**IN THE HIGH COURT OF ----------AT ---------**

 **(EXTRA ORDINARY CIVIL WRIT JURISDICTION)**

WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019

 IN THE MATTER OF: POOJA MAHAJAN … PETITIONER

V E R S U S

UNION OF INDIA & ORS. …RESPONDENTS

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 I N D E X S.NO.

 PARTICULARS PAGES

1. **Notice of Motion**

 **A 2. Urgent application**

**B 3. Court Fee**

**4. Memo of Parties**

**C 5. List of Dates & events**

**6. Writ petition with affidavit**

 **7. Stay application with affidavit**

**8. ANNEXURE – A Colour photocopy of YouTube material**

**9. ANNEXURE - B Copy of cinematography act**

**10. ANNEXURE - C Copy of Guidelines**

 **11. ANNEXURE - D Copy of policy on impersonation**

**12. ANNEXURE - E Copy of trailer of the film**

**13. ANNEXURE - F Copy of pages of the Book The Accidental Prime Minster**

**14. Exemption Application with Affidavit**

**15. Vakalatnama**

IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CIVIL WRIT JURISDICTION) WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019

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NOTICE OF MOTION TAKE NOTICE

that the accompanying writ petition and stay application will be listed before the Hon'ble High Court on \_\_\_\_\_\_at 10.30 O'clock in the forenoon, or so soon thereafter as may be convenient to the Hon'ble Court.

To,

 IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CIVIL WRIT JURISDICTION) WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019

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TO, The Registrar, ------

URGENT APPLICATION

Sir, Would you kindly treat the accompanying Writ Petition and Application as Urgent because urgent relief has been prayed for.

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY CIVIL WRIT JURISDICTION) WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019

 IN THE MATTER OF: POOJA … PETITIONER

V E R S U S

 UNION OF INDIA & ORS. …RESPONDENTS

 MEMO OF PARTIES

POOJA D/O … PETITIONER

V E R S U S

 1. UNION OF INDIA MINISTRY OF INFORMATION & BROADCASTING SHASTRI BHAWAN NEW DELHI

2. GOOGLE (INDIA) THROUGH

3. YOUTUBE

IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CIVIL WRIT JURISDICTION) WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019

IN THE MATTER OF:

POOJA MAHAJAN D/O SH. S.K. MAHAJAN SHOP NO.-37, FASHION STREET SHAHPUR JAT NEW DELHI … PETITIONER

 V E R S U S

1. UNION OF INDIA-----

 2. --------------

3. --------------

4. …RESPONDENTS

 PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT,

ORDER OR DIRECTIONS TO THE RESPONDENT NO. 1 & 4 (CBFC) TO TAKE APPROPRIATE STEPS TO STOP/SUSPEND THE DISPLAY TRAILER OF “THE ACCIDENTAL PRIME MINISTER” ON YOUTUBE AS THE SAME IS IN VIOLATION OF SECTION 5B OF CINEMATOGRAPH ACT AND READ WITH RULE 38 OF CINEMATOGRAPH (CERTIFICATION) RULES, 1983 TO THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUSTICES OF THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI A HUMBLE PETITION OF THE PETITIONER ABOVE NAMED MOST RESPECTFULLY SHOWETH:

 1. The Petitioner has no personal interest in the litigation and the Petitioner is not guided by any self-gain or by any other motive in fling the present writ petition.

2. The Petitioner is being motivated to file the present writ petition as provisions of Section 5-B of Cinematography Act & Rule 38 of Cinematograph (Certification) Rules, 1983 are being misused besides that under the garb of the certificate under Section 5-B of the Act producer has released “Trailer” which is affecting, harming the image of the Constitutional post of Hon’ble Prime Minister of India and giving a bad name at the national as well as at the international level.

3. It is submitted that the Prime Minister of India is a Constitutional post and is protected under the Constitution of India and under no set of circumstances any company, individual, film producer can enjoy any such liberty to defame the said post / August Office.

4. The need and necessity for filing the present writ petition has arosen as the Respondent No. 2 and 3 have allowed, permitted the Trailer of film “the Accidental Prime Minister” on its YouTube channel and consequently thereof the post of Prime Minister is getting defamed on day to day basis in public domain before the public at large.

5. The Petitioner carries utmost respect for the Constitution of India as all Constitutional functionaries are working under the framework of Constitution of India and at present the Trailer released on YouTube is causing unaccountable damage to the name and fame of the office of Prime Minster of India.

6. That Dr. Manmohan Singh (Ex-Prime Minister) enjoys a national and international repute in the public at large as being the Prime Minister of India from 2004-14. That Dr. Manmohan Singh is a Honorary fellow of St. Jones College, Cambridge University.

7. That Dr. Manmohan Singh got a doctoral degree from Oxford University and also remained member of the National Security Advisor Board from 1998-2001.

8. That Dr. Manmohan Singh is well-known Economist of International frame and repute and also remained Governor of Reserve Bank of India. 9. That on dated 20.04.2014 a book named “The Accidental Prime Minister” authored by Sanjaya Baru, was published.

10. That on dated 06.06.2017 the first look of the film named The Accidental Prime Minister, based upon the above-mentioned book was released through cine-star/actor Anupam Kher’s Official Twitter Account.

11. That on dated 08.06.2017, Mr. Pehlaj Nihlani, Chairman of CBFC warned the makers of the film that No-Objection Certificates from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi are required to obtained to release the film.

12. That on dated 27/28.12.2018 the official Trailer of the film was released on YouTube channel for viewers of India and abroad. That as per Trailer it was announced that film “The Accidental Prime Minister” will be released on 11th January, 2019.

