

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**CIVIL ORIGINAL JURISDICTION**

**CS(OS) NO. \_\_\_\_ OF 2020**

**IN THE MATTER OF:**

Ashutosh Dubey

... Plaintiff

Versus

Netflix Inc & Others

....Defendants

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Plaintiff

  
**ASHUTOSH DUBEY & ABHISHEK CHAUHAN**  
PLAINTIFFS IN PERSON

Date : 23.4.2020

**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**CIVIL ORIGINAL JURISDICTION**  
**CS(OS) NO. \_\_\_\_ OF 2020**

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**ASHUTOSH DUBEY & ABHISHEK CHAUHAN**  
PLAINTIFFS IN PERSON

Date : 23.4. 2020

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Ashutosh Dubey

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**SUIT FORMAT**

Sl No.	Date of Institution of suit	Name of place of Institution of Suit	Name of First appellate Court and Date of Institution	Valuation of Suit	Court fee paid
1.	24.4.2020	Delhi  Delhi High Court	N.A.	3,00,00,000  For Injunction	Fixed ct fee on Injunction  230/-

Appeal from the order of \_\_\_\_\_ N.A. \_\_\_\_\_

dated the \_\_\_\_\_ N.A. \_\_\_\_\_

Relief sought Permanent Injunction against the defendants from telecasting/airing the episodes of Webseries "Hasmukh" and particularly episode 4 of Season 1 on www.netflix.com

Place: Delhi  
 Date: 23.4.2020



**IN THE HIGH COURT OF DELHI AT NEW DELHI  
CIVIL ORIGINAL JURISDICTION**

**CS(OS) NO. OF 2020**

**IN THE MATTER OF:**

Ashutosh Dubey ... Plaintiff  
Versus  
Netflix, Inc & Others ....Defendants

**NOTICE OF MOTION**

Sir,

Please take note that the petitioner has filed the present petition which is expected to be listed on or before **25/04/2020**

Thanking You,

  
Plaintiff

  
**ASHUTOSH DUBEY & ABHISHEK CHAUHAN**

Date : 23.4.2020

To: **No notice of caveat or otherwise received from any defendants**

1. Advocate for \_\_\_\_\_
2. Advocate for \_\_\_\_\_

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
CIVIL ORIGINAL JURISDICTION**

**CS(OS) NO. \_\_\_\_ OF 2020**

**IN THE MATTER OF:**

Ashutosh Dubey ... Plaintiff

Versus

Netflix, Inc & Others ....Defendants

**URGENT APPLICATION**

**To**

The Registrar,  
Delhi High Court,  
New Delhi.

**Sir,**

Kindly treat the accompanying Suit as an urgent one. The grounds of urgency are as follows:

"Urgent directions are prayed for against the Defendants from telecasting further the impugned episode"

  
Plaintiff

  
**ASHUTOSH DUBEY & ABHISHEK CHAUHAN**  
PLAINTIFFS IN PERSON

Date : 23.4. 2020

5

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**CIVIL ORIGINAL JURISDICTION**

**CS(OS) NO. \_\_\_\_ OF 2020**

**IN THE MATTER OF:**

Ashutosh Dubey

... Plaintiff

Versus

Netflix, Inc & Others

....Defendants

**SUIT FOR PERPETUAL AND PERMANENT INJUNCTION**

**MEMO OF PARTIES**

**IN THE MATTER OF:-**

Ashutosh Dubey

S/o Sh H.B. Dubey

Occupation: Advocate

..... Plaintiff

VERSUS

1 . Netflix, Inc

2 . Netflix Entertainment Services India LLP.

3 . Emmay Entertainment & Motion Pictures

4. Applause Entertainment Pvt. Ltd.

5. Vir Saran Das @ Vir Das

6. Nikhil Gonsalves

7. Nikhil Advani

.... Defendants

  
Plaintiff

  
**ASHUTOSH DUBEY & ABHISHEK CHAUHAN**  
PLAINTIFFS IN PERSON

Date : 23.4.2020

**IN THE HIGH COURT OF DELHI AT NEW DELHI****ORDINARY ORIGINAL JURISDICTION****CS(OS)NO.                      OF 2020****IN THE MATTER OF:-**

