

\$~56

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 47/2020, CM APPL. 2664/2020 & CM APPL. 2665/2020

APARNA BHAT

..... Petitioner

Through: Mr. Sanjay Parikh, Senior Advocate with Mr. Pukharambham Ramesh Kumar, Ms. Karishma Maria and Ms. Sanjana Srikumar, Advocates.

versus

SAKSHI SINGH & ORS

..... Respondents

Through: Mr. Rajiv Nayar, Senior Advocate with Ms. Savni Dutt Endlaw, Mr. Yatinder Garg and Mr. Saurabh, Advocate for R-1.

Mr. Dayan Krishnan, Senior Advocate with Mr. Harshvardhan Jha and Ms. Mayuri Shukla, Advocates for R-2 to R-4.

Mr. Gautam Narayan, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

29.01.2020

The petitioner is aggrieved by the non-compliance of the order of this Court dated 11.01.2020 in CM(M) 15/2020, which directed *inter alia*:

“38. Under these circumstances, the following directions are issued:

a. The Defendants are restrained from releasing the film 'CHHAPAAK' on any electronic medium/s such as cable television, home viewing, DTH platforms, internet entertainment or streaming services, etc., without acknowledging the name of the Plaintiff, in the opening credits in the following manner:

“Inputs by Ms. Aparna Bhat, the lawyer who represented Laxmi Agarwal are acknowledged.”

b. Insofar as the further theatrical exhibition is concerned, since the film has already been released on 10th January 2020 both internationally and in India, in order to ensure that there is no disruption in the screening, it is directed that the film shall not be exhibited in theatres with effect from 15th January 2020 without the above credit being added to the digital copies of the film’s opening credit slides.”

Notice has not been issued, however, the learned counsel for the respondents appear on service of advance copy of the petition.

At the outset, Mr. Rajiv Nayar, the learned Senior Advocate for respondent no. 1 submits that the said respondent has the highest regard for this Court and would rather err on the side of caution and it cannot even contemplate deliberately breaching this Court’s order. He further submits that the order has been promptly complied with apropos exhibition of the film within the territory of India but perhaps full import of it was not construed in its entirety. In any case, the acknowledgement has to be shown as directed, in the opening credits of the film.

Let the necessity of the aforesaid acknowledgement in favour of Ms. Aparna Bhat–petitioner, be duly and promptly communicated by respondent no.1 to all its distributors in all territories, especially apropos all on-going international exhibition of the film ‘Chhapaak’. Apropos other territories, where the film is yet to be released, respondent no.1 is expected to ensure due compliance of the aforesaid directions. The said respondent shall inform all its distributors that the acknowledgement of petitioner’s contribution is imperative in terms of this Court’s order. This information shall be communicated to them within 24 hours from today so that due

acknowledgement is put in place at public viewing.

Mr. Nayar submits that every endeavour shall be made by respondent no. 1 to ensure that the acknowledgment is put in place within 48 hours from today. For a peaceful resolution of the matter, respondent no. 1 volunteers to make a contribution of Rs. 50 lacs towards the larger public good from its CSR Fund or other funds.

Let Rs. 25 lacs be deposited into the “AASRA Fund” created by this Court¹ for treatment and rehabilitation of the burn victims and Rs. 25 lacs be

¹ Order dated 03.05.2019 in MAC.APP. 978/2018, *New India Assurance Co. Ltd. vs Himanshu Sharma & Ors.* has held inter alia:

“....