13. That as per the Disclaimer in Trailer the Film “The Accidental Prime Minister” is based on the Book written by Sanjaya Baru but the real facts are totally different. That in fact disclaimer given in Trailer is untrue, false, fake. 14. The Trailer also conveys that the film has been produced by Bohra Brothers under Rudra Production in association with Jayanti Lal Tada under the banner of PAN India Ltd. 15. That as per the media reports casting of the said film is as under: • Anupam Kher as Dr. Manmohan Singh, Ex-Prime Minister of India • Akshay Khanna as Mr. Sanjaya Baru • Suzanne Bernert as Mrs. Sonia Gandhi • Arjun Mathur as Mr. Rahul Gandhi • Abdul Quadir Amin as Mr. Ajay Singh … … … … … … … … … 16. The Petitioner do say that as per the Petitioner’s information Respondent No. 4 has given the certificate under Section 5B of the Cinematograph Act to the said film. It is submitted that the permission / approval / certification given to this film under Section 5-B of the Act is in contravention of Section 416 of Indian Penal Code wherein offence “impersonation” has been defined. 17. That by performing the character of Dr. Manmohan Singh, (Ex-Prime Minister), Mrs. Sonia Gandhi, Rahul Gandhi the performing actors/artists have committed offences punishable under Section 416 of IPC and therefore the Respondent No. 4 / CBFC could not have given the certificate for screening / exhibiting of the above said film. Section 416 of IPC is as under: “416.Cheating by personation – A person is said to “cheat by personation” if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is. Explanation – The offence is committed whether the individual personated is a real or imaginary person. 18. That even dictionary meaning of the word “impersonation” shows that producers, makers, cine-stars could not hacve committed offence of “impersonation” as it is punishable under Section 416 IPC: “to intentionally copy another person’s characteristics, such as their behavior, speech, appearance, or expressions, especially to make people laugh. To attempt to deceive someone by pretending that you are another person.” 19. That as per the provisions of Cinematograph Act only such film can be certified/given certificate if it is not against the interest of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or involves defamations or contempt of Court or likely to incite the commission of any offence. 20. It is a known fact that film producers have not taken any consent/permission from Dr. Manmohan Singh, Mrs. Sonia Gandhi and Rahul Gandhi to perform their characters or to perform their political life or to dress up in the same way as they had been doing in their normal life or to copy their voice in any manner. 21. That besides that, the film producers had no authority to violate the mandate of Constitution of India which provides respect towards the Constitutional functionaries. It seems that film makers, producers have made an attempt to make commercial gains and the act of “impersonation” have been committed deliberately to defame the office of Prime Minister just to hype the excitement amongst the prospective viewers. 22. The Petitioner do say that the Respondent No. 1 to 4 could not have permitted, allowed or could not have allowed the Trailer of the said film as it is against the decency, morality and involves spoiling of Ex- Prime Minster of India. It is a fact that office of Hon’ble Prime Minister of India is getting defamed, insulted in social-media. 23. The Petitioner do say that trailer of above said film is also spoiling relations with a foreign states and ultimately affecting the sovereignty and integrity of India. 24. That the Respondent No. 2 and 3 have also violated their own policy on impersonation wherein YouTube itself categorizes, specifies that the “impersonation” will not be permitted on their channel. 25. That by allowing the Trailer of the said film the Respondent No. 2 and 3 have permitted the act of impersonation to perpetuate therefore Petitioner is praying for appropriate relief against the Respondent No. 2 and 3 also and seeking direction to stop, suspend, remove the Trailer of the above said film from their channel / Web Forum. 26. The Petitioner do say that the right of privacy has been recognized as a Fundamental Right by Hon’ble Supreme Court in case of Justice K.S. Puttaswamy (Retd.) & Anr. Vs. UOI & Ors., wherein the Hon’ble Supreme Court has declared as under: “The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution. 27. The Trailer being exhibited on YouTube is being motivated and trailer shows that various inputs have been added in the said Trailer. That in other words, the Trailer is not based on the book of Sanjaya Baru. 28. The Trailer being viewed on YouTube channel shows the following titles besides “The Accidental Prime Minister”: (i) This Election Season (ii) The Nuclear Deal (iii) The Kashimir Issue (iv) Of the PM and the Party (v) Witness an inside story (vi) Based on the controversial book 29. That all these titles clearly shows that the Trailer is motivated and an impression is being given through the Trailer that during the regime of Dr. Manmohan Singh there was a confrontation on the above said issues. 30. It is submitted that Ex-Prime Minister functioned as a Constitutional authority and at no stage of time it can ever be said that there was a confrontation on the above said issues because as the then Hon’ble Prime Minister himself was abided by the Cabinet Decisions and was implementing the policy of the Ruling Party - UPA-I & II. 31. The Petitioner do say that procedures/makers ofTrailer have deliberately against the Dr. Manmohan Singh, Ex- Prime Minister in the mind of viewers, Mrs. Sonia Gandhi and Mr. Rahul Gandhi. That while as a matter of fact in the book written by Sanjaya Baru there are no such things which shows any suspicion on the part of these persons. 32. That as by the Trailer, the people are being misled including Petitioner but later on when the Petitioner discovered that it was a wrong propaganda being done as a political stunt at behest of some political party so the Petitioner is invoking the writ jurisdiction of the Hon’ble Court for bringing on record that such kind of Trailer on YouTube cannot be permitted or cannot be allowed by the YouTube itself. 33. It is submitted that even as per YouTube no impersonation is permissible but still the Trailer has been allowed to be viewed by thousands of millions of people every minute every day showing acts of impersonation in name of Dr. Manmohan Singh, Mrs. Sonia Gandhi, Mr. Rahul Gandhi and others. The said policy of the YouTube is as under: “Impersonation of an individual A user creates a channel or video using another individual’s real name, image, or other personal information to deceive people into thinking they are someone else or YouTube. If you feel that you are being impersonated, report it using our webform. Note: This form is not for removal of accounts that you can no longer access.” 34. It is submitted that the above said Trailer carrying the following Disclaimer but the said disclaimer is insufficient and do not condone the acts of impersonation which have been committed deliberately in the Trailer of the above said Film: “This film is based on the book “the accidental prime minister” by Mr. Sanjaya Baru. all characters, events and incidents are based on the book and have been fictionalised for dramatization. utmost care has been taken to keep the screenplay accurately aligned to the book. Nothing in the film is intended to defame any person dead or alive. neither the contents of the film, nor the makers of the film and any other person(s) associated with the film, intend to disgrace, offend or hurt any religion or religious sentiments, beliefs or feelings of any persons, community or class of person(s) and /or a political party in any manner, whatsoever. no animals were harmed during the making of this film. 35. The Petitioner do say that Trailer violates Section 416 of the IPC as impersonation of the living character, living persons is impermissible in law as the same is being displayed without their consent of Dr. Manmohan Singh (Ex-Prime Minister of India) and others. 