

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP No.19/2024

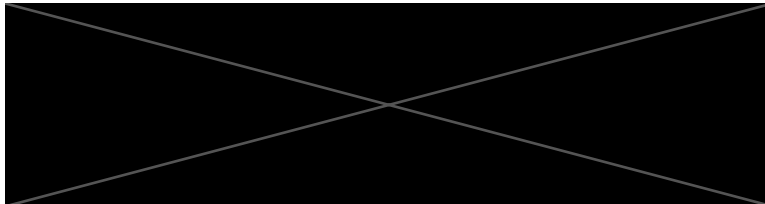
Court on its own motion

...Petitioners(s)

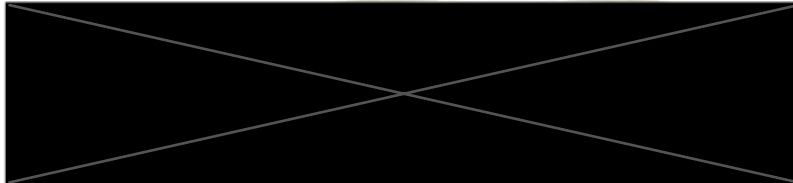
Through:- None

Versus

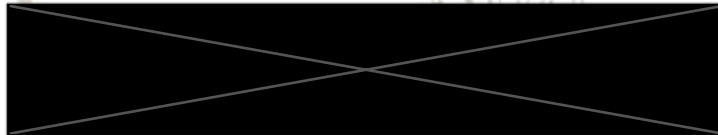
1. Suresh Nambath, Editor The Hindu



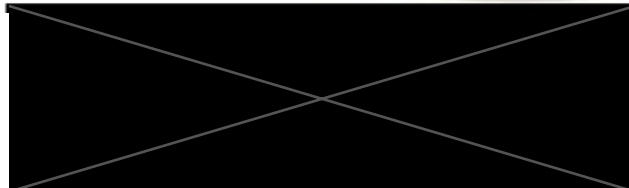
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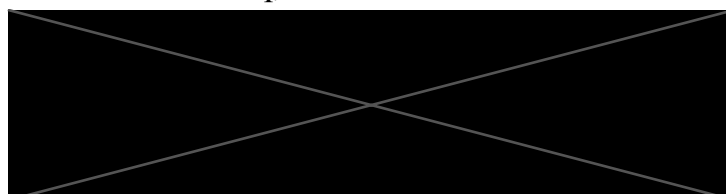
3. M. Nara anaswam



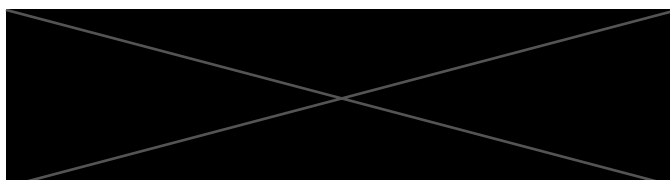
4. Nirmala Lakshman Publisher The Hindu,



5. eerza a s q,

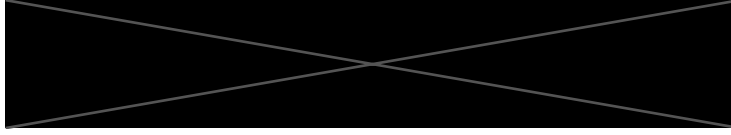


6. Prince Jebakumar R



7. Muhammad Zulqarnain Zulfi





...Respondent(s)

Through:- Mr. Abid Hamid, Advocate vice
Mr. Salih Peerzada, Advocate
for R-1 to 5

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
(Through Virtual Mode)

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT (ORAL)
22.08.2025

Sanjeev Kumar J

1. Pursuant to an order dated 3rd September, 2024 passed in writ petition SWP No.865/2019 by the Division Bench of this Court at Srinagar directing placing of the contemplating initiation of contempt proceedings with respect to publication of objectionable news item came up for consideration before the then Hon'ble Acting Chief Justice who, upon consideration of the matter, felt satisfied to direct taking up of criminal contempt proceedings against the publishers of **“The Hindu”** newspaper and directed listing of the matter for further proceeding before this Bench.
2. On the matter coming up for consideration before this Bench on 5th September, 2024, we found that the

material requisite for effectively proceeding in the case had not been made available on the file posted before the Bench.