Ashutosh Dubey

S/o Sh H.B. Dubey

Occupation: Advocate

..... Plaintiff

**VERSUS**

1. Netflix, Inc
2. Netflix Entertainment Services India LLP.
3. Emmay Entertainment & Motion Pictures



4. Applause Entertainment Pvt. Ltd.

5. Vir Saran Das @ Vir Das

6. Nikhil Gonsalves

7. Nikkhil Advani

.... Defendants



**SUIT FOR PERPETUAL AND PERMANENT INJUNCTION AND  
TENDERING UNCONDITIONAL APOLOGY**

**To**

**The Hon'ble Chief Justice and his companion  
Justices of High Court of Delhi at New Delhi.**

**The humble petition of the  
Plaintiffs above-named.**

**MOST RESPECTFULLY SHOWETH:-**

1. That the present suit is being filed by the Plaintiff herein, seeking the relief of permanent and perpetual injunction against the defendants from airing or streaming of the episodes of Webseries (TV show) "Hasmukh" and especially Episode 4 of Season 1 with immediate effect and tender an unconditional apology online related to the aspersions casted via the Webseries TV show "Hasmukh", and/or without deleting/removing the disparaging statements made against lawyers in Episode 4, which have caused damage to the reputation and maligned image of lawyers at large.
2. That the plaintiff is registered with Bar Council of Delhi having Enrollment no. D/775/2004 and is also member of the Supreme Court Bar Association. The plaintiff is a practicing advocate before this Hon'ble Court and in the Hon'ble Supreme Court of India and various other fora pan India. The plaintiff is reputed advocate and has carved a niche of his

own by putting his determination, devotion, dedication, sincerity and hard work over the period and catering to the legal needs of the society. The plaintiff is also subscriber of Netflix.

3. That the defendant No. 1 alongwith its subsidiaries and countrywise associates, for India, the defendant No.2 herein, are a streaming service which act as a platform for watching a wide variety of award-winning TV shows, movies, documentaries, webseries and more on thousands of internet-connected devices on subscription basis and enjoy a wide audience from all corners of world.
4. That the defendant Nos. 3 and 4 are the production company which are one of the creators of the webtelevision mini series (show) titled "HASMUKH", directed by Nikhil Gonsalves (Defendant no.6), co-created and written by Nikkhil Advani (Defendant no.7) and Vir Saran Das @ Vir Das (Defendant No.5). the defendant No.5 is main protagonist in the show. The said TV show, 'Hasmukh' was released on 17.04.2020 and is being aired on online platform /app "Netflix" (www. Netflix.com) run by defendant Nos 1 and 2. The said show is available for viewing to all the subscribers all over the world which are, even by a conservative estimate, not less than 180 million as reflected on google.com.



5. That the show relates to a standup comedian, Hasmukh Sudiya (Vir Das- defendant No.5) who is an upcoming stand-up comedian from Saharanpur, a small town in Uttar Pradesh. After a video of him performing at a local function goes viral, he is invited to Mumbai to compete in a television show. Everything seems merry, except there's one catch. If Hasmukh is to do well in this competition, he must commit a murder before going up on stage every time.

6. That in the said show of webseries of Hasmukh, in the Episode no.4 of Season 1, "Bambai Ka Bambu", the protagonist, (Defendant No. 4), the writer (Defendant No.7) and the Director (Defendant No.6) have alleged lawyers to be thieves, scoundrels, goons and have had the indecency to address lawyers as "rapists". The said statements are reduced herein for ready reference of the Hon'ble Court:

*".....are kya gareeb ki tokri se tum loan maang rahe ho? Bache ki chaddi ke andar tum qutub minar dhoond rahe ho.... aisa pehla saher dekha hai humane jahar chor bhi bade aamir hote hain. **Lekin yahan unka naam chor nahi, vakeel hota hai. Aapke vakeel sahib sabse bade kameene aur chor hote hain. Ye kanoon ka thekedar, jo kabhi nahi honge girafkaar, kyunki yeh kalam ke saath karte hain balatkaar. Arrey bahiya log kahate hain ki kanoon andha hota hai, main kahata hoon Mumbai me kanoon ganda hota hai, kyunki har wakeel ke haath me chota sa itna danda hota hai...**"*

7. That it is not only the advocates, who have been demeaned and disgraced in the whole show but the defendants have not



left the police especially U.P. Police and the politicians, to which the plaintiffs are not concerned in the present plaint.

