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SLP(C)No. 17336 OF 2003
ITEM No.36

Court No. 1

SECTION IVA

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.17336/2003

(From the judgement and order dated 24/07/2003 in WP 1815/2002
of The HIGH COURT OF M.P AT JABALPUR)

KARAN JOHAR

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.
(With prayer for interim relief)

Respondent (s)

With
S.L.P.(C) No. 17356 of 2003
(With prayer for interim relief)

Date : 19/04/2004 These Petitions were 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. Karan Singh, Adv.
Mr. P.D. Sharma,Adv.

For Respondent (s)
Nos. 2 and 4Mr. L.N. Rao, ASG
Mr. Manish Singhvi, Adv.
Mr. Amit Mahajan, Adv.
Mr. Sushma Suri, Adv.
Mr. P. Parmeswaran, Adv.

Ms. Lalita Kaushik, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed. There shall be no order as to costs.

[Alka Dudeja] [Janki Bhatia]
Court Master Court Master
[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2594 OF 2004
(Arising out of S.L.P. [C] No. 17336 of 2003)

Karan Johar ... Appellant (s)

Versus

Union of India and Ors. ... Respondent(s)

WITH

CIVIL APPEAL NO. 2596 OF 2004
(Arising out of S.L.P.(C) No. 17356 of 2003)

O R D E R

Leave granted.

These appeals arise out of the order passed by the High Court of Madhya Pradesh in Public Interest Litigation, directing that the film 'Kabhi Khushi Kabhi Gham', produced and directed by the appellants, shall not be shown in any theatre unless the scene which depicts the national anthem is deleted and further the other respondents have been directed to withdraw the film from all cinema halls and the theatre owners are restrained from showing the film in its present form. A direction has also been issued to withdraw the certificate unless deletion is effected by the appellants.

We have heard learned counsel for the appellants and Shri L.N. Rao, learned Additional Solicitor General. We are satisfied that in view of the instructions issued by the Government of India that the national anthem which is

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exhibited in the course of exhibition of newsreel or documentary or in a film, the audience is not expected to stand as the same interrupts the exhibition of the film and would create disorder and confusion, rather than add to the dignity of the national anthem. We, therefore, set aside the order under challenge.

The appeals are, accordingly, allowed in terms of instructions issued by the Government of India. There shall be no order as to costs.

.....CJI.

.....J.
(S.B. Sinha)

.....J.
(S.H. Kapadia)

New Delhi,
April 19, 2004.