36. It is submitted that Disclaimer coming on promo-trailer of the film “The Accidental Prime Minister” is manipulated, twisted and promoters are knowing it well that it is misleading. Disclaimer normally appears wherein Certification U/s 5B is given: “None of the characters therein is based on any living or dead person and the resemblance if any is unintentional.” Disclaimer appearing in Trailer – “this film is based on the book “The Accidental Prime Minister” by Mr. Sanjaya Baru. all characters, events and incidents are based on the book and have been fictionalised for dramatization. utmost care has been taken to keep the screenplay accurately aligned to the book. Nothing in the film is intended to defame any person dead or alive. neither the contents of the film, nore the makers of the film and any other person(s) associated with the film, intend to discrace, offend or hurt any religion or religious sentiments, beliefs or feelings of any persons, community or class of person(s) and /or a political party in any manner, whatsoever. no animals were harmed during the making of this film. 37. The Petitioner do submit that Trailer released on YouTube is misleading and is factually incorrect. The above said submission is made without prejudice to say that promo-Trailer released on YouTube is in violation of Section 5B of the Cinematography Act as well as in violation of Rule 38 of Cinematograph (Certification) Rules 1983. 38. That trailer being played on YouTube is misleading: - that it is not based on Book of Sanjaya Baru as being claimed. - that theme of Trailer is different from the Book. - that the book as well as the Trailer is based on presumptions. - That as per CBFC guideline regarding films based on real life characters, NOC is required but for Trailer no NOC was ever obtained. 39. That it seems Respondent No. 1 to 4 is deliberately closed its eyes over the Trailer/video being played on YouTube and this way it has been causing unaccountable damage, harm to the High- Office of “Prime Minister” as well as affecting the image of Dr. Manmohan Singh and Mrs. Sonia Gandhi. 40. That even name given to trailer “The Accidental Prime Minister” is misleading. The book written by Sanjaya Baru itself shows that the Author never took any consent from Dr. Manmohan Singh or Dr. Manmohan Singh never endorsed the contents of the said book. The said part of the Book is: Page XX of Book Finally. I have not shared the contents of this book with dr Singh prior to its publication. Indeed, he may not approve of many of my observation in these pages and may even disapprove of my decision to write this book 41. It is submitted that Dr. Manmohan Singh became Prime Minister because UPA coalition as a whole accepted his name as a Prime Minister and book written by Sanjaya Baru do accept this fact, therefore name-title of Trailer is misleading. The said part of the book is: Page 64-65 of Book Handling the delicate equation with Sonia was Dr. Singh’s first and biggest political challenge. How a CM is perceived at the state level is different from the way a PM is perceived at the national and international levels. The prime minister is a national leader and the international face of a country. He negotiates with other heads of government and must be seen to be his own man. Moreover, Dr. Singh was PM because the UPA coalition as a whole was willing to accept him. In, 1999 Mulayam Singh Yadav had refused to support Sonia when she claimed she had the numbers to form a government. So I, at any rate, saw my job as one establishing Dr. Singh’s credibility as PM while ensuring that the relationship with Sonia and the party was on even keel. 42. The Trailer is giving an impression that Office of PM Dr. Manmohan Singh was controlled by Mrs. Sonia Gandhi, while Sanjaya Baru’s book never said so. Page 69-70 of the Book I had no reason to doubt that Dr Singh and Sonia implicitly trusted each other. Reports appearing in the media about differences between the two were often planted by disgruntled Congressmen and mischievous journalists, some of whom would then point a finger in my direction. That did not mean the two had no differences on policy issues. But any such differences between them would have been aired only in their private meetings and the PM almost never allowed any of this trickle into the public realm. The PM never questioned Sonia’s right, as party president, to influence portfolio allocations though, over time, he became quite forthcoming in giving his opinions, and she did accept his advice. 43. That the impugned trailer is in contravention of “Preface” of the Book, wherein author Sanjaya Baru has warned the viewers:- • That the movie is adapted from the book and may well not be fully loyal to its contents. • The author of the Book was not associated with the making of the movie. • The author said those who have not yet read the book but intend to watch the movie will read the book as well. • The said part of preface of the Book is as under Preface This edition, with a new afterword, is being published against the backdrop of the movie adaptation. It is important for readers to note that the movie is “adapted” from the book and may well not be fully loyal to its contents. That is in the nature of the two very different media. As the author of The Accidental Prime Minister, I have not been associated with the making of the movie. The book was written for English-language readers, through translation in Hindi, Marathi and Tamil have been published as well. The movie will target a wider audience. I hope those who have not yet read the book but intend to watch the movie will read the book as well. 44. That the Trailer is being shown on You Tube in a selected manner and it clearly shows that it’s a Political Propaganda with some other motives. Trailer is showing some documents of official files also in utter violation of Official Secret Act while Author-Writer never dealt with this kind of issue. 45. The Petitioner do say that this kind of promo has been simply planned to damage the image of Dr. Manmohan Singh, Hon’ble Ex-Prime Minister of India. The picture-photo of official file is being shown simply to malign the Ex PM of India, that too without any justification. 46. The promo –trailer of the film is showing following visual image of following titles: “THIS ELECTION SEASON” This visual is totally misleading as: i. That the book written by Sanjaya Baru was not written for any elections. ii. That book is not written for any Political Agenda as claimed by the author. iii. The producer makers of trailer are misusing the said book simply for political purpose. And this fact shows their hidden motive. That no such words “This Election Season” appears anywhere in Trailer these words have been deliberately added for using the Trailer for forthcoming General Elections 2019. 47. That promo-Trailer of the film is also showing following visual image “THE NUCLEAR DEAL” That by this visual makers of Trailer- are trying to give an impression as some wrong was done by Ex PM Dr Manmohan Singh. The above said misleading information becomes relevant in the present comtext because makers of Trailer- are repeatedly claiming that it is based on Sanjaya Baru’s book “The Accidental Prime Minister” 48. The contents of said book shows a positive side of Ex PM Dr. Manmohan Singh on Nuclear Deal Page 199 of the Book President George Bush was the first US President to recognize, publicly at least, that this was unfair discrimination against India. He appreciated the fact that it was incongruous for the US to be doing more business in high-technology areas with communist China that democratic India. China managed to avert restrictions because it was an NPT signatory as a “weapon power’. The meeting in New York between Dr. Singh and President Bush went off better than expected. Page 208 of the Book News channels were able to report it in their early morning bulletins on 19th July. While The Hindu’s conservative desk staff gave the story a bland headline that said ‘ Manmohan Expresses Satisfaction over Talks’, Ravi ‘informed’ report said it all: In a significant development after the meeting that Prime Minister Manmohan Singh had with American President George Bush at the White House, the United Stated, acknowledging India as a nuclear weapons power, agreed to cooperate with it in the area of civilian nuclear energy. This formulation was part of the joint statement to be issued following the talks, according to a highly-placed official source. Page 208 of the Book The US had agreed to help develop India’s nuclear power industry and, to this end, would seek Congressional approval of the required changes to US laws that would enable US companies to export nuclear fuel and technology to India. Apart from easing restrictions on the sale of fuel for the Tarapur atomic power station, the US also agreed to work with other countries to help India get access to uranium. This meant changing the existing restrictions imposed by the Nuclear Suppliers Group (NSG). Page 216-217 of the Book On the evening of 1 March, President Bush was received at Palam airport by Dr Singh. As he got into his car, Bush turned to M.K. Narayanan and, placing his hands on Narayanan’s shoulder and making direct eye contact with him, he said, loud enough for others around to hear, ‘ I want that deal!’ The negotiating teams on both sides got the message. President Bush was making it clear to everyone, on his side and ours, that whatever differences were still holding up an agreement should be resolved overnight so that by the next morning, when he sat down with Dr Singh for the formal summit meeting, the agreement would be ready for the two leaders’ signature. Page 222 of the Book It was a rare act of courage and political grandstanding that won him applause in Parliament and from across the country. The media finally came to accept that the PM knew what he was doing and that this was an important project that deserved support. A series of public-opinion polls conducted by TV channels and newsmagazines showed overwhelming support for the PM, for the deal and for good Indo-US relations. In the weeks to come, negotiations proceeded apace. Page 230 of the Book Division within BJP came to the fore even at Dr Singh’s briefing of the party’s leaders on the 123 Agreement. Advani was not in Delhi, but the meeting, at 7 RCR, was attended by Vajpayee, Jaswant Singh, Yashwant Sinha, Arun Shourie and Brajesh Mishra. Sinha and Shourie asked the scientists, diploats and PMO officials many searching questions, expressing their sceptisim about what had been secured. Jaswant Singh, on the other hand, complimented the officers with his usual gravitas, saying, ‘Gentlemen, you have done the nation proud!’ Vajpayee remained silent. Page 236 of the Book In his first public reference to the nuclear deal after the Hindustan Time Summit, Dr Singh told the AICC on 17 November 2007, referring to the problem of power shortage at home and the need to increase power generation capacity. 49. That as per author Sanjaya Baru Nuclear Deal was a success story of Ex PM Dr Manmohan Singh. The said part of the book is Page 271 of the Book The Nuclear deal was the crowning glory of Manmohan Singh’s first term. As Narasmiha Rao’s finance minister, he had made history by opening up the economy. Now, he had made history once again, by giving India a new status as a world power. 50. That the Trailer is also showing visual title and by this visual a wrong and incorrect message is being given: THE KASHMIR ISSUE That Sanjaya Baru’s book praised about Dr. Manmohan Singh’s skill regarding “Kashmir Issue” Page 134 135 of Book Dr. Singh had a different view. He believed the time had come for everyone in the state to freely express their opinion. After all, the Hurriyat and separatists did not represent the majority in the state, nor was ‘azadi’ really on the cards. The separatists were a vocal and an important minority. Let them speak openly in a gathering of fellow Kashmiris and representatives of Jammu and Ladakh, he felt, and let there be an open discussion. In the end it would have to be India and Pakistan that would have to arrive at a settlement of the issue, keeping in mind the welfare of the Kashmiri People. The rond-table was a great success inasmuch as it was the first dialogue process of its kind and allowed a wide cross-section of opinion to be freely expressed. The Hurriyat boycotted the meeting but they seemed impressed by the PM’s sincerity, because soon after, they agreed to meet him for a direct dialogue. He opened the day-long round table saying: A round- table is a dialogue. No one preaches and one on just listens. This is dialogue of equals who promise to work together. Today’s meeting is a significant event. It will, however, achieve historical importance if we are able to unleash a process by which we can arrive at a workable blueprint that can help to create a new chapter in Kashmir’s history. Not by compromising on one’s ideals, but in a spirit of mutual tolerance, understanding and accommodation. 51. That another visual title appearing in Trailer of YouTube OF THE PM AND THE PARTY Sanjaya Baru writes in his book Page 121-122 of the Book The PM’s reply was candid and assertive. ‘Well , Madam, I believe our government is going to last for full five years, and let there be no doubt or ambiguity about this. Therefore, this misconception that I can be pressured into giving up is simply not going to materialize.’ Newspapers also highlighted his assertion that ‘The insinuation that there are two separate centres of power is not true’. Chandigarh’s Tribune, a newspaper that Dr Singh grew up with and which was his first morning read with a cup of tea, opened its report with ‘Prime Minister Manmohan Singh…dismissed as’ “without foundation” the Opposition charge that Congress president and UPA chairperson Sonia Gandhi is the “super Prime Minister”.’ The Hindu’s headline summed it up pithily: ‘I am in charge, and will last.’ 52. That the following visual title in Trailer is also misleading WITNESS AN INSIDE STORY While author writes in his book regarding his ignorance Page xvii of Book With regard to the relationship between Manmohan Singh and Sonia Gandhi, I do not claim deep knowledge of how the two dealt with each other in closed-door meeting; my account is based only on what I saw and came to reliably know. However, I hope this book will help readers understand, at least in part, the, the complex relationship between the PM and the party president. 53. The another visual title appearing in Trailer BASED ON THE CONTROVERSIAL BOOK This visual is also misleading because makers of Trailer are claiming that it is based on Sanjaya Baru’s book . But this visual shows that makers, producers have produced the film on the basis of the controversial Book but in disclaimer it is being claimed that film is based on Sanjaya Baru’s book. 54. The petitioner do say that “Trailer” of the film released on Youtube is in violation of Rule 38 of Cinematograph (Certification) Rules 1983. Rule 38 specify that Advertisement, Trailer of a film should show, advertise the “Certified Title” of a film. Rule 38 is as under: Advertisement of Films.- Any person advertising a film granted ‘UA’, ‘A’ or ‘S’ certificate or the exhibition of such film by means of insertions in newspapers, hoardings, posters, handbills or trailers shall, after the date of its handbills or trailers that the film has been certified for such public exhibitions.[such advertisement shall indicate only the certified title of a film.] 55. That a back look of Trailer on YouTube shows: -- Dialogue of Ex PM (impersonated by Anupam Kher) -- Dialogue of Mrs. Sonia Gandhi (impersonated by Suzanne Bernet) -- Dialogue of Akshaye Khanna -- Dialogue of Mrs. Priyanka Gandhi Vadra (impersonated by Aahana Kumra) -- Some pictures are being shown -- Oath of secrecy taken by Dr Manmohan Singh is being shown -- Some pictures of official meetings, official functions are being shown. 56. The Petitioner submits that display of above mentioned titles in Trailer is in violation of Rule 38 of Cinematograph (Certification) Rules 1983, as Rule 38 allows the permission for Title of the film only. 57. That the Respondents are well aware of the above said violations but till this date no steps have been taken and the above said Trailer is being viewed 24/7 by millions of viewers. And this way violation of Rule 38 is being continued and being perpetuated day by day. This is the utter violation of Rule 38 of Act and Rules. 58. The Petitioner submits that Rules are being flouted, violated only on account of hidden agenda of political groups/parties and it is implicitly clear from the Trailer where it specify -------THIS ELECTION SEASON. 59. That the Petitioner submits that Respondent No. 4 /CBFC is under statutory obligation under Cinematograph Act 1952 and Rules to judge the entire Trailer in its entirety from the viewpoint of its overall impact and should have examined in the light of country’s sovereignty and integrity , country’s image before entire world, as regarding unaccountable damage to the office of Prime Minister. 60. That Petitioner do say that Trailer is having the propensity of inculcating hatred, amongst the person who believe in democratic set up, who believe in constitution of India. The Petitioner do say that trailer is not based on pure work of fiction. 61. That the Petitioner submits that every reasonable prudent man including the petitioner has carried a wrong impression regarding our country’s democratic set up, regarding Highest Office of Hon’ble Prime Minister. 