8. That the said statements are highly disparaging, defamatory and bring disrepute to the law profession and lawyers/advocates in the eyes of general public. The said remarks have caused utmost damage to legal profession and impugn the image of lawyers in the eyes of millions of viewers/ subscribers who visit the streaming website where the show is being streamed.
9. That from early times of moderates like Mohandas Karamchand Gandhi, Motilal Nehru, Dadabhai Naoroji to extremists C Rajagopalachari, Bal Gangdhar Tilak or "Iron Man" Sardar Patel they all had their differences in opinions, thoughts and way of working but what they all had in common was they were practitioners of 'law'. If not of the self-sacrificing and dedicated efforts of these brave men how India would have won the independence it cherishes now.
10. At the dawn of independence, the parliament of independent India was the forge where a document that will guide the young nation was being crafted. It had fallen on the keen legal mind of Dr. B. R. Ambedkar to formulate a constitution for the newly independent nation. The Indian Bar had a role in the Independence movement that can hardly be overstated – that the tallest leaders of the movement across the political



spectrum were lawyers is ample proof. The new nation saw its first leader in Jawaharlal Nehru, and a paternal figure in M. K. Gandhi, both exemplary lawyers. Perhaps it is the consequent understanding of law and its relation to society that prompted the founding fathers to devote the energy required to form a Constitution of unprecedented magnitude in both scope and length.

11. Lawyers are those small pillars in a building that are required during the construction of the main pillar as to give it support towards the right direction. Being lawyer is a noble and honorable profession which requires a manner and conduct to be carefully followed. In Bar Council of India rules a lawyer holds a duty to act with dignity and self-respect , to uphold the interest of client by all fair and honorable means and shall not take advantage of the confidence reposed in him by his client. Apart from fighting cases lawyers provide their skills and knowledge to the society by doing pro bono cases and lending legal services to the poor and needy. A huge change has been brought upon by the legal aid services in India. Legal Aid implies giving free legal services to the poor and needy who cannot afford the services of a lawyer for the conduct of a case or a legal proceeding in any court, tribunal or before an authority.
12. That various branch of studies deals with the specific study of which they are specialized for e.g. A medical practitioner can

deal only in the line of medicine, an engineer only in his limited scope of engineering but a lawyer deals with all the fields of society including science, social values, human rights, banking, Intellectual property etc. As famously said "A lawyer should know something about everything and everything about something. A lawyer must be very careful about his attributes and behaviour. As Mahatma Gandhi said

Keep your thoughts positive, because your thoughts become your words.

Keep your words positive, because your words become your behaviour.

Keep your behaviour positive, because your behaviour become your habits.

Keep your habits positive, because your habits become your values.

Keep your values positive, because your values become your destiny.

Open Your Mind, Open Your Life: A Book of Eastern Wisdom

13. Every young law aspirant who has attended law school is ushered into the fraternity with the opening lines in their orientation programme, "Welcome to this noble profession". A question thus arises as to why the legal profession is considered to be noble. It is stated that K.V. Krishnaswamy Iyer's classic Professional Conduct and Advocacy contains a fine discussion on the place of the legal profession in the order of society, and why it is said to be noble. Justice Iyer calls the legal profession as "the most brilliant and attractive

of peaceful professions, with responsibilities both inside and outside it, which no person carrying on any other profession has to shoulder". While addressing the question of practice of legal profession, he says an "advocate has to deal with the greatest possible variety of human relations and has his mettle constantly tried from every direction. For the same reason, an advocate earns great social distinction, which ought not to be misused at any cost." The underlying ethos of the legal profession is the service to society, akin to that of a doctor. The aim is to protect citizens from social diseases.

14. Law is a more nuanced concept with different shades and complexities. It is an integral part of society as it reflects the accepted code of conduct that is prescribed or formally recognized by the community. The purpose of law in society is to preserve the moral sanctity that binds the society. Therefore, the legal profession is considered a noble profession as it is the upholder and protector of law. It is a service-oriented profession which aims to serve society. Roscoe Pound captured the essence of this sentiment when he wrote, "Historically, there are three ideas involved in a profession: organisation, learning, and a spirit of public service. These are essential. The remaining idea that of gaining a livelihood is incidental." Lawyers are considered to be social engineers, who bring about social change and development. Legal cases are embodiments of social change.



