

**No.3105/71/2015-BC.III**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF INFORMATION & BROADCASTING**  
**'A' WING, SHASTRI BHAWAN,**  
**NEW DELHI – 110 001**

Dated the 29<sup>th</sup> Dec., 2015

To

All private satellite TV Channels

**Subject : Compliance with court order passed by the Hon'ble High Court of Delhi  
– Writ Petition (Criminal) No.2527/2015 & CRL. M.A. No.17045/2015 –  
Geeta Sharma (Mother of Astha Sharma) vs. The Union of India & Anr.**

Sir/Madam,

It is brought to the notice of all the TV channels that the Hon'ble High Court of Delhi, in the matter of Writ Petition (Criminal) No.2527/2015 & CRL. M.A. No.17045/2015 – Geeta Sharma (Mother of Astha Sharma) vs. The Union of India & Anr, has observed, inter-alia, that the learned counsel for respondent No.2 submits that present petition pertains to the young daughter of the petitioner and respondent No.2; that respondent No.2 apprehends that media reporting on the present proceedings will put the private information of the daughter of petitioner and respondent No.2 in the public sphere; that disclosure of private communications in public abrogates the individual's right to privacy. In support of this contention, the counsel for respondent No. 2 has relied upon a decision rendered by the Supreme Court of India in the case of Sharda vs Dharampal, reported at (2203) 4 SCC 493, more particularly para 71, which reads as under:

"71. "Privacy" is defined as "the state of being free from intrusion or disturbance in one's private life or affairs". Mental health treatment involves disclosure of one's most private feelings. In sessions, therapists often encourage patients to identify "thoughts, fantasies, dreams, terrors, embarrassments, and wishes". To allow these private communications to be publicly disclosed abrogates the very fibre of an individual's right to privacy, the therapist-patient relationship and its rehabilitative goals. However, like any other privilege the psychotherapist-patient privilege is not absolute and may only be recognized if the benefit to society outweighs the costs of keeping the information private. Thus if a child's best interest is jeopardized by maintaining confidentiality the privilege may be limited.

2. The Hon'ble High Court has further observed that having regard to the fact that the issue involved in this petition is purely personal and private in nature, and is not of any public importance and further taking into consideration that in case, the present application is not allowed, it would not only cause irreparable loss to the parties but also have an adverse impact on the child of the parties as well, the present application is allowed; the media (any form of media) including, print, electronic and social media, is restrained from covering/reporting the proceedings. This judgement/order was passed by the Hon'ble High Court of Delhi on 24.11.2015 (Copy enclosed).

*Neeti*  
29/12/15

(नीति सारकार)  
(NEETI SARKAR)  
निदेशक/Director  
सूचना एवं प्रसारण विभाग  
Min. of Information & Broadcasting  
सरकार, भारत  
Govt. of India, New Delhi

3. Accordingly, all private satellite TV channels are required to ensure strict compliance with the aforesaid order passed by the Hon'ble High Court of Delhi.

*Meeti*  
29/12/15  
**(NEETI SARKAR)**  
**Director (BC)**  
Tele: 23386536  
**(NEETI SARKAR)**  
निदेशक/Director  
सूचना एवं संचार विभाग  
Min. of Information & Broadcasting  
आर.एस. बरकदार, नई दिल्ली  
Govt. of India, New Delhi

Encl.: A copy of the Order of the Hon'ble Court.

**Copy to:**

1. Shri Rajat Sharma, President, News Broadcasters Association (NBA), Mantec House, 3<sup>rd</sup> Floor, C-56/5, Sector 62, NOIDA – 201307.
2. Shri Uday Shankar, President, The Indian Broadcasting Foundation, B-304, 3<sup>rd</sup> Floor, Ansal Plaza, Khelgaon Marg, New Delhi – 110049.
3. Shri Girish Srivastav, Secretary General, Broadcast Content Complaints Council (BCCC), C/o The Indian Broadcasting Foundation, B-304, 3<sup>rd</sup> Floor, Ansal Plaza, Khelgaon Marg, New Delhi – 110049
4. Ms. Annie Joseph, Secretary General, News Broadcasters Association, Mantec House, 3<sup>rd</sup> Floor, C-56/5, Sector 62, NOIDA – 201307.
5. Shri Rakesh Sharma, Association of Regional Television Broadcasters of India (ARTBI), B-116, Okhla Industrial Area Phase-I, New Delhi – 110065.

**Copy also for information to:**

1. Chief Executive Officer, Prasar Bharati, PTI Building, Sansad Marg, New Delhi.

**N.O.O.**

**Copy for kind information:**

1. PS to Hon'ble MIB - *30/12/15*
2. PS to Hon'ble MOSIB - *30/12/15*
3. PPS to Secretary, I&B - *30/12/15*
4. PPS to Spl. Secy - *30/12/15*
5. PPS to JS(P&A), JS(B-1), JS(B-2) - *30/12/15*
6. US (Press) w.r.t. their letter No.M-22013/10/2015-Press dated 15.12.2015.

\$~35.

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL.) 2527/2015

GEETA SHARMA

..... Petitioner

Through : Mr.Nishant Kumar Srivastava, Adv.

versus

THE UNION OF INDIA & ANR

..... Respondents

Through : Mr.Atul Sharma, Mr.Abhishek Sharma  
and Mr.Chaitanya Puri, Advs. for  
respondent no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% 24.11.2015

CRL.M.A. 17036/2015.

This is an application filed by respondent no.2 seeking permission of this Court to file short affidavit along with certain communications, which are personal in nature.

Notice. Learned counsel for the petitioner/non-applicant accepts notice and does not oppose the prayer made in this application.

Heard. For the reasons stated in the application and in view of the stand taken by counsel for the petitioner, present application is allowed. Petitioner is permitted to file the short affidavit along with documents, sought to be relied upon, in a sealed cover. Each time the matter is listed before the Court, the sealed cover would be opened and after hearing of the matter, the same would

be re-sealed.

Application stands disposed of.

CRL M.A. 17045/2015.

This is an application filed by respondent no.2 seeking a direction to restrain media coverage/reporting (including print media, electronic and social media) of the present proceedings/orders passed in the present matter.

Learned counsel for respondent no.2 submits that the present petition pertains to the young daughter of the petitioner and respondent no.2 and the issue involved is purely personal and private in nature and is not of any public importance. Counsel further submits that respondent no.2 apprehends that media reporting on the present proceedings will put the private information of the daughter of petitioner and respondent no.2 in the public sphere. Counsel also contends that disclosure of private communications in public abrogates the individual's right to privacy. In support of this contention, counsel for respondent no.2 has relied upon a decision rendered by the Supreme Court of India in the case of *Sharda v. Dharampal*, reported at (2003) 4 SCC 493, more particularly para 71, which reads as under:

“71. “Privacy” is defined as “the state of being free from intrusion or disturbance in one’s private life or affairs”. Mental health treatment involves disclosure of one’s most private feelings. In sessions, therapists often encourage patients to identify “thoughts, fantasies, dreams, terrors, embarrassments, and wishes”. To allow these private communications to be publicly disclosed abrogates the very fibre of an individual’s right to privacy, the therapist-patient

relationship and its rehabilitative goals. However, like any other privilege the psychotherapist-patient privilege is not absolute and may only be recognized if the benefit to society outweigh the costs of keeping the information private. Thus if a child's best interest is jeopardized by maintaining confidentiality the privilege may be limited.

Learned counsel for respondent no.2 has also relied upon *United Nations, Economic and Social Council, Siracusa Principles on the Limitation and Derogation Provisions In the International Covenant on Civil and Political Rights*, more particularly Clause I (B) (ix) (38), which reads as under:

“ix. “restrictions on public trial”

38. All trials shall be public unless the Court determines in accordance with law:

- (a) the press or the public should be excluded from all or part of a trial on the basis of specific findings announced in open court showing that the interest of the private lives of the parties or their families or of juveniles so requires; or
- (b) the exclusion is strictly necessary to avoid public prejudicial to the fairness of the trial or endangering public morals, public order (orde public), or national security in a democratic society.”

Counsel, in these circumstances, prays that media coverage/reporting of any nature should be restrained in this matter.

Notice. Learned counsel for the petitioner accepts notice and supports the prayer made by respondent no.2.

Heard counsel for the parties. Having regard to the fact that the issue involved in this petition is purely personal and private in nature, and is not of

any public importance and further taking into consideration that in case, the present application is not allowed, it would not only cause irreparable loss to the parties but would also have an adverse impact on the child of the parties as well, the present application is allowed. The media (any form of media) including, print, electronic and social media, is restrained from covering/reporting the proceedings.

Application stands disposed of.

  
G.S.SISTANI, J

  
SANGITA DHINGRA SEHGAL, J

NOVEMBER 24, 2015  
msr

