

ITEM NO.19

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.233 of 2015

SHOBHHA DE

Petitioner(s)

VERSUS

CHAIRMAN, MAHARASHTRA LEGISLATURE
SECRETARIAT AND ORS.

Respondent(s)

(With appln. (s) for exemption from filing O.T. and ex-parte stay
and office report)

Date : 28/04/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.
Ms. Rohini Musa, AOR
Mr. Abhishek Gupta, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. C.A. Sundaram, learned senior counsel,
along with Ms. Rohini Musa, learned counsel for the
petitioner.

It is submitted by Mr. Sundaram that the petitioner
has been issued Notice No.17477/M.L./D-10 dated 10th April,
2015, by the Principal Secretary, Maharashtra Legislature
Secretariat, the respondent No.3 herein, requiring her to
submit the written explanation in respect of the points
mentioned in the Notice by 28th April, 2015. Learned senior
counsel has drawn our attention to the Notice of Violation of

Rights under M.L. Rule 273 contained in letter dated 8th April, 2015, which was submitted by the respondent No.2 herein, a Member of the Legislative Assembly. The relevant part of the said letter reads as follows:

"It was declared that the Marathi films be shown compulsorily during Prime Time on minimum one screen out of many screens in all the multiplexes for encouraging Marathi Cinema. Not only all Marathi and Non Marathi members have welcomed the said declaration in the Legislature but also, Producers of Marathi, Hindi and other language Cinema, Directors and Cinema Observers who were standing outside the Legislature have also welcomed the said declaration. Some Hindi Cinema Producers, Directors have raised objection to the same but, they refrained from insulting Marathi Language and Marathi People in Maharashtra while raising the objection. Self proclaimed as writer in the State, Smt. Shobha De who always makes volatile statements has registered her strong objections through Twitter and made us aware of being Marathi. She has not only teased Chief Minister Shri Devendra Phadnavis in her twitter but also, mentioned that the Government is indulging in Dadagiri and targeting to the Government. Not content with this but also showing as insult Marathi Cinema in Prime Time the Marathi Language and Marathi Public and also registered have opinion that instead of popcorn will get Dahi Misal and Vada Pav in the Multiplexes and making derogatory statement so as to insulting the Marathi Language. In Maharashtra all Marathi People eat Dahi Misal and Vada Pav by tastefully and she has compared the same to Popcorn that means she has compared the Marathi Cinema with Hindi Cinema and insulted Marathi Language.

Hence, Smt. Shobha De has insulted the Legislature, Marathi Language and all Marathi People in Maharashtra and hence I have submitted the Rights Violation by the said letter against Smt. Shobha De. To approve the said Rights Violation and submit to the

Rights Violation Committee of the Legislature
for preparing the report, this is a request."

It is submitted by Mr. Sundaram that the petitioner's tweets, which have been brought on record at page No.39, do not remotely affect the privilege of the Legislative Assembly, as conceived and thought of in the Constitution of India. Learned senior counsel would submit that she has expressed her views with regard to screening of Marathi films on multiplexes at the prime time and as a citizen of the country, she has a right to express her views and opinion. Learned senior counsel would further submit that if the tweets are read in an apposite manner, they are comments on the government and they do not even come near the periphery of the functions of the Legislature or in any way affect its privilege.

Issue notice, returnable within eight weeks.

As an interim measure, it is directed that there shall be stay of further proceedings in pursuance of the Notice issued on 10th April, 2015, by the Deputy Secretary (Law), Maharashtra Legislature Secretariat, Mumbai.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master