15. India has always had a rich legal history. The journey began from the Rig Vedic age to that of Manusmriti to Arthashartra to the law under the Mughal which was transplanted by the British legal system. The legal profession has always been considered a noble profession. This was recognised in numerous Supreme Court judgments such as Indian Council of Legal Aid and Advice v. Bar Council of India [(1995) 1 SCC 732] where the Apex Court enunciated that the duty of a lawyer is to assist the court in the administration of justice, the practice of law has a public utility flavour and, therefore, he must strictly and scrupulously abide by the Code of Conduct behooving the noble profession. The legal profession is nothing without its ideals and ethics. The client-attorney relationship is fiduciary in nature, and hence the lawyers have the duty of care.
16. The judiciary is an indispensable wheel of justice and its contribution in making the legal profession a noble is indispensable. The luminaries of the Indian judiciary have a common underlying golden thread. It is their quest for fearless justice and desire for preserving equality and respect for human dignity. Doyens such as Justice Krishnaswamy Iyer have reshaped Indian law. Some landmark legal cases and Supreme Court judgments have changed the course of law and the perception of society. The impact of these Supreme Court judgments can be seen in our daily lives.

17. That the preservation of human dignity is dependent upon various rights and duties conferred. The Courts are the protectors of these rights. The Courts play an integral role as defenders of the citizens, which are evident in the multifarious legal cases all across the country. The legal professionals make a significant contribution to the preservation of these rights and duties, and thereby act as social engineers. The primary allegiance of the lawyer is to the Court, where his duty is to assist the Court in justice dispensation. The arguments on behalf of the petitioner or the respondent are forwarded to help the Court gauge the legality of the issues at hand, and decide accordingly, in a just, fair, and reasonable manner, **then how can they be termed as legal rapists.**
18. The statement, "A lawyer is and must ever be the high priest at the shrine of justice", a religious metaphor, reflects the view of the lawyer's special role on the administration of justice. The religious metaphor was developed in the context of viewing Courts as the 'shrines of justice', and lawyers as the ministers of the "courts of justice robed in the priestly garments of truth, honor and integrity". Even in a secular context, the statement still captures the essence of the role of an advocate in the mechanism of administration of justice in the society. The journey of legal professionals is a tough one. The cases are different from each other, and therefore, the approach to tackle each is different. Lawyers have to arm



themselves to be able to accept the challenges of the varied legal cases with the same zeal and tenacity. This skill is acquired over the years, investing time, sweat and blood. Hard work and perseverance is the key to succeed in this competitive profession. The hardships and toils of the profession not only build a good lawyer but also build a strong and persistent individual who can achieve his aims and goals. It makes an individual a better human being who is sensitive to the needs of the society and strives to contribute to social justice in every way possible.

19. The nobility of the legal profession lies in the selfless efforts of the legal community to uphold the ideals of the society and the relentless exertions to serve the society. The effect of this effort is visible in the myriad landmark Supreme Court judgments, and various other legal cases which have shaped the way law is perceived and has impacted the society. Lawyers, judges, and the other stakeholders of the legal system work together, hand in glove. They are inspired and strengthened, guided and enriched by concepts of justice, equity and good conscience so that they can perform their duty to the society with sincerity and integrity. The dispensation of justice is not solely dependent on the judiciary but is a joint act of the Bar and Bench. Lawyers played a central role in drafting of constitution. The proceeding clearly show the part played by the lawyers in elaborating the basic concept of secularism, democracy and egalitarianism.

20. The development of lawyers as a class of professionals can be attributed to the need for trained persons who can form the competent interface to facilitate the interaction between the lay persons and the judiciary. This involves providing legal advice in matters of rights, liberties or property of the client within the framework of legislative and legal rights, and representing the client in the event of a dispute before an adjudicatory body. In fact, if law is viewed as a 'public good' which is frequently technical and not self-executing, meaningful access to law requires the assistance of a lawyer. Particularly, in most jurisdictions, the members of the legal profession are conferred the status of privileged members of the community, and occupies an exclusive domain with the privilege of pleading and acting on behalf of suitors being restricted only to enrolled advocates and attorneys. This monopolistic character of the legal profession entails certain high traditions which its members are expected to upkeep and uphold. Therefore, the lawyer plays an indispensable role in the mechanism of administration of justice.

21. As a professional, the functional role of an advocate, in essence, is comparable to that of a legal technician. An advocate is specially trained in the technical profession of 'law', and with his grasp over the subject matter; professional function consists largely of providing counsel for clients about how to escape or mitigate the incidence of the law's

obligations, availing of the loopholes and the ambiguities of law.


