IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA

I.A. NO.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_OF 2018

IN

SPECIAL LEAVE PETITION (C) NO. OF 2018

IN THE MATTER OF:

NIVEDITA JHA …PETITIONER

VERSUS

THE STATE OF BIHAR & ORS. …RESPONDENTS

**APPLICATION SEEKING PERMISSION TO FILE SPECIAL LEAVE PETITION**

TO

THE HON’BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF

HON’BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION/PETITION

OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH :

1. That the above named Petitioner has filed the accompanying Special Leave Petition against a part of the Impugned Interim Order dated 23-08-2018 passed by the High Court of Judicature at Patna in CWJC No. 12845 of 2018 wherein a blanket ban on media reporting on the case.
2. That the facts narrated in the Special Leave Petition may be deemed as part and parcel of the present application which are not being reiterated here for the sake of brevity.
3. That the Petitioner is the President of the Bihar chapter of South Asia Women in Media. She has been a journalist for the last 26 years and her articles have been published in several Hindi magazines and newspapers including Outlook Hindi, Nai Duniya, Rashtriya Sahara. She was awarded the prestigious Laadli Media Award for gender sensitivity 2010-2011 for best news report (print, Hindi) (A girl child campaign by Population First in collaboration with UNFPA). She resides in Patna, where she works with various NGOs in the field of prevention of child abuse.
4. An audit report of government run children homes in Bihar was published by Tata Institute of Social Sciences in April 2018, which highlighted the sexual and physical abuse of minor children at the children home, Muzaffarpur. Because of the pro-active role of the media, the incident was highlighted and it became national news. Thereafter, an FIR was promptly registered and investigation was also taken over by the State Police. Soon thereafter, investigation was transferred to the CBI.
5. A Writ Petition 12845/2018 was filed in Patna High Court by one Santosh Kumar Jha (a human rights activist), praying *inter alia* fresh inspection of children homes, CBI investigation, penal action against erring officers.
6. The Petitioner had been closely following the developments in the case and was shocked to read it in the newspapers that, the Patna High Court in CWJC No. 12845/2018 vide its order dated 23-08-18 has imposed a blanket media ban on reporting anything with respect to the case
7. It is most respectfully submitted that the effect of the impugned order was a gross infarction of the fundamental right of the people to know and freedom of press which is guaranteed under the constitution.
8. The Impugned order is patently erroneous inasmuch as by an unreasoned and non speaking order, it imposes a blanket ban on media reporting. The Hon’ble High Court has erred in holding that :-

*“Under the circumstances, till the investigation is completed, all the print and electronic media are hereby restrained from reporting* ***anything*** *with respect to the case, more particularly, with respect to the investigation already undertaken and/or which is likely to take place as it may seriously hamper the investigation of the case”* [Emphasis Added]

1. That the effect of the impugned order amounts to a blanket ban on any reporting qua the case, thus preventing all other forms of reporting which may not even have any impact on the investigation like reporting on court proceedings, reporting the opinions of lawyers and activists involved in exposing the case, holding TV discussions on the issue, sensitization of public etc.
2. That the Hon’ble High Court did not appreciate that it was only because of the pro-active role of the press, both electronic and print, that the shocking incident was exposed. The role of the media was particularly laudatory in maintaining the fearless reporting of the incident despite the suspected involvement of senior bureaucrats and politicians.
3. Blanket ban on media reporting affects the publics right to know. More so, in the facts of the present case, where the children in the remand homes meant for their care and protection being subjected to sexual abuse, erodes the faith of the public in the state machinery. *A fortiorari,* the reporting of affirmative state action (thorough investigation by the CBI) in the present case rather than an apprehended attempt to cover up the case would go a long way in restoring confidence in the minds of the public at large qua the state machinery.
4. That the Petitioner herein has a good prima facie case on merits and there is every likelihood of the instant Special Leave Petition to succeed before this Hon’ble Court.

**PRAYER**

In the aforesaid facts and circumstances it is most respectfully prayed that this Hon’ble Court may graciously be pleased to:-

1. Permit the petitioner to file Special Leave to Appeal against the Impugned Interim Order dated 23-08-2018 passed by the High Court of Judicature at Patna in CWJC No. 12845 of 2018; AND
2. Pass any such other order/orders as this Hon’ble Court may deem fit and proper under the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

FILED BY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[FAUZIA SHAKIL]

ADVOCATE FOR THE PETITIONER

Filed on: 06-09-2017

New Delhi