. B.K. Prasad, Adv.

STATE OF UP: Mr. Ratnakar Dash, Sr. Adv.
Mr. T.N. Singh, Adv.
Mr. Rajiv K. Dubey, Adv.
Mr. Kamalendra Mishra, Adv.

FOR R-8: Mr. Bhaskar B. Gupta, Sr. Adv.
Mr. K. Datta, Adv.
Mr. Diggaj Pathak, Adv.

For intervenor: Mr. Pinaki Misra, Sr. Adv.
Ms. Jyoti Mendiratta, Adv.

R-7: Mr. Vijay Kumar, Adv.
Mr. Tarun Verma, Adv.

Mr. Biswanath Agrrawalla, Adv.
Ms. Nisha Bhambhani, Adv.
Dr. Kailash Chand, Adv.

Mr. Subramonium Prasad, Adv.

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For NDTV: Mr. Vijay K. Sondhi, Adv.
Mr. Varun Pareek, Adv.
Mr. Wasim Beg, Adv. For
Luthra & Luthra Law Offices, Adv.

For Hindustan Times: Mr. Amit Anand Tiwari, Adv.
Mr. Rahul Kashyap, Adv.
Mr. Ashutosh Jha, Adv.

For NBA: Mr. A.J. Bhambhani, Adv.
Ms. Lakshita Sethi, Adv.
R-11: Mr. Vijay Sondhi, Adv.

Mr. Varun Pareek, Adv.

Mr. Sumante De, Adv.

R12 CNN, IBN
News Channel

Mr. Sudarshan Rajan, Adv.

For intervenor:

Mr. A.J. Bhambhani, Adv.

Mr. Rajiv Mehta, Adv.

R-13:

Mr. Praveen Agrawal, Adv.

Mr. Ashish Verma, Adv.

Mr. Ramesh Prasad Yadav, Adv.

for Bennet & Coleman Co.Ltd.

R-10

Mrs. Nisha Bhambhani, Adv.

Mr. B.N. Aggarwal, Adv.

Dr. Kailash Chand, Adv.

For Hindustan Times:

Mr. Amit Ahant Tiwari, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. Pinaki Mishra, learned senior advocate appearing for the intervenor in these proceedings, has brought to our notice certain newspaper publications annexed to I.A. No.5/10, in which a prayer has been made to give effect to the directions which we had given in our order of 22nd July, 2008. Several news items published in the "Pioneer", Delhi Edition and Lucknow Editions are annexed in which various statements have been attributed to officers of the C.B.I. Apart from the language and tenor of the reports that

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have been published, they appear to be in complete violation of the interim order which we had passed on 22nd July, 2008, besides being thoroughly insensitive and in extreme bad taste. This is precisely what we had intended the press should not do when we had passed the interim order. Freedom of the press, which is in-extricably linked with the right of freedom of speech contemplates fair and responsible reporting of events. This is more so where such reporting has the potential of damaging the reputation of the parties to the proceedings, which in the instant case, includes a minor girl who was murdered and is not, therefore, in a position to defend her honour against such scurrilous attacks on her reputation and moral character. The "Pioneer", however, is not a party before us and neither is "Mail Today". Certain definite assertions have been made, though such assertions have been attributed to sources which remain undisclosed.

Let both the "Pioneer" and the "Mail Today" be added in these proceedings and let notice issue to them as well, returnable on 19th August, 2010, at 2.00 P.M. The added respondents are directed to show cause as to why appropriate action should not be taken against them on account of the publications which have been annexed to I.A. No.5/10.

The News Broadcasting Association, which has been allowed to intervene in these proceedings by our order dated 7th July, 2009, is also directed to place on affidavit the existing Rules and Regulations of the Association relating to publication of News items, as far as the press and electronic media are concerned. Apart from the said Association, the Central Government, through the Ministry of Information and Broadcasting, is also directed to make available the guidelines, if any, which may have been laid down by the Ministry with regard to the publication and release of information by the Investigating Authorities to the press and also with regard to linking and de-linking and suspension and

cancellation of licences given to the electronic media.
recorded that the Press Council of India has already filed its

Let it be

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affidavit annexing a copy of their guidelines with regard to
publication in the print media.

Let this matter appear as directed on 19th August, 2010, and in
the meantime, we not only reiterate the interim order passed by us
on 22nd July, 2008, but we also restrain the respondents concerned
from publishing any material which has the effect of interfering
with the investigation process. We, however, clarify that this will
not prevent either the electronic media or the print media from
publishing information which does not in any way interfere with the
investigation or seek to sully the character and reputation of the
victim or prejudice the defence in any manner.

Let the additional documents filed in court today by the
intervenor, Dr. Talwar, be kept on record.

(Ganga Thakur)
P.S.to Registrar

(Juginder Kaur)
Court Master