It is a present day reality that burn victims in general, gradually get relegated to the shadows of social life and suffer a life-time of withdrawal from active participation in public life. With time the searing pain of the wounds and the shock of the burn incident may heal, but the scars of the burn injury remain on the body; the unfortunate remnant disfigurement haunts the victims consciousness incessantly. Collaterally, if not by conscious ostracism then by subconscious preference there could be shunning of the company of a victim of burn injury, even by those who were familiar with the victim just the previous day; all these factors would lend to a degree of diffidence apropos the victims social interaction, perhaps even cause some bitterness, helplessness and despondency. A civilised society cannot let such psychological devastation of an individual and her withdrawal from social life to fester. Society would expect its economically well-off persons and institutions of means, to lend a helping hand-some assistance, to rehabilitate them. The appellant is, a large government owned insurance company. It has an extensive and cognisable administrative footprint throughout the country. It employs thousands of persons. Its turnover is in thousands of crores of rupees. Therefore, it may consider employing persons suffering from unfortunate catastrophic setbacks, such as burn injuries. Albeit, cases of such compassionate rehabilitation may be given priority and affirmative action by a public sector company may be adopted as a policy, but the individual would be expected to meet the minimum eligibility criteria or such relaxed criteria or modified duties, as may be fixed by the employer. Accordingly, the appellant is expected to indicate the number of persons and the positions in which burn victims could be employed with it within two weeks from today.

Additionally, a rehabilitation and ameliorative fund shall be created. It shall be called the Aasra Fund to be managed by the Registrar General of this Court. Costs imposed on parties by this court, may be directed to be deposited. The Fund could be utilized for plastic surgery and other rehabilitative efforts to victims of burn injuries. The identification of the victims for rehabilitative surgery, etc. shall be done by a

expended towards plantation of 25,000 trees at the ‘Insaaf Bagh’ area of the Central Ridge, where efforts are already underway to increase the tree density in the roughly 850 acres of forest land. Respondent no. 1 shall ensure that its authorized representative appears before the Deputy Conservator of Forests (South) Mrs. Indhu Vijayan N. (Mob. 9599035975) or Mr. Saurabh Sharma (Mob. 9599272800) on 10.02.2020, who shall indicate the forest lands in the Central Ridge where the trees shall be planted. The trees shall be of deciduous indigenous variety and they shall have a nursery age of three and a half years and shall have a minimum height of at least six feet.

Depending upon the soil type and topography, the DCF may consider the following types of trees for plantation:-

- | | |
|-------------------------------|-------------------------------------|
| (i) Gular (Cluster Fig) | (ii) Kadamba (Burflower Tree) |
| (iii) Pilkhan (White Fig) | (iv) Jaamun (Black Plum) |
| (v) Bargad (Banyan Tree) | (vi) Mango |
| (vii) Amaltas (Golden Shower) | (viii) Mahua (Butter Tree) |
| [Indian Laburnum] | |
| (ix) Putranjiva | (x) Badh |
| (xi) Sagwan (Teak Wood) | (xii) Safed Siris (Albizia Procera) |
| (xiii) Kala Siris | (xiv) Anjeer |
| (xv) Kathal- Jackfruit | (xvi) Palash |
| (xvii) Arni | (xviii) Bistendu |
| (xix) Rohida | (xx) Medshingi |
| (xxi) Palash/Tesu/Dhak | (xxii) Hingot |
| (xxiii) Ronjh | (xxiv) Khejri |

Respondent no. 1 or the authorized representative will be free to water

Committee comprising Registrar General of this Court, the Head of Department of Burns Injury of the Safdarjung Hospital, New Delhi, alongwith a Senior Surgeon/ Doctor of the said hospital. Let the Registrar General open a Savings Account with UCO Bank, Delhi High Court Branch in the name of Aasra Fund....”

the trees for the next six months. To the extent possible, treated sewage water sourced from the nearest STP, through the Delhi Jal Board shall be supplied and used by the Forest Department for upkeep of the trees.

The aforesaid exercise of plantation shall be completed by the first week of March, 2020. It is expected that the Forest Department shall dig up the requisite number of pits by the 20th February, 2020.

Compliance Report alongwith aerial photographs shall be filed both by respondent no. 1 and the DCF concerned before the next date. Copy of the order be supplied to the learned Court Commissioners- Mr. M.A. Niyazi and Mr. Sumit Pushkarna appointed by this Court in CONT. CAS (C) 846/2018.

In view of the above, the contempt petition is not pressed. Accordingly, the petition, alongwith pending applications, stands disposed-off in the above terms.

Mr. Gautam Narayan, the learned Additional Standing Counsel for GNCTD, who is present in the Court, assures the Court of due compliance of the aforesaid order.

List for compliance on 17.03.2020.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

JANUARY 29, 2020/RW