

In Re: Misreporting of Court Proceedings

v.

(Supreme court Of India)

HON'BLE MR. JUSTICE G.S. SINGHVI HON'BLE MR. JUSTICE  
SUDHANSU JYOTI MUKHOPADHAYA

Suo Motu Contempt Petition No. 343 Of 2012 | 05-12-2012

1. By an order dated 20-9-2012 (This is with reference to the news published in the front page of Indian Express dated 20.09.2012 titled "Appointing Judges to Tribunal raises questions of integrity, says SC Bench" with photographs of two sitting judges and another news item published in The Pioneer (New Delhi) dated September 20, 2012 with the head line 'SC surprised at CJI's choice for green body'.

2. The contents of the news item published in the Indian Express and the head line of the newspaper (The Pioneer) suggest that the bench had made observations on the recommendation made by Hon'ble the Chief Justice for appointment of Chairperson of the National Green Tribunal, a post which is lying vacant, and about the integrity of the judges appointed to the Tribunals are not only misleading but are patently false. The Court had only made observation about non-availability of facilities to the members of the Tribunals and hinted that this results in compromising with institutional integrity because the Judges are forced to go to the Executive and ask for various amenities like accommodation, medical facilities and leave travel concession. There was absolutely no reference to the proposed appointment of Hon'ble Justice Swatanter Kumar as Chairperson of the National Green Tribunal. As a matter of fact, the issue of appointment of Hon'ble Justice Swatanter Kumar was not even mentioned by either party. A reference to some incident of a former Judge of Rajasthan High Court was indeed made during the course of deliberations. .

3. Likewise, there was no reference by the Additional Solicitor General to the so called representation made by National Human Rights Commission headed by former Chief Justice of India Shri Justice K.G. Balakrishnan in res of Faridkot House where National Human Rights Commission is presently working. What he mentioned was that a portion of Faridkot blouse which was ordered to be

allotted to National Green Tribunal was earlier allotted to Press Council of India and the Court had observed that such allotment ought to be cancelled despite representation by any functionary and the premises be allotted to the National Green Tribunal.

4. The distorted reporting of the Court proceedings has the tendency of lowering the dignity of the institution and brings the entire institution of Judiciary to ridicule in the eyes of the public and also shakes the people's confidence in the independence and integrity of the institution.

5. Let notice, returnable on 30.10.2012, be issued to Shri Utkarsh Anand, correspondent of the Indian Express who is cited as the author of the news published in the paper as also the publisher of the Indian Express Limited and publisher of the Pioneer (New Delhi) to show cause as to why proceedings may not be initiated against them under the Contempt of Courts Act, 1971.

6. The learned Attorney General who is assisting the Court in one of the two matters which were taken up yesterday as also Shri P.P. Rao, learned senior counsel who was requested to assist the Court as amicus are requested to assist the Court in this matter as well. Both have graciously accepted the request of the Court.), this Court suo motu took cognizance of the news published on the front page of Indian Express dated 20-9-2015 titled "Appointing Judges to Tribunal raises questions of integrity, says SC Bench" with photographs of two sitting Judges and another news item published in The Pioneer (New Delhi Edn.) dated 20-9-2012 with the head line "SC surprised at CJI's choice for green body" and issued notice to Shri Utkarsh Anand, correspondent of Indian Express who was cited as the author of the news published in the paper as also the publisher of the Indian Express Limited and publisher of The Pioneer (New Delhi Ed.) to show cause as to why proceedings may not be initiated against them under the Contempt of Courts Act, 1971.

7. In response to the aforesaid notice. Shri Chandan Mitra, publisher of The Pioneer filed affidavit dated 19-10-2012. Likewise, Shri Utkarsh Anand, the correspondent of Indian Express and Shri Ramesh Chander Malhotra, printer and publisher of Indian Express filed their affidavits dated 19-10-2012. S/Shri Chandan Mitra, Ramesh Chander Malhotra and Utkarsh Anand tendered

unqualified apology for publication of misleading news items in their respective papers.

8. The contents of order dated 20-9-2012 (supra) and the affidavits filed by S/Shri Ramesh Chander Malhotra, Utkarsh Anand and Chandan Mitra have been published in the front page of Indian Express dated 20-11-2012 and The Poiner dated 28-11-2012 with the heading “An Apology”. Today, additional affidavits have been filed by Shri Ramesh Chander Malhotra and Shri Utkarsh Anand.

9. We have perused the publication made in the two newspapers and the affidavit of S/Shri Ramesh Chander Malhotra and Utkarsh Anand. In our view, the apology tendered by S/Shri Chandan Mitra, Ramesh Chander Mlahotra and Utkarsh Anand deserves to be accepted. Ordered accordingly. As a sequel to this, the notice issued by the Court is discharged and the contempt petition is disposed of.