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SADHVI RITUMBHARA
v.
DIGVIJAY SINGH AND ANR.

FEBRUARY 17, 1997

B

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

Contempt of Court :

C

Judgment of Supreme Court—Press release containing distortion of contents of judgment—Publication—Misleading—Contempt proceedings initiated against officers issuing distorted statement—Unconditional apology tendered by contemnors—Held, the official issuing the distorted statement of the judgment of this Court has deliberately done the act of misleading the public by making mis-statement of the contents of the order and thereby committed contempt of this Court—It is the duty of officials to see that their department functions properly particularly when it relates to issuance of public information of contents of an order of the Court—However, the unconditional apology tendered by contemnors is accepted and the matter is closed.

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CRIMINAL ORIGINAL JURISDICTION : Contempt Petition
(Crl.) No. 1 of 1997.

IN

Criminal Appeal Nos. 1085-86 of 1995.

F

From the Judgment and Orders dated 27.4.95 and 5.5.95 of the
Madhya Pradesh High Court in W.P. Nos. 596 and 671 of 1995.

Sushil Kr. Jain, M.M. Assudani, Naresh Maheshwari, Umesh Maheshwari, A.P. Dhamija, Pradeep Aggarwal for the Petitioner/Appellant.

G

P.P. Rao and Uma Nath Singh for the Respondents.

The following Order of the Court was delivered :

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Pursuant to the order passed by this Court on January 13, 1997, M. Gopal Reddy, IAS, the then Director of Public Relations & Information and Mangal Prasad Misra, then Assistant Director, Public Relations &

Information appeared in person. They have filed their affidavits. This Court by order dated September 9, 1995 had disposed of the appeal filed by the State of Madhya Pradesh on the basis of the consent of the learned senior counsel appearing for the State, Shri P.P. Rao and Shri D.D. Thakur, learned senior counsel for the petitioner. This Court had stated that in view of the respective stands taken by the counsel on either side, the courts below were directed to disposed of all the pending or connected matters between the parties on their merits, without being influenced by any of the findings and observations made by the High Court in the impugned judgment under appeal. The appeal was accordingly disposed of. On September 9, 1995, after the receipt of the order passed by this Court, M.P. Mishra, the then Assistant Director, Public Relations & Information in the Directorate of the Government of Madhya Pradesh at Bhopal had the news published conveying to the public that the order of the High Court was reversed by this Court. Thereby, the detention of the petitioner herein by implication stood upheld and the stand of the Government also stood fortified. As a consequence, the State was directed to proceed with the matter in the courts below. The above statement is a clear distortion of the order passed by this Court. Thereby, the respondents have committed wilful distortion of the judgment which amounts to contempt of this Court.

M. Gopal Reddy, the then Director, states that the press release was prepared and issued by M.P. Mishra, who was not conversant with the legal terminology and, therefore, he committed that act of publishing as a news without knowing the correct implication of the order passed by this Court. M.P. Mishra has stated that "I joined the Department as a daily wager in the year 1980, and after about 6 months, I was appointed as L.D.C. Later, I was appointed as Scrutiniser and Assistant Public Relations Officer. I was promoted as Assistant Director (Advertisement) in the year 1990 and in 1991, I was shifted to the News Section. I do not possess any qualification in law. I submit that as a person working under the Government, I am not acquainted with legal terminology. I never had any opportunity of preparing a press release covering the judgment/order passed by this hon'ble Court." Thereby, he admits that "I own up my mistake in not understanding the order dated 8.9.1995 correctly. I misunderstood the words "leave granted" as accepting the case of the State Government on merits. I was under the impression that by permitting the proceedings in the Trial Court to continue uninfluenced by the findings and observations of the High Court, the petitions of the Government were accepted." Thus, he

A admits that he cannot understand the legal terminology and has no capacity to understand the order to the implications or effect of it since he was not acquainted with the legal terminology and he did not have any opportunity to prepare the press release on an earlier occasion covering the judgment and order of a Court. Shri P.P. Rao, learned senior counsel appearing for him, repeatedly stated that as soon as the order was received, he released it. Since he admits that he is incapable of understanding the court order, is it not his duty to consult the Law Department or the Director before issuing the distorted statement.

C It would, thus, be seen that he has lack of knowledge or experience in the publication of the press release of the judgment or order of the Court. This also would show that he did not even care to take necessary instructions from the persons who had an experience or sought guidance from the Law Department before releasing distorted version of the judgment. thereby, it is admitted that what the Assistant Director has done was distortion of the contents of the judgment with a view to convey to the public that the petitioner's detention order was upheld by this Court as this Court did not go into that question and directed the courts below to decide the controversy without being influenced by any of the findings and observations made by the High Court including of this Court. Thus, M.P. Mishra has deliberately done the act of misleading the public by making misstatement of the contents of the order and, thereby, committed contempt of this Court. We do not think that he has done so deliberately with a view to undermine the order of this Court. We accept his unconditional apology and close this matter as against him. Equally, M. Gopal Reddy, being the Director, it is his duty to see that the Directorate functions properly, particularly when it relates to the issuance of the public information of contents of an order of this Court; unfortunately, he has not done it. It is not clear from the record whether it was brought to his notice before publishing or matters are passing without his knowledge from his Directorate side tracking him. Even then Director himself as Director ultimately bears responsibility for the acts done by the Directorate. under these circumstances, we accept his unconditional apology and close the matter.

The Contempt petition is ordered accordingly.