

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Suo-moto Contempt Petition No.1586 of 2015

The Editor
The Hindu
Tamil Edition
Chennai.

... Contemnor

Suo-moto contempt proceeding initiated against the
contemnor herein as per letter of Mr.A.N.Thambidurai,
Additional Public Prosecutor dated 21.07.2015

For Contemnors : Mr.P.S.Raman
Senior Counsel
for M/s.R & P Partners

ORDER

(Order of the Court made by **S.TAMILVANAN, J.**)

Heard the learned senior counsel appearing for the
contemnors. Today, the second contemnor Mr.Ravi is present
before this Court.

2. Mr.N.Ram, the first contemnor has filed a memo,
wherein it is stated as follows:

"1.The contemnor herein, N.Ram, being the
Publisher of "The Hindu" Daily Tamil Newspaper
is currently out of the country on an official

assignment and the summons/notice of this Hon'ble Court was received by the contemnor's office only on 17.08.2015. In view of such short notice, the contemnor herein was unable to change his travel plans and is therefor unable to personally appear before this Hon'ble court as directed on 20.08.2015. The non-appearance of the contemnor before this Hon'ble Court on 20.08.2015 is neither willful nor wanton but due to the aforesaid bona fide reasons.

2.The contemnor hereby undertakes to appear in person before this Hon'ble Court on any date that may be fixed by this Hon'ble Court starting 24th August 2015."

2.Mr.N.Ravi, the second contemnor herein has also filed an affidavit stating that he is no longer the Editor of "The Hindu" Daily Tamil Newspaper and hence, he was not responsible for the said publication effected by "The Hindu" Daily Tamil Newspaper on 13.07.2015.

3. As per the Constitution of India, though Executive, Legislative and Judiciary are exercising the sovereign function, on behalf of the people of the country, it is an undisputed fact that the fourth pillar of the Democracy is the Press and Media for proper survival of Democracy, by bringing correct news to the people. Similarly, freedom of speech and expression is an important Fundamental Rights,

guaranteed under Article 19 (1) (a) of the Constitution, which is available to press and media, however, the news published in any newspaper should reflect only the truth, that should not be tainted or tilted version.

4. In the sensitive case relating to the Habeas Corpus Petition, has been handled with utmost care and responsibility by this Bench, like any other case. We never disrespected any person, either male or female, as we know that it is our paramount duty to respect everyone, in discharging our constitutional duty. It was brought to our notice by the petitioner, who sought an order in the nature of Habeas Corpus and also the materials of news items published in various newspapers that the detainee, Pavithra was allegedly taken away from the custody of the petitioner by one, Shameel Ahamed, which created communal tension, on account of the parties, belonging to different religions. Subsequently, Shameel Ahamed died and there was allegation that he was done to death, which resulted in causing damage to public and private properties, worth more than Rs.50 lakhs. There was also threat to the life of the said Pavithra. With proper responsibility, this Court, in order to prevent untoward incidents, passed an order, whereby permitted her to stay in a Working Women's Hostel, so as to avoid her going to the sensitive area and directed the

police to give proper protection. She was not willing to go along with her father or husband, who were present in the open Court. However, in a casual manner, she said that she would go with her father, if divorce is obtained by him against her husband, though allegations levelled against her was serious in nature.

5. We never disrespected Pavithra, in fact, we treated her like our own family member. However, it was improperly published in the newspaper with certain comments from persons who were admittedly not present in the Court and had no personal knowledge about the occurrence in the Court.

6. We are of the considered view that giving unreasonable comments relating to a Court proceeding, degrading the Institution, without knowing the reality by contemnors cannot be justified and it could be construed only seeking unreasonable and unjustifiable publicity, by persons, giving such statement. However, having considering the submission made by Mr.P.S.Raman, learned Senior counsel, we are of the view that there is no fault on the part of Mr.N.Ram, Publisher and Mr.N.Ravi, Editor-in-Chief. In fact, the immediate publication making unconditional apology would make us to appreciate their good gesture on the Institution and we appreciate them in this regard.

7. Mr.P.S.Raman, the learned senior counsel appearing for the contemnors submitted that an unconditional apology was published in "The Hindu" Daily Tamil Newspaper on 25.07.2015 itself in the front page, even before the receipt of the contempt notice from this Court. Mr.K.Asokan, Editor of "The Hindu" Daily Tamil Newspaper has also filed an affidavit to that effect. It is also submitted by the learned senior counsel that there is no intention for the alleged contemnors to disrespect the judiciary or this Court.

8. We want to make it clear since, Courts are discharging sovereign function, it is the duty and prerogative of the newspapers to publish important news, relating to any Order or Judgment, as the same are required for the public. Hence, the Reporters of newspapers should be given proper training, so as to publish correct news in their newspapers, in discharging the duty as the fourth pillar of Democracy.

9. In this regard, we appreciate and record the good gesture of Mr.N.Ram and Mr.N.Ravi, for informing the Court that they have given suitable instructions to all the Reporters of the newspapers, in publishing the news relating to Court proceedings properly.

10. On the said facts and circumstances, having accepted the unconditional apology published in "The Hindu" Daily Tamil Newspaper on 25.07.2015, we find it reasonable to close this suo-moto contempt proceeding. Accordingly, this suo-moto contempt petition is closed as no further action is required.

tsvn

SD/-
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//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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SS/CO/20/09/2016

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