22. That an advocate is obligated to act so as to protect and uphold the interest of his client by all fair and honorable means. As has been frequently emphasized, he also acts in the capacity of an officer of the Court. The role of advocates as officers of the Court is to assist the Court in the administration of justice. Lawyers collect materials relating to a case and thereby assist the Court in arriving at a correct judgment. Furthermore, being a responsible officer of the court and an important adjunct of the administration of justice, the lawyer also owes a duty to the court as well as the opposite side. Advocates, as members of the Bar and officers of the Court, have the responsibility of 'keeping the stream of justice pure and unsullied' so also to enable it to administer justice fairly and to the satisfaction of all concerned.

23. That the legal profession cannot be considered like any other profession, or trade or business. It is a noble profession, which is intended to serve the cause of 'justice'. The difference between the legal profession and other professions lies in the fact that what lawyers do affects not only an individual but the administration of justice which is the foundation of the civilized society. The advocate owes a



duty to "his client in the capacity of a professional, and towards the Court in the capacity of an officer and the friend of the Court. However, this may and often does lead to a conflict. In cases of conflict, as far as possible, the advocate tries to balance his competing obligations. However where the conflict is irreconcilable, as an officer of the court concerned in the administration of justice, he has an overriding duty to the court, to the standards of his profession, and to the public.

24. This imperative stems not from a code of law, but a higher code of honor, which, if disregarded, offends not only the rules of the profession, but strikes at the heart of the confidence of the public in the judicial system itself. As it was observed in *Dhananjay Sharma v. State of Haryana*, "such conduct ... has the tendency to shake public confidence in the judicial institution because the very structure of an ordered life is put at stake." If people lose confidence in the profession on account of the deviant ways of some of its members, it is not only the profession which will suffer but also the administration of justice as a whole.

25. Justice is the cornerstone in a democratic society characterized by the rule of law. In an adversarial system, the advocate could be described, to some extent, as a minister of justice. The public impact of the legal profession can be gauged by the observation by the Supreme Court in *All India* 

Judges Association VS. Union of India, wherein it was expressed that the administration of justice and the part to be played by the advocates in the system must be looked into from the point of view of litigant public and the right to life and liberty guaranteed under Article 21 and right to grant legal aid as contemplated under Article 39A of the Constitution. The aspect of the advocate as a public servant is closely tied to the fact key role he plays in the developmental and dispute-processing activities and, above all, "in the building up of a just society and constitutional order." Being the custodian of the monopolistic power statutorily granted by the nation, the lawyer is obligated to rise to the expectations of him in being a member of the society worthy of confidence of the community in him as a vehicle of social justice.

26. The law is a guidepost for minimally acceptable behavior in society. Some semblance of order is necessary in a civil society and is therefore reflected in law. The law—when enforced—provides order consistent with society's guidelines. The Society is a 'web-relationship' and social change obviously means a change in the system of social relationship where a social relationship is understood in terms of social processes and social interactions and social organizations.

27. Law plays an important indirect role in regard to social change by shaping a direct impact on society. Law certainly



has acted as a catalyst in the process of social transformation of people wherein the dilution of caste inequalities, protective measures for the weak and vulnerable sections, providing for the dignified existence of those living under unwholesome conditions etc. Social change involves an alteration of society; its economic structure, values and beliefs, and its economic, political and social dimensions also undergo modification.

28. Legal system reflects all the energy of life within in any society. Law has the complex vitality of a living organism. Law is a social science characterized by movement and adaptation. The socio-legal significance of advocate's activity requires from an advocate high professionalism, knowledge of legislation and practical experience, mastering in tactical methods and means of advocacy and rhetorical skills. The lawyers/ advocates have stood at the center of society for centuries. They're in a unique position to affect societal change as lawmakers and thought leaders.