62. That Petitioner is challenging the impugned Trailer on the basis of following grounds amongst others: 63. That Petitioner is a regular Youtube viewer and when the Petitioner noticed the Trailer of the above said film, the petitioner was perturbed as a wrong image of the country’s high office was being projected. That out of anxiety and for verifying the truth, petitioner read the book written by Sanjaya Baru. That by reading the book, Petitioner realised that makers of Trailer have added various inputs unauthorizingly without the consent of the author Sanjaya Baru. That Petitioner noticed various other violations which shows that Trailer is not based on Fiction, Petitioner also noticed that voice, looks, dress of high profile politicians were copied simply for upsetting the entire democratic set up. 64. That the Petitioner has previously filed WP ( C) 11099/2016 (Against Demonetization) as a Public Interest Litigation and that petitioner filed WPC 7337/2018 & 9569of 2018 ( against price hike of Petrol and Diesel) as a Public Interest Litigation. 65. The facts and circumstances narrated herein above have necessitated the filing of the present writ petition. 66. That the Petitioner has not filed any other petition before this Hon’ble Curt or any other Court or in the Hon’ble Supreme Court of India on the same subject matter and for same relief. 67. That petitioner do say that petitioner has no alternative effective remedy except to file the present writ petition for redressal of her grievances. PRAYER In view of the submissions made above and in the light of facts and circumstances of the case, the petitioner most respectfully prays that in the interest of justice this Hon’ble Court may kindly be pleased to pass necessary and appropriate writ, order or direction: (i) To pass necessary directions directing Respondent No. 1 and 4 to take steps to stop the exhibition, display of Trailer of “The Accidental Prime Minister” on YouTube channel and other web forums as the same is in violation of Section 5-B of Cinematograph Act read with Rule 38 of Cinematograph (Certification) Rules 1983 (ii) To pass any other order which this Hon’ble Court may deem fit and proper in the interest of justice. PETITIONER THROUGH (ARUN MAITRI; RADHIKA CHANDRASHEKHAR & ANANYA ROY) ADVOCATES P-57, NDSE, PART II NEW DELHI DATED: 05.01. 2019 PLACE: NEW DELHI IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CIVIL WRIT JURISDICTION) WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019 IN THE MATTER OF: POOJA MAHAJAN … PETITIONER V E R S U S UNION OF INDIA & ORS. …RESPONDENTS APPLICATION UNDER SECTION 151 CPC ON BEHALF OF THE PETITIONER MOST RESPECTFULLY SHOWETH: 1. That the Petitioner has filed the accompanying writ petition. It is submitted that averments as stated in writ petition may kindly be considered as part of this application. 2. The Petitioner is being motivated to file the present writ petition as provisions of Section 5-B of Cinematography Act & Rule 38 are being misused and under the garb of the said certificate producer has released “Trailer” which is affecting, harming the image of the Constitutional post such as Prime Minister of India and giving a bad name at the national as well as at the international level. 3. It is submitted that the Prime Minister of India is a Constitutional post and is protected under the Constitution of India and under no set of circumstances any company, individual, film producer can enjoy any such liberty to defame the said post / August Office. 4. The need and necessity for filing the present writ petition has arosen as the Defendant No. 2 and 3 have allowed, permitted the “Trailer” of film “the Accidental Prime Minister” on its YouTube channel and consequently thereof the post of Prime Minister is getting defamed on day to day basis in public domain before the public at large. 5. The Petitioner carries utmost respect for the Constitution of India as all Constitutional functionaries are working under the framework of Constitution of India and at present the Trailer released on YouTube is causing unaccountable damage to the name and fame of the office of Prime Minster of India. 6. That Dr. Manmohan Singh is well-known Economist of International repute. 7. That on dated 06.06.2017 the first look of the film named The Accidental Prime Minister, based upon the above-mentioned book was released through Actor Anupam Kher’s Official Twitter Account. 8. That on dated 08.06.2017, Mr. Pehlaj Nihlani, Chairman of CBFC warned the makers of the film that No-Objection Certificates from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi are required to obtained to release the film. 9. That on dated 27/28.12.2018 the official Trailer of the film was released in which the release date of the film has been announced on 11th January, 2019. 10. The Petitioner do say that it seems that CBFC/ Respondent No. 4 has given the certificate under Section 5B to the Cinematograph Act and the permission/approval/certification under Section 5-B is in contravention of Section 416 of Indian Penal Code which defines that what amounts to impersonation. 11. It is a known fact that film producers have not taken any consent/permission from Dr. Manmohan Singh, Mrs. Sonia Gandhi and Rahul Gandhi to perform their characters or to perform their political life or to dress up in the same way as they had been doing in their normal life or to copy their voice in any manner. 12. That simultaneously Respondent No. 2 and 3 have also violated their own policy on “impersonation” also wherein YouTube itself categorizes, specifies that the “impersonation” will not be permitted on their channel. 13. The petitioner do say that “Trailer” of the film released on YouTube is also in violation of Rule 38 of Cinematograph (Certification) Rules 1983. Rule 38 specify that Advertisement, Trailer of a film should show, advertise the “Certified Title” of a film. Rule 38 is as under: Advertisement of Films.- Any person advertising a film granted ‘UA’, ‘A’ or ‘S’ certificate or the exhibition of such film by means of insertions in newspapers, hoardings, posters, handbills or trailers shall, after the date of its handbills or trailers that the film has been certified for such public exhibitions.[such advertisement shall indicate only the certified title of a film.] 14. That a bare look of “Trailer” of the above said film on YouTube shows: -- Dialogue of Ex PM (impersonated by Anupam Kher) -- Dialogue of Mrs. Sonia Gandhi (impersonated by Suzanne Bernet) -- Dialogue of Akshaye Khanna -- Dialogue of Mrs. Priyanka Gandhi Vadra (impersonated by Aahana Kumra) -- Some pictures are being shown -- Oath of secrecy taken by Dr Manmohan Singh is being shown -- Some pictures of official meetings, official functions are being shown. 15. That besides the above said dialogues of above said Public personalities the following titles are also being shown in the said “Trailer”: (i) This Election Season (ii) The Nuclear Deal (iii) The Kashimir Issue (iv) Of the PM and the Party (v) Witness an inside story (vi) Based on the controversial book 16. The Petitioner submits that audiovisual of above mentioned titles and dialogues is in violation of Rule 38 of Cinematograph (Certification) Rules 1983, as Rule 38 allows the permission for Title of the film only. 17. The Respondent No 1 & 4 are well aware of the above said violation but till this date no steps have been taken and the above said Trailer is being viewed 24/7 by millions of viewers. 18. That this way violation of Rule 38 is being continued and being perpetuated day by day. This is the utter violation of alleged certificate given by CBFC. 19. The Petitioner do say that petitioner has a good prima facie case and balance of convenience also lies in favour of the Petitioner. 20. That Petitioner do say that Petitioner and all others are suffering an irreparable loss and injury as misleading information is being circulated on social media through Trailer of film “The Accidental Prime Minster” on YouTube and name and fame of our own country is getting defamed on day to day basis. PRAYER It is most humbly and respectfully prayed that in the interest of justice the Hon’ble Court may please pass an order: (i) Restraining / directing the respondent No. 2 & 3 to suspend the display of Trailer of film “The Accidental Prime Minster” during the pendency of the present writ petition. (ii) Any other relief as this Hon’ble Court may think fit and proper under the facts and circumstances of the present case. It is prayed accordingly. PETITIONER THROUGH (ARUN MAITRI; RADHIKA CHANDRASHEKHAR & ANANYA ROY) ADVOCATES P-57, NDSE, PART II NEW DELHI DATED: JAN. 2019 PLACE: NEW DELHI LIST OF DATES & EVENTS 20.04.2014 : That on dated 20.04.2014 a book named “The Accidental Prime Minister” authored by Sanjaya Baru, was published. 