

SC Lifts Ban on MediaOne

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What's in today's article?

- **Why in news?**
- **What is the background of the case?**
- **News Summary: SC lifts ban on Media One**
- **Key highlights of the judgement**

Why in news?

- The Supreme Court quashed the Union government's telecast ban on Malayalam news channel MediaOne.