29. That Indian democratic system stands on three pillars i.e. Legislature, Executive and Judiciary. The fourth one which passes on the feelings of the public at large towards these higher three pillars is MEDIA. Media an intervening medium acquired an honourable position of fourth pillar i.e. Fourth Estate. Among the instrumentalities of our free society, media has an exponential growth in both print and electronic media

segment with a huge and burgeoning viewership and readership in all regions and languages. The communication revolution has given media an instant and global reach and with convergence, a multidimensional capability. It has grown in range and sophistication and is now immensely powerful and even feared not only by the public but by the organs of State. Media carries with it a corresponding responsibility imbued with a sense of trusteeship in providing the people with the kind of information needed for democratic participation, empowerment and informed choice. But media like other institutions has also succumbed to the vice of malpractices and corruption. In the media such malpractices operate in both explicit and implicit forms. But today's media functioning subtle and form of corruption is creating mischief. The distortion, disinformation syndrome aimed to serve certain petty interests.

30. That the existence of free, independent and powerful media is the cornerstone of a democracy, especially of a highly mixed society like India. Media is not only a medium to express one's feelings, opinions and views, but it is also responsible and instrumental for building opinions and views on various topics of regional, national and international agenda. The pivotal role of the media is its ability to mobilize the thinking process of millions. The 'Fourth estate' plays the role of a conscious keeper, being a watch dog of other three pillars - the Executive, the Legislature and the judiciary of democratic

setup. However, there are always two sides of a coin. With the increased role and importance attached to the media, there is need for its accountability and professionalism. Every institution is liable to be abused, and every liberty, if left unbridled, has the tendency to become a license which would lead to disorder and anarchy. Indian media shows a mosaic picture. Many of the issues discussed and shown on the news channels are not only irrelevant but are blown out of proportion with the emphasis on unnecessary issues and the result is that the real issues generally get buried. Television channels in a bid to increase their Television Rating Points (TRP) are resorting to sensationalized journalism shows with a view to earn a competitive edge over the others. Channels try to scandalise the issues to generate public curiosity instead of breaking news, they are actually making news and then breaking it.

31. That role of media in a democratic system has been widely debated. India has the largest democracy in the world and media have a powerful presence in the country. In recent times, Indian media have been subjected to a lot of criticism for the manner in which they have disregarded their obligation to social responsibility. Dangerous business practices in the field of Indian democracy, big industrial conglomerates in the business of media have threatened the existence of pluralistic viewpoints.





32. In the light of above facts, one of the most important responsibilities of media is to maintain and usher "NATIONAL INTEGRATION" among masses. India is a diverse country with people belonging to different religions, cultures, races and those who speak several languages. Education helps to bring unity in diversity. National Integration is unity in diversity. It implies social, political, economic, linguistic and cultural unity. "National Integration" means –creating a mental outlook which will prompt and inspire every person to place loyalty and the welfare of the country above narrow sectarian interests. There is need for National Integration to keep our freedom secure, to make the nation solid and united, to break the walls of provincialism, to avoid internet strife and to face foreign aggression. The idea of human unity, of a world free from all traces of conflict and misery, has stirred our hearts since times immemorial. Our one constant prayer all through the ages has been:

"SARVEAPI SUKHIHA SANTU SARVE SANTU  
NIRAMAYAAHA"

which means, "Let everyone be happy, let everyone be free from all ills."

33. That the hate speech or dialogues without any cloak have become very common which by their very utterance inflict injury or tend to incite an immediate breach of peace. It has been observed that such utterances are not essential part of any exposition of ideas and are of such slight social value as a

step to truth that any benefit may be derived from them is clearly outweighed by the social interest in order and morality. The Constitution of India does provide for freedom of speech under Article 19(1)(a) but that follows with certain restrictions which is being read with Article 19(2) under other specified exceptions such as 'sovereignty and integrity of India', 'security of the state', 'incitement to an offence' and 'defamation'. A wide range of Indian statutes contain provisions that assist in controlling such scandalous hate propaganda.

Some of these provisions are : (i) The Cable Television Networks (Regulation) Act, 1995 requires that all programmes and advertisements telecast on television conform the Programme Code and the Advertisement Code.

(ii) The Cable Television Networks (Regulation) Act, 1995.

Section 5 : Programme code : No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code. Rule 6 of the Cable Television Networks Rules, 1994 lays down the Programme Code and prohibits the carrying of any programme on the cable service.

(iii) Under the Cinematograph Act, 1952 a film can be denied certification on various grounds, including on the ground that it is likely to incite the commission of an offence or

that it is against the interests of the Sovereignty and Integrity of India or Public order.