3. Accordingly, the Registry was directed to place on record copy of the news item published in “**The Hindu**” newspaper along with particulars of its Managing Editor, Editor, Regional Editor, Printer and Publisher(s) and also that of “**ETV Bharat English TV**”, which had published and carried the news item in the newspaper/portal.
4. In compliance with the aforesaid order, the Registrar Judicial, Srinagar placed on record copy of the news item published in “**The Hindu**” newspaper along with particulars of its Managing Editor, Editor, Regional Editor, Printer, Publisher etc.
5. Likewise, the names and particulars of “**ETV Bharat English TV**” team’s were also made available on the file.

6. On the report of the Registrar Judicial, Srinagar seven persons came to be made party respondents in the contempt proceedings and put on notice.
7. The respondents No.1 to 5 are related to and represent **‘The Hindu’** newspaper whereas the respondent Nos. 6 and 7 are from **‘ETV Bharat English TV’**.
8. On receipt of notice, the respondent Nos. 1 to 5 entered their appearance through Mr. Salih Peerzada, Advocate and filed their affidavit initially with mindset to contest the contempt proceedings. However, later, the respondent Nos. 1 to 5 came up with an unconditional apology in writing supported by an affidavit on 3rd February, 2025.
9. Similarly, the respondent Nos.6 and 7 entered their appearance through Z.A. Qureshi and Associate Advocates and filed two separate unconditional apologies, one tendered by the respondent No.6 and another by the respondent No.7.
10. Both set of the respondents, related to **‘The Hindu’** newspaper as well as **“ETV Bharat English TV”**, have

in and through their unconditional apologies, shown repentance and regret to the report/s published and carried by them reflecting upon the functioning of this Court and have asked for clemency and leniency of this Court.

11. We have gone through the unconditional apologies tendered by the respondents and feel convinced that the repentance and regret shown and registered by the respondents is *bona fide* as the respondents have realized seriousness of mistake committed on their respective part while distortional reporting with respect to setting and fixation of Roster by the then Hon'ble Acting Chief Justice amongst various Benches of this Court and posting of cases in the cause list accordingly.

12. Without going further into exposition of situation which had prompted this Court to consider and initiate *suo moto* contempt proceedings against the respondents, suffice it to disserve that this Court recognizes and appreciates the freedom of expression implicit wherein is also the freedom of press.

13. This Court welcomes without any reservation an accurate and critical reporting not only of its order(s)/judgment(s) but also of its working/functioning provided all is made in good faith actuated with a mindset to highlight the deficiencies and inefficiencies and also to contribute in furthering the improvements in the judicial system and its working.
14. Courts are always open to Public's discourse and discussion and in that regard the journalists/news reporters are there to act as a bridge between the institution of judiciary and the Society. Mining and bringing information with regard to the functioning of the Courts and even the shortcomings and drawbacks therein in the public domain in good faith definitely contributes in enhancing the transparency and establishing accountability. The freedom of press, which is implicit in the freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution of India, is subject *inter alia* to caveat of non-interference in the administration of justice and law of contempt of courts. It is, thus, an imperative for the journalists and

news reporters engaged and connected with reporting of court matters and affairs therewith to ensure that they do not print and publish inaccurate, false, misleading or self-fancied information and reports. It is always advisable for them not to rely upon a casual source of information and further to ensure that before rushing with such casual information intended to be published, same is verified from the authoritative sources. If the information pertains to the courts' functioning, be it judicial or administrative side, it would be proper and appropriate to seek its verification from the Registrar General of the High Court or from such officer nominated by the High Court for the purposed before venturing to pen, print, publish and publicize it.