06.06.2017 : That on dated 06.06.2017 the first look of the film named The Accidental Prime Minister, based upon the above-mentioned book was released through Actor Anupam Kher’s Official Twitter Account. 08.06.2017 : That on dated 08.06.2017, Mr. Pehlaj Nihlani, Chairman of CBFC warned the makers of the film that No-Objection Certificates from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi are required to be obtained for releasing the film namely “The Accidental Prime Minister”. 27/28.12.2018 : That on dated 27/28.12.2018 the official Trailer of the film has been released. 28.12.2018 to 02.01.2019 : The Petitioner do say that as per the Petitioner’s information Respondent No. 4 has given the certificate under Section 5B of the Cinematograph Act to the said film. 02.01.2019 : The trailer released on YouTube channel is in violation of Rule 38 of Cinematography (Certification) Rules, 1983. Rule 38 specify that Advertisement, Trailer of a film should show, advertise the “Certified Title” of a film only. Rule 38 is as under: Advertisement of Films.- Any person advertising a film granted ‘UA’, ‘A’ or ‘S’ certificate or the exhibition of such film by means of insertions in newspapers, hoardings, posters, handbills or trailers shall, after the date of its handbills or trailers that the film has been certified for such public exhibitions.[such advertisement shall indicate only the certified title of a film.] The trailer of the film is showing following titles: (i) The Accidental Prime Minister (ii) This Election Season (iii) The Nuclear Deal (iv) The Kashimir Issue (v) Of the PM and the Party (vi) Witness an inside story (vii) Based on the controversial book That a bare look of Trailer on YouTube shows: -- Dialogue of Ex PM (impersonated by Anupam Kher) -- Dialogue of Mrs. Sonia Gandhi (impersonated by Suzanne Bernet) --Dialogue of Akshaye Khanna --Dialogue of Mrs. Priyanka Gandhi Vadra (impersonated by Aahana Kumra) -- Some pictures are being shown -- Oath of secrecy taken by Dr Manmohan Singh is being shown -- Some pictures of official meetings, official functions are being shown. The Petitioner submits that display of above mentioned titles is in violation of Rule 38 of Cinematograph (Certification) Rules 1983, as Rule 38 allows the permission for “Title” of the film only. That the “Titles” mentioned in trailer are misleading and besides that it violates Rule 38 of the said Rules. 02.01.2019 : The Petitioner has gone through the Book and do say that promo-Trailer of the Film is giving a wrong message at social media. The image of the High-office of Prime Minister (a constitutional post) is being damaged on account of this Trailer. The authority Sanjay Baru has himself said in “Preface” of the Book that viewers who intend to watch the movie should read the Book as well. 02.01.2019 to 04.01.2019 : The author of the Book has himself acknowledge in the Book that NO CONSENT was ever obtained from Dr. Manmohan Singh (EX PM of India) regarding the contents published in the said Book. Disclaimer in Trailer shows a contradiction: ➢ In disclaimer it is being claimed that Film – The Accidental Prime Minster is based on Sanjaya Baru’s book. ➢ In Trailer it is being claimed that film is based on “Controversial Book” 04.01.2019 : Petitioner being viewer of YouTube was misled and promoters deliberately violated the provisions of law. Petitioner herself was also misled and then Petitioner red the entire Book of Sanjaya Baru and find out the truth. Petitioner do say that in trailer, actors have committed act of impersonation also punishable under section 416 IPC. 04.01.2019 : Petitioner also checked up the policy of YouTube also regarding uploading of videos on YouTube. As per policy of YouTube impersonation of any individual is impermissible – but still YouTube has allowed the uploading of Trailer of Film namely “The Accidental Prime Minister” in contravention of their own policy knowing it fully well that offences of impersonation have been committed in the said trailer. 05.01.2019 : Hence the Writ petition. 17. The Petitioner(s) reside at Delhi. Consequently, this Hon’ble Court is conferred with the requisite territorial jurisdiction.The Petitioner(s) have not filed any other Writ Petition before this Hon’ble Court or any other Petition before the Hon’ble Supreme Court of India, assailing / or raising the contention(s) as raised herein. The Annexure(s) appended to this Petition are true copies of their respective originals. 18. Because since, the CBFC has not followed the guidelines prescribed under Section-5B, Cinematograph Act 1952 without confirming the NOCs which were to be obtained from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi, the Petitioner(s) have no other alternative / or efficacious remedy but to seek the kind indulgence / intervention of this Hon’ble Court.Hence, this Petition under Article(s) 226 and 227 of the Constitution of India. IT IS THEREFORE MOST RESPECTFULLY PRAYED THAT THIS HON’BLE COURT MAY BE MOST GRACIOUSLY PLEASED TO: PRAYER a) issue a writ of certiorari or any other appropriate writ, order or direction that this Hon’ble Court deems just and proper in the facts and circumstances of the present case and in the interest of justice /; b) c) pass such other and further order(s) that this Hon’ble Court may deem just and proper in the facts and circumstances of the present case and in the interest of justice and equity. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2019. & ORS. …RESPONDENT INDEX Sl. No. Particulars Page Nos. 1. Urgent Application. 2. Notice of Motion. 3. Memo of Parties. 4. List of Dates & Events. 5. Writ Petition (Criminal) under Article(s) 226 and 277 of the Constitution of India r/w 482 Cr.P.C. 6. Affidavit(s) in support of above. 7. Annexure A-1: 8. Annexure A-2: 9. Annexure A-3: 10. Annexure A-4 (Colly): 11. Application for and on behalf of the Petitioner(s) seeking stay of further 12. Affidavit in support of the above. 13. Application for and on behalf of the Petitioner(s) seeking exemption from filing certified copies / fair typed copies / dim Annexures with supporting Affidavit. 14. Affidavit in support of the above. Sl. No. Particulars Page Nos. 15. Vakalatnama. 21. Court Fees Rs.200/-. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2019. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: …PETITIONER(S). V E R S U S UNION OF INDIA …RESPONDENT NOTICE OF MOTION Reg: Writ Petition (Criminal) No. \_\_\_\_\_ / 2019 versus Union Of India & Ors. Sir, Please take notice that the aforesaid Petition is likely to be listed in the next few days, before the Hon’ble High Court. Kindly, acknowledge receipt of the Paper Book. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2019. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: …PETITIONER(S). V E R S U S UNION OF INDIA & ORS. …RESPONDENT. MEMO OF PARTIES. 1. … PETITIONER(S). V E R S U S UOI … RESPONDENT(S). PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2019. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: …PETITIONER(S). V E R S U S UOI …RESPONDENT URGENT APPLICATION. The Registrar, High Court of Delhi, New Delhi . Sir, Kindly treat the accompanying Petition as an urgent one, in accordance with the High Court Rules & Regulations. The Petitioner(s) are seeking stay of. Hence, the urgency. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2019. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: …PETITIONER(S). V E R S U S UNION OF INDIA & ORS. …RESPONDENT LIST OF DATES & EVENTS. 20.04.2014 A Book named The Accidental Prime Minister: The Making and Unmaking of Manmohan Singh, authored by Sanjaya Baru, was published. 06.06.2017 First look of the film named The Accidental Prime Minister, based upon the above-mentioned book was released through Actor Anupam Kher’s Official Twitter Handle. 08.06.2017 Pehlaj Nihlani, Chairman of CBFC warned the makers of the film that No-Objection Certificates from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi are required to release the film. 27.12.2018 Official Trailer of the film was released in which the release date of the film has been announced on 11th January, 2019. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2019. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: …PETITIONER(S). V E R S U S UNION OF INDIA & ORS. …RESPONDENT CRIMINAL WRIT PETITION UNER ARTICLE 226 OF THE CONSITUTION OF INDIA FOR ISSUANCE OF NECESSARY WRIT, ORDER OR DIRECTION TO ……………….. TO THE HON’BLE CHIEF JUSTICE AND HIS COMPANION JUSTICES OF THE HON’BLE HIGH COURT OF DELHI AT NEW DELHI A HUMBLE PETITION OF THE PETITIONER ABOVE NAMED MOST RESPECTFULLY SHOWETH: 1. That on dated 20.04.2014 A Book named The Accidental Prime Minister: The Making and Unmaking of Manmohan Singh, authored by Sanjaya Baru, was published. 