

**(2004) 04 SC CK 0026**

**In the Supreme Court Of India**

**Case No :** Civil Appeal No's. 2594 of 2004 (Arising out of SLP (C) No. 17336 of 2003) and 2596 of 2004 (Arising out of SLP (C) No. 17356 of 2003)

Karan Johar

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

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**Date of Decision :** 19-04-2004

**Acts Referred:**

Prevention of Insults to National Honour Act, 1971 — Section 3

**Citation :** (2004) 9 SCALE 33 : (2004) 5 SCC 127

**Hon'ble Judges :** V. N. Khare, C.J;S. H. Kapadia, J;S. B. Sinha, J

**Bench :** Full Bench

**Final Decision :** Allowed

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**Judgement**

1. Leave granted.

2. 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 theater 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.

3. 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 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.

4. The appeals are, accordingly, allowed in terms of instructions issued by the

Government of India. There shall be no order as to costs.