15. It is a bounden duty and responsibility of the Press/Media to avoid temptation of scandalization and attribute motives by innuendoes with respect to judiciary and judges; relying on sources that are not reliable and have no direct access to the information, should be avoided in carrying out court related news in public domain.

16. Any news publication in respect of Court/s and its working/ functioning made with a motive and potentiality, latent or patent, of degrading and deriding the judicial institution or lowering its prestige in the eyes and estimation of General Public shakes and erodes the public trust in the courts of law and of law of land as an institution and, therefore, is to be viewed nothing less than an ill-motivated interference in the administration of justice rendering such a publication definitely to fall within the purview of criminal contempt, as defined in Clause (c) of Section 2 of the Contempt of Courts Act, 1971.

17. **Clause (c) of Section 2** is reproduced for the sake of reference and reminder hereunder:-

“(c)“criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which—

- (i) scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any court; or*
- (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or*

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;”

18. From bare reading of statutory definition of “Criminal Contempt”, any publication whether by words, spoken or written, or by signs, or by visible representation or otherwise, which interferes or tends to interfere with or obstructs or tends to obstruct the administration of justice, in any manner, is a criminal contempt.

19. Publication of information in respect of alteration of Roster, both bench-wise and subject-wise, seems to be an innocuous publication for information dissemination, if done in good faith.

20. However, in the instant case, the publication with respect to alteration of Roster in reference related to shifting of NIA and habeas corpus cases from one Bench to another was clearly suggestive of an underlying intent on the part of the respondents’ publications in reference to bring the High Court as an institution to disrepute and distrust in casting an impression before the reading Public at large that the alteration of Roster by the then

Hon'ble Acting Chief Justice was with a view to disable a particular Bench from hearing of NIA and habeas corpus matters, which, of course, was not a correct factual perspective. As a matter of fact, the preparation of Roster on the directions of the Hon'ble Chief Justice and its alteration and adjustment from time to time, is published by the Registrar General of High Court itself and is always available on the official website of the High Court. Therefore, there is hardly any need and scope for any newspaper or news portal to carry and add any angle of information with regard to the fixation of Roster by the Hon'ble Chief Justice. We have no reluctance whatsoever to observe that never-ever before the publication of the offending information by the respondents, there was any such like news item carried by any Online or Offline mode of newspaper publication with regard to the fixation of Roster in the High Court by the Hon'ble Chief Justice. Obviously, the publication of the offending information while lacking good faith was lurking with bad faith and definitely counted as an attempt to scandalize the functioning of the High Court which had infliction of necessary effect of eroding the

faith of General Public in the justice delivery system with respect to the High Court of Jammu & Kashmir and Ladakh.

21. The fixation of Roster which, of course, is an administrative side domain and function vested in and performed by the Hon'ble Chief Justice but the same is directly connected and concerned with the dispensation of justice by the High Court. This Court was, thus, fully justified in taking serious cognizance of the matter and in initiating contempt proceedings against the respondents.

22. However, now having regard to the fact that the respondent Nos. 1 to 5 were prompt to realise misconduct on their part under the colour of journalistic liberty and withdrew the impugned publication from website of the newspaper on 04.09.2024 and likewise the respondent Nos. 6 and 7 also removed from the portal the offending news item which lasted in the air platform only for two hours, we are inclined to accord on acceptance to the unconditional apology tendered by all the respondents.

23. For all what has been said above, the unconditional apology tendered by the respondents is accepted and, resultantly, the contempt proceedings initiated against them are dropped.
24. Before we part with this case, we however, caution the respondents to remain extra careful in future while reporting about the court proceedings and its functioning. They shall stay well advised to keep in mind the due diligence which we have highlighted herein before.
25. As a sequel to the above, the proceedings in this contempt petition shall stand closed.

(RAHUL BHARTI)
JUDGE

(SANJEEV KUMAR)
JUDGE

JAMMU
22.08.2025
Vinod, PS

Whether the order is speaking : Yes
Whether the order is reportable: Yes