- (iv) The Information Technology Act, 2000 allows the interception of information by the authorities in the interest of public order or the Sovereignty and Integrity of India or for the purpose of preventing incitement to the commission of a cognizable offence.
- (v) Norms of Journalistic Conduct, 1996 issued by the Press Council of India (constituted under the Press Council of India Act, 1978) contain the guidelines on the reporting of communal incidents.
- (vi) Section 6 : Advertisement code : No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code.
- (vii) Cable Television Networks Rules, 1994 Rule 6 : Programme Code :
  - (1) No programme should be carried in the cable service which
    - (a) Offends against good taste or decency;
    - (b) Contains criticism of friendly countries;
    - (c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;



- (d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
- (e) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote-anti-national attitudes;
- (f) Contains anything amounting to contempt of court;
- (g) Contains aspersions against the integrity of the President and Judiciary;
- (h) Contains anything affecting the integrity of the Nation;
- (i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country ;
- (j) Encourages superstition or blind belief;
- (k) Denigrates women through the depiction in any manner of the figure of a women, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
- (l) Denigrates children;
- (m) Contains visuals or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups
- (n) Contravenes the provisions of the Cinematograph Act, 1952.
- (o) is not suitable for unrestricted public exhibition ...





34. That the scandalous statements written, telecasted and made by the defendant Nos.3 to 7 and aired/telecasted by defendant Nos. 1 and 2 cannot be justified by any stretch of imagination or logic reasoning whatsoever and are in a very bad taste. It not only casts aspersions on Mumbai lawyers but it is on the complete lawyers community as a whole. It clearly shows that the defendants have lost their brain and insight while writing such dialogues, directing and producing the said episodes. The defendants have forgotten that the Constitution of India was written by eminent lawyer. The person who led the front and compelled the Britishers to leave India was also a lawyer. The eminent judges, jurists, lawmakers, pillars of the constitution and statutory laws, who have stood for the society and humanity were lawyers. The damage caused to the lawyers community and by extension, the plaintiffs, cannot be measured in monetary value by any yardstick. The plaintiffs cannot gauge the far reaching implications of such callus, disparaging, false and derogatory statements made on the show "Hasmukh" which is being allowed to stream.

35. That the said statements are a blot on the lawyers community. The said vexatious statements are a constant stigma on the unblemished image of lawyers and a constant source of annoyance to the plaintiffs and have lowered the image of lawyers and the plaintiffs amongst the public at large and have become a laughing stock rather to be précised as **kanuni balatkari (legal rapist)**. The said statements

and comments are false, baseless, unauthentic, casting aspersions on character, defaming lawyers and damaging the reputation and law profession amongst the general public across the world. That the said statements are deliberate to gain cheap publicity of the show and intentional attack to malign image of noble profession and lawyers including plaintiffs who have been engaged for ages in providing their selfless services to every section of the society. It is assumed that before making any statements in general by the media production houses, basic homework is done as such statements have far reaching effects and repercussions. Such an act of defaming legal professionals amongst the general public through an online TV (Web) Series on webportals is clearly an act falling within the ambit of defamation and committing breach of trust and faith reposed in filmmakers, media houses about showing the true and verified facts.

36. That the plaintiff had sent a legal notice dated 22.4.2020 by email, to immediately stop further airing or streaming of the episodes of Webseries "Hasmukh" and especially Episode 4 of Season 1 and tender an unconditional apology online stating clearly that the aspersions casted on lawyers via the Webseries show "Hasmukh" are frivolous and baseless and the defendants regret the same but nothing has been done, rather the show is going on in full swing across the world. It is to be noted that on account of Lockdown across the world because of Covid 19 corona virus, people are confined to their

houses and the TV, laptop, mobile phones or other e-gadgets are easy source of entertainment and time pass. The defendants nos. 1's telecast of another webseries Money Heist has already captured immense market as compared to other live streamers and it is natural that more and more people have joined in / subscribed to Netflix and as a result day by day the viewers of the show are increasing the image of plaintiffs and lawyers community are tarnished more and more day by day.