2. That on dated 06.06.2017 the first look of the film named The Accidental Prime Minister, based upon the above-mentioned book was released through Actor Anupam Kher’s Official Twitter Account. 3. That on dated 08.06.2017 , Mr. Pehlaj Nihlani, Chairman of CBFC warned the makers of the film that No-Objection Certificates from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi are required to release the film. Copy of the ENewspaper of INDIAN EXPRESS is attached herewith and marked as ANNEXURE- A. 4. That on dated 27.12.2018 the official Trailer of the film was released in which the release date of the film has been announced on 11th January, 2019. 5. That consequently, the Petitioner(s) submit that the said…………………………………………… by an appropriate writ, order or direction that this Hon’ble Court deems just and proper on the following amongst other grounds, taken without prejudice to one another – GROUNDS A. Because the Respondent has erred in law while certifying the film which leads to a violation of Section-5B of The Cinematograph Act, 1952. The abovesaid provision says : Principles for guidance in certifying films. 5B. (1) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of 1 [the sovereignty and integrity of India] the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence. (2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition. B. Because on dated 08.06.2017, clear instructions vide news report from Mr. Pehlaj Nihlani, Chairman of CBFC was published which clearly said that the makers of The Accidental Prime Minister have to take No-Objection Certificates from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi. C. Because, no such NOCs from the EX-PM Dr. Manmohan Singh and Smt. Sonia Gandhi have come on record since 08.06.2017. Only a routine disclaimer of being the adaptation of the book, The Accidental Prime Minister: The Making and Unmaking of Manmohan Singh is being shown in the trailer released on 27.12.2018 on every visual media. Copy of the screen shot of the disclaimer showed in Youtube is attached herewith and marked as ANNEXURE-B. D. Because, the Author of the book Mr. Sanjaya Baru had served the Ex-PM Dr. Manmohan Singh as his media adviser and chief spokesperson from Many 2004 to August 2008. The Trailer itself gives an impression that Mr. Baru witnessed the encounters between the Ex-PM Dr. Singh and Smt. Sonia Gandhi during all the alleged scams. Hence, the authenticity of the information given in the book is not beyond any reasonable doubt. In such case, the film adapting the same storyline shall lead to disgrace and defamation of the characters depicted in the movie whereas most of them are very much alive. E. Because, Dr. Manmohan Singh and the other living political personalities who have been depicted in this film, have not given their consent to portray them in this film. Hence, the release of the film amounts to serious invasion of their privacy. F. Because, the Constitution of India in Article 21, explicitly recognises that – “No person shall be deprived of his life or personal liberty except according to a procedure established by law.” According to Bhagwati, J., Article 21 “embodies a constitutional value of supreme importance in a democratic society.” Iyer, J., has characterized Article 21 as “the procedural magna carta protective of life and liberty. This right has been held to be the heart of the Constitution, the most organic and progressive provision in our living constitution, the foundation of our laws. G. Because, in the recent judgment by the Hon’ble Supreme Court on dated 31.08.2018 in Justice K.S. Puttaswamy ( Retd.) & Anr. V. UOI & Ors. , it has been upheld that right to privacy is an intrinsic part of life and personal liberty. H. Because, the release of the film named The Accidental Prime Minister, does not even cover the “Reasonable Expectation of Privacy” as mentioned in Justice K.S. Puttaswamy ( Retd.) & Anr. V. UOI & Ors. I. Because, publishing a book and releasing a film is altogether a different concept. The book by Sanjaya Baru possibly has been read by a particular niche, who happen to be well read and well educated well off class. But a film makes an impact on the larger population. Being a motion picture it may have a very adverse effect on the larger population. J. Because, the characters depicted in the book and subsequently in the film are very much alive. Moreover, PMO is a Constitutional Establishment. Any disruption from the fact is a disrespect towards the Constitutional Establishment hence towards the Constitution. And from the duration when Sanajay Baru served the EX-PM and the duration about which the film is giving an impression, creates a larger amount of discrepancy. K. Because, the conversations shown in the trailer are of “Kitchen Cabinet” level which means serious confidentiality at the Ministerial Level. Thus public trust shall be affected, to be precise, adversely. 17. The Petitioner(s) reside at Delhi. Consequently, this Hon’ble Court is conferred with the requisite territorial jurisdiction.The Petitioner(s) have not filed any other Writ Petition before this Hon’ble Court or any other Petition before the Hon’ble Supreme Court of India, assailing / or raising the contention(s) as raised herein. The Annexure(s) appended to this Petition are true copies of their respective originals. 18. Because since, the CBFC has not followed the guidelines prescribed under Section-5B, Cinematograph Act 1952 without confirming the NOCs which were to be obtained from Ex-PM Dr. Manmohan Singh and Smt. Sonia Gandhi, the Petitioner(s) have no other alternative / or efficacious remedy but to seek the kind indulgence / intervention of this Hon’ble Court.Hence, this Petition under Article(s) 226 and 227 of the Constitution of India. IT IS THEREFORE MOST RESPECTFULLY PRAYED THAT THIS HON’BLE COURT MAY BE MOST GRACIOUSLY PLEASED TO: PRAYER a) issue a writ of certiorari or any other appropriate writ, order or direction that this Hon’ble Court deems just and proper in the facts and circumstances of the present case and in the interest of justice /; b) c) pass such other and further order(s) that this Hon’ble Court may deem just and proper in the facts and circumstances of the present case and in the interest of justice and equity. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2019. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL) No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: M/S Roshan Lal Lalit Mohan …PETITIONER(S). Through Lalit Mohan(Proprietor) V E R S U S THE DIRECTORATE OF ENFORCEMENT,NEW DELHI. …RESPONDENT APPLICATION FOR AND ON BEHALF OF THE PETITIONER(S) SEEKING EXEMPTION FROM FILING CERTIFIED COPIES/FAIR TYPED COPIES/DIM ANNEXURES WITH SUPPORTING AFFIDAVIT. MOST RESPECTFULLY SHOWETH: 1. That the accompanying Writ Petition has been filed by the Petitioner(s), aggrieved by the illegal and unlawful initiation of proceedings against them under the provisions of the Prevention of Money Laundering Act, 2002. 2. That the Petitioners herein alongwith the instant Petition have also filed and relied upon certain Documents/ Annexures, that are relevant and germane for a proper and complete adjudication of the accompanying Petition. 3. That the Charge-Sheet(s) filed by the Petitioner(s) stand filed before the Competent Court, where proceedings arising from such Charge-Sheet(s) are pending before the ACMM at Tis Hazari District Courts, Delhi. The Petitioner(s) have already applied for certified copies of the Charge-Sheet(s), which they shall file after they are received by them. 4. That some of the Annexures are dim, whose typed copies are filed. The said Documents/Annexures are extremely necessary for the adjudication of the instant Petition. The Petitioner(s) herein seek the liberty from this Hon’ble Court to file and rely on the said Documents / Annexures. 5. That the Petitioner(s) herein seek the indulgence of this Hon’ble Court, to grant exemption from filing certified and dim copies of such Annexures/Documents. IT IS THEREFORE MOST RESPECTFULLY PRAYED THAT THIS HON’BLE COURT MAY BE MOST GRACIOUSLY PLEASED TO - PRAYER a) grant exemption from filing certified and dim copies of the Annexures/Documents with the accompanying Petition; and b) pass any other order(s)/direction that this Hon’ble Court may deem fit in the facts and circumstances of the present case and in the interest of justice / equity. