
(2016) 04 SC CK 0106

In the Supreme Court Of India

Case No : Contempt Petition (C) No. 485 of 2015 In W.P.(C) No. 197 of 2004 In
Contempt Petition (C) No. 692 of 2015 In W.P.(C) No. 13 of 2003

Centre For Public Interest Litigation

APPELLANT

Vs

Kewal Kumar Sharma & Ors.

RESPONDENT

Date of Decision : 28-04-2016

Acts Referred:

Citation : (2016) 4 Scale 472

Hon'ble Judges : Ranjan Gogoi; Pinaki Chandra Ghose, JJ.

Bench : Division Bench

Advocate : Gurmeet Singh Makker, Mukul Rohatgi, A.G, Abhinav Mukerji, S.N. Terdal, Mukul Rohatgi, A.G, Subramonium Prasad, Sr. Adv, M. Yogesh Kanna, Jayant Patel, Sidhartha Dave and Chirag M. Shroff, Advocates, for the Respondent

Final Decision : Disposed Of

Judgement

CONTEMPT PETITION (C) NO. 485/2015 IN WRIT PETITION C) NO. 197/2004

1. The present contempt petition has been filed for willful disobedience of the judgment of this Court dated 13th May, 2015 passed in Writ Petition No. 13 of 2013 and other connected matters.

2. The complaint in the present contempt petition is three-fold. Firstly, it is contended that the Three Member Committee directed to be constituted in terms of paragraph 24 of the judgment of this Court dated 13th May, 2015 has not yet been constituted. Secondly, referring to two different sets of advertisements one in the electronic media and the another in the print media issued by the Delhi Government it is contended that the said advertisements are partisan in nature and has the effect of belittling the other political parties and also glorifying the personality of the Chief Minister of the State of Delhi. Thirdly, with regard to certain advertisements issued by the State of Tamil Nadu wherein apart from the publication of the photograph of the Chief Minister which was not permissible at that point of time, submissions have been made that the said advertisements

have the effect of glorifying the personality of the Chief Minister of the State.

3. The response of the Union of India, the Government of NCT of Delhi and the State of Tamil Nadu have been filed. We have gone through the same. We have also heard the learned counsels for the parties.

4. Insofar as the constitution of the Three Member Committee is concerned, the reply affidavit filed on behalf of the Union of India indicates that on 6th April, 2016 such a Committee has been constituted consisting of the persons mentioned in the body of the affidavit. In fact, the first meeting of the Committee has been held on 18th April, 2016. The directions contained in paragraph 24 of the judgment dated 13th May, 2015, therefore, has been complied with. Shri Prashant Bhushan, learned counsel for the petitioner has submitted that similar Committees should be constituted in respect of the States or the Committee constituted should be authorised by the States to also act on their behalf. In addition, it has been submitted by Shri Bhushan that this Court could consider arming the said Committee with certain additional powers to ensure effective enforcement of the duties cast on it by the judgment of this Court dated 13th May, 2015.

5. We have considered the aforesaid aspect of the matter and the arguments advanced, as stated above.

6. The spirit of the judgment of this Court dated 13th May, 2015 would require the States to also constitute their respective Committees which shall now be done. If the States so desire the Committee constituted at the Central level referred to in the affidavit of the Union of India may be entrusted with the task of overseeing the publication of advertisements in the States.

7. Insofar as the arming/empowering the Committee with any further powers is concerned we do not think it necessary to do so at this stage. In paragraph 24 of the judgment of this Court dated 13th May, 2015 it has been clearly laid down that the Committee constituted would be responsible for ironing out the creases that may show from time to time in the implementation of the directions of the Court and also to oversee such implementation. In the event it becomes so necessary and the Committee, for any reasons, is unable to render effective and meaningful service it is always open for an aggrieved party or a conscious citizen to approach this Court once again.

8. Specifically, insofar as the publication of advertisements by the State of Tamil Nadu is concerned we have perused the affidavit filed by the Chief Secretary to Government of Tamil Nadu which goes to show that the advertisements published by the State do not carry the photograph of the Chief Minister and the advertisements which do carry the photograph of the Chief Minister were so published by the Indian Express, New Delhi Edition and funded by the said Group and not by the State. In the light of the aforesaid stand taken in the affidavit of the Chief Secretary to Government of Tamil Nadu we do not consider it necessary to pursue the matter any further. However, we would like to add that the impact

and importance of a Government advertisement cannot be lost on the functionaries of the Union as well as the State, the purpose and significance of which has been detailed in the judgment of this Court dated 13th May, 2015. The Court would expect all such functionaries to rise to the occasion and to act in the matter of publication of Government Advertisements with utmost responsibility so as to ensure that such advertisements carry the right message to the citizens and do not glorify and/or personify any particular individual presently in the helm of affairs of the Union or the State.

9. Having said that we would also like to point out that a reading of the advertisements in question published by the Government of NCT of Delhi would go to show that some portions of the same have been somewhat inarticulately drafted and there is room for improvement. We are confident that in the advertisements that will henceforth be issued by the Government of NCT of Delhi as well as the State of Tamil Nadu and by all other States as well as the Union of India the purpose of Government advertisements as dealt with in the judgment dated 13th May, 2015 shall be kept in mind and the advertisements will be published in the true spirit in which they are required to be so published.

10. On the aforesaid note and with the above observations, we deem it appropriate to close the present contempt petition.

11. A copy of this order be circulated to the Chief Secretaries of all the States.

CONTEMPT PETITION (C) NO. 692/2015 IN WRIT PETITION (C) NO. 13/2003

12. In the light of the order of this Court dated 28th April, 2016 passed in Contempt Petition (Civil) No. 485 of 2015 in Writ Petition (Civil) No. 197 of 2004 this contempt petition is also disposed of.