37. That the plaintiff besieges this Hon'ble Court to pass an appropriate ex parte order/ direction for immediately stopping further airing/ streaming of the show "Hasmukh" especially the Episode No.4. The defendants be called upon to delete/ destroy/ remove the disparaging statements / contents from the show "Hasmukh" airing on Netflix (www.netflix.com) and cease and desist from maligning lawyers in any manner whatsoever.
38. That the cause of action for filing the present suit arose for the first time on 17.4.2020 when the Webseries TV Show "Hasmukh" was released and/or aired for first time by the defendants. The cause of action again arose on 20.4.2020 when the plaintiffs saw the episode. The cause of action further arose on 22.4.2020 when the plaintiff no.1 has sent legal notice and the defendants have refused and ignored to take any steps whatsoever related to the said statements



made in Episode 4 of the series of Hasmukh. The cause of action is a continuous one and continues till date as the show is still being streamed and aired on the defendant Nos. 1 and 2 with consent of other defendants.

39. That the plaintiff is seeking a relief of permanent injunction against the defendants.

40. That the show is streamed online and anyone can watch the show anywhere on any e-gadgets. The plaintiff has seen the episode for the first time within the jurisdiction of this Hon'ble Court and since the plaintiff is resident of Delhi and the working for gain in Delhi, this Hon'ble Court has the jurisdiction to try the present matter.

41. That for the purpose of valuation of the suit for seeking mandatory injunction and for causing damage to the reputation/ image of the plaintiff and lawyers community, though cannot be compensated in terms of money, yet for valuation, the same is being valued at Rs.3 crores, and upon the same, a fixed court fee of Rs.200/-. The value of the suit for the purpose of relief of declaration and injunction had been valued at Rs.10,000 and 25,000 respectively and a fixed court fee of Rs10/- and Rs. 20/- have been paid. The total amounting to Rs.230/- will be paid. The plaintiff seeks exemption from paying the court fee immediately with the suit on account of pandemic corona virus and lockdown imposed by the Government. However the plaintiff



undertakes to pay the same immediately when the Lockdown is over.

42. That the plaintiff has not filed any other similar petition or suit seeking similar relief before this Hon'ble Court or any other court.
43. That the plaintiff has filed the extract of the video recording of the concerned part of the Episode No.4 of Hasmukh and can produce the same as and when directed by the Hon'ble Court or play the same on the laptop before the Hon'ble Court as same is being aired on internet by defendants.
44. That the balance of convenience is in favour of the plaintiff and against the defendants.
45. That the plaintiff will suffer irreparable loss and injury in the present plaint is not heard on urgent basis and exparte ad-interim order is not being passed against the defendants.
46. That there is urgency in the matter as the defendants are continuing to air the said webseries TV show Hasmukh and the same is causing irreparable loss which cannot be compensated in terms of money.
47. That the plaintiff may be exempted from filing duly affirmed affidavit in the prevailing circumstances, and undertakes to the effect that physical copies of documents relied upon in the plaint, deficit court fees or other charges, if any, shall be filed at the earliest.




48. That the documents filed is the notice sent by the plaintiff and the video clip/ extract from the episode 4 of Season of Hasmukh.
49. That the plaintiff consents that the matter may be taken up through the video-conferencing mode.
50. That the plaintiff shall be appearing in persons and would link to the Hon'ble Bench by video-conferencing through own desktop/laptop/ mobile phone.
51. It is therefore, requested, that the matter may be listed before the Hon'ble Court for hearing and seeking urgent relief as prayed for in the petition.

**PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court, may graciously be pleased to:

- a. Pass a decree of permanent and perpetual injunction against the defendants from further airing or streaming of the episodes of Webseries TV Show "Hasmukh" and especially Episode 4 of Season 1 with immediate effect.
- b. Pass a decree and or order directing the defendants to tender unconditional apology online for maligning the image of the lawyers community, which includes judges too as they too had been lawyers at one point of time.
- c. Pass a decree and/ or order for deletion/ destroying/ removal of the aforesaid statements / contents from the show "Hasmukh" (especially from Episode No.4) airing



on Netflix (www.netflix.com) and cease and desist from further maligning lawyers in any manner whatsoever.

- d. Pass ad-interim exparte order in terms of prayer (i) and (ii)
- e. Pass necessary orders thereby awarding cost in favour of the plaintiff and against the defendants.
- f. Pass such further order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.



  
Plaintiff

Date : 23.4.2020

VERIFICATION:

I, Ashutosh Dubey, the Plaintiff No.1 in the present suit, do verify on this the 23 day of April 2020, that the contents of the Paragraphs No. 1 to No. 36 of the Plaint are true to my knowledge and that of Paragraphs No. 37 to No. 50 are legal submissions and believed to be true and that the last paragraph is a prayer to this Hon'ble Court.

  
Plaintiff