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2018. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: M/S Roshan Lal Lalit Mohan …PETITIONER(S) Through Lalit Mohan(Proprietor) V E R S U S THE DIRECTORATE OF ENFORCEMENT,NEW DELHI. …RESPONDENT APPLICATION FOR AND ON BEHALF OF THE PETITIONER(S) SEEKING STAY OF FURTHER INVESTIGATION / PROCEEDINGS ARISING FROM / IN ECIR NO. 4/DLZO/2014 REGISTERED BY THE RESPONDENT UNDER THE PROVISIONS OF THE PREVENTION OF MONEY LAUNDERING ACT, 2002. MOST RESPECTFULLY SHOWETH: 1. That the Petitioner(s) have filed the accompanying Writ Petition aggrieved by the registration of ECIR Case No. 4/DLZO/2014 by the Respondent under the provisions of the Prevention of Money Laundering Act, 2002. The Petitioner(s), are equally aggrieved by the investigation conducted and pursued by the Respondent pursuant to the aforesaid ECIR. 2. That it is the specific case of the Petitioner(s), that such proceedings initiated by the Respondent are without jurisdiction, incompetent, unlawful and beyond the purview / scope of the Prevention of Money Laundering Act, 2002. 3. That in particular, the Petitioner(s) contend that Section(s) 120B, 420, 467 and 471 of the Indian Penal Code were incorporated / introduced in the Prevention of Money Laundering Act, by an amendment with effect from 01.06.2009. 4. That on the contrary, the offence(s) alleged to have been committed by the Petitioner(s) are evidently prior to 02.04.2007. Understandably, on the alleged date of commission of offence(s), the provisions of the Prevention of Money Laundering Act, 2002 did not recognise them as an offence. 5. That consequently, under Article 20 of the Constitution of India, the Petitioner(s) cannot be charged with an offence which did not exist on the alleged date of occurrence / or commission. Likewise, the Petitioner(s) are already facing trial for the same offence(s) before the ACMM at Tis Hazari District Courts, Delhi – arising from / in Charge-Sheet(s) dated 02.04.2007 and 21.12.2011. 6. That resultantly, the registration of the aforesaid ECIR and all consequent investigation conducted pursuant thereto are unlawful and without the authority of law. The Petitioner(s) have a very good prima-facie case, wherein the balance of convenience tilts exclusively for and in their favour. The Petitioner(s) will suffer irreparable harm and injury, if such investigation and proceedings are not stayed pending adjudication / disposal of the accompanying Writ Petition. 7. That recognising the aforesaid facts and circumstances, including the primary contention that the ECIR itself is unlawful, illegal and without jurisdiction, the Petitioner(s) pray that urgent ad-interim directions be passed in their favour pending adjudication / disposal of the present Writ Petition. IT IS THEREFORE MOST RESPECTFULLY PRAYED THAT THIS HON’BLE COURT MAY BE MOST GRACIOUSLY PLEASED TO - PRAYER a) grant an ad-interim ex-parte order / direction staying all / any further investigation/ No coercive step and proceedings arising from / in Enforcement Case Information Report No. 4/DLZO/2014 filed by the Respondent against the Petitioner(s) pending adjudication / disposal of the present Writ Petition; b) pass any other order(s)/direction that this Hon’ble Court may deem fit in the facts and circumstances of the present case and in the interest of justice / equity. PETITIONER(S). THROUGH: Advocate Place: New Delhi. Dated:\_\_\_.01.2018. IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: M/S Roshan Lal Lalit Mohan …PETITIONER(S) Through Lalit Mohan(Proprietor) V E R S U S THE DIRECTORATE OF ENFORCEMENT, NEW DELHI. …RESPONDENT AFFIDAVIT I, Lalit Mohan Goyal, Aged 47 years, S/o Mr. Roshan Lal R/o 6, Alipur Road, Civil Lines do hereby solemnly affirm and declare as under: 1. That the deponent is the petitioner in the aforesaid case, and is thoroughly conversant with the facts and circumstances of the present case, and is competent to swear this affidavit. 2. That the accompanying Petition has been drafted by my counsel at my instructions and I have gone through the same and find it true and correct as per my knowledge. 3. That the accompanying Petition may please be read as part & parcel of this affidavit and the contents of the same are not being repeated for the sake of brevity. 4. That the annexure to the accompanying Petition are true copies of their respective originals. Deponent Verification: Verified at New Delhi on this\_\_\_\_\_\_ the day of \_\_\_, 2018 that the contents of the above affidavit are true and correct to my knowledge and belief. Deponent IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: M/S Roshan Lal Lalit Mohan …PETITIONER(S) Through Lalit Mohan(Proprietor) V E R S U S THE DIRECTORATE OF ENFORCEMENT, NEW DELHI. …RESPONDENT AFFIDAVIT I, Lalit Mohan Goyal, Aged 47 years, S/o Mr. Roshan Lal R/o 6, Alipur Road, Civil Lines do hereby solemnly affirm and declare as under: 1. That the deponent is the petitioner in the aforesaid case, and is thoroughly conversant with the facts and circumstances of the present case, and is competent to swear this affidavit. 2. That the accompanying Petition has been drafted by my counsel at my instructions and I have gone though the same and find it true and correct as per my knowledge. 3. That the accompanying Petition may please be read as part & parcel of this affidavit and the contents of the same are not being repeated for the sake of brevity. 4. That the annexure to the accompanying Petition are true copies of their respective originals. Deponent Verification: Verified at New Delhi on this\_\_\_\_\_\_ the day of \_\_\_, 2018 that the contents of the above affidavit are true and correct to my knowledge and belief. Deponent IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CRIMINAL WRIT JURISDICTION) WRIT PETITION (CRIMINAL)No.\_\_\_\_\_\_OF 2018. IN THE MATTER OF: M/S Roshan Lal Lalit Mohan …PETITIONER(S) Through Lalit Mohan(Proprietor) V E R S U S THE DIRECTORATE OF ENFORCEMENT, NEW DELHI. …RESPONDENT AFFIDAVIT I, Lalit Mohan Goyal, Aged 47 years, S/o Mr. Roshan Lal R/o 6, Alipur Road, Civil Lines do hereby solemnly affirm and declare as under: 1. That the deponent is the petitioner in the aforesaid case, and is thoroughly conversant with the facts and circumstances of the present case, and is competent to swear this affidavit. 2. That the accompanying Petition has been drafted by my counsel at my instructions and I have gone through the same and find it true and correct as per my knowledge. 3. That the accompanying Petition may please be read as part & parcel of this affidavit and the contents of the same are not being repeated for the sake of brevity. 4. That the annexure to the accompanying Petition are true copies of their respective originals. Deponent Verification: Verified at New Delhi on this\_\_\_\_\_\_ the day of \_\_\_, 2019 that the contents of the above affidavit are true and correct to my knowledge and belief. Deponent IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CIVIL WRIT JURISDICTION) WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019 IN THE MATTER OF: POOJA MAHAJAN … PETITIONER V E R S U S UNION OF INDIA & ORS. …RESPONDENTS APPLICATION U/S 151 CPC ON BEHALF OF THE PETITIONER FOR EXEMPTION FROM FILING TRUE TYPED COPIES DIM ANNEXURES MOST RESPECTFULLY SHOWETH: 1) That the Petitioner has filed the above titled Writ Petition and have enclosed certain Dim/Hand-written/Under-lined Copies of the Annexures. 2) That the Petitioner undertakes to place on record the clear copies of the said Annexures as and when ordered by the Hon’ble Court. P R A Y E R : It is therefore respectfully prayed that the Hon'ble court may graciously be pleased to accept the Dim Annexures. PETITIONER THROUGH NEW DELHI ( A. MAITRI ) COUNSEL FOR PETITIONER P-57, SOUTH EXTN.-II DATED : \_\_\_\_\_\_, 2019 NEW DELHI IN THE HIGH COURT OF DELHI AT NEW DELHI (EXTRA ORDINARY CIVIL WRIT JURISDICTION) WRIT PETITION (C) NO. \_\_\_\_\_\_OF 2019 IN THE MATTER OF: POOJA MAHAJAN … PETITIONER V E R S U S UNION OF INDIA & ORS. …RESPONDENTS A F F I D A V I T I, Ms. Pooja Mahajan D/o Shri S.K. Mahajan, aged about \_\_\_\_ Shop No. 37, Fashion Street, Shahpur Jat, New Delhi do hereby solemnly affirm and state as under: 1) That I am the Petitioner in the above noted case and being well conversant with the facts of the case, I am competent to swear and file this affidavit. 2) That the accompanying application has been drafted under my instructions, the contents of which have been read over to me and are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.