

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 8772 of 2024

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BHARAT PRANJIVANDAS MANDALIA & ORS.

Versus

UNION OF INDIA & ORS.

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Appearance:

MR MIHIR H JOSHI, SENIOR ADVOCATE WITH MR KEYUR D GANDHI WITH MR KUNAL J VYAS WITH MR DEVARSH TRIVEDI FOR GANDHI LAW ASSOCIATES(12275) for the Petitioner(s) No. 1,2,3,4,5,6,7,8 for the Respondent(s) No. 1,2,3,4,5

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CORAM:**HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**

Date : 13/06/2024

ORAL ORDER

Learned advocate for the petitioners has tendered a draft amendment. Amendment is allowed in terms of the draft. Same shall be carried out forthwith.

2. Mr Mihir H. Joshi, learned Senior Advocate with Mr Kunal J. Vyas, learned advocate for Gandhi Law Associates for the petitioners, at the outset, submitted that the petitioners are the followers of Pustimargi sect and devotees of Bhagwan Shree Krishna. Recently, they have come across various articles regarding release of movie "Maharaj" on Netflix on 14.06.2024.

3. While inviting the attention of this Court to page 25 of the compilation, announcing the release of the movie, it is submitted that the film is based on "Libel Case 1862" rendered by English Judges. Reference has been made to the excerpts from the judgment (pages 38 to 45). It is submitted that the excerpts contain scandalous and defamatory language, which affects the Pustimargi

sect as a whole. It is submitted that the release of the movie on the basis of Maharaj Libel Case of 1862, is likely to incite feelings of hatred and violence against the Pustimargi sect which, would be in breach of code of ethics under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as the 'Rules of 2021') and the Self-regulation Code of Over the Top Technology (OTT).

4. It is submitted that the representation was made in the month of April 2024 to the respondent nos.4 and 5 by some other trust; however, the same has been replied to. Neither the request for private screening has been acceded to nor any clarification has been issued. Thus, the refusal, strengthens the apprehension on the part of the petitioners. Also, the apprehension of the petitioners becomes real and serious. Considering the secrecy maintained by the respondent no.4, adverse inference be drawn. It is further submitted that considering the reach of OTT platforms and immediate wide distribution throughout the world, it would be rather impossible to rectify the damage caused by the release of the movie "Maharaj".

5. It is further submitted that since the release is on the OTT platform, governing provisions, would be the Information Technology Act, 2000 (hereinafter referred to as the 'Act of 2000') and the Rules framed thereunder. Accordingly, the petitioners have made a representation to the authorised officer for blocking the release of the movie "Maharaj" on Netflix under Rule 16 of the Rules of 2021 read with Section 69A of the Act of 2000; however, till date, there is no decision taken. It is submitted that once the movie is released, irreversible situation will be created, rendering it

impossible to mend the damage caused to the sect.

6. Mr Mihir H. Joshi, learned Senior Advocate submitted that the certification was issued in the year 2023; however, the release is announced only recently and the movie is slated to be aired on 14.06.2024 on OTT platform and therefore, no prejudice will be caused to the respondent nos.4 and 5 if the release is stalled; except the monetary loss. As against this, if the relief as prayed for is not granted, petitioners are likely to suffer irreparable injury for, the reputation of the Pustimargi sect, would be affected. Also, the release of the movie, would hurt the religious sentiments and is likely to cause a public unrest, adversely impacting the public order.

7. Considered the submissions. Issue notice to the respondents, returnable on 18.06.2024. Ad-interim relief is granted in terms of paragraph 11(C), till the next date of hearing.

8. Direct service today, is permitted. Over and above normal mode of service, service through e-mail is also permitted.

BINOY B PILLAI

(SANGEETA K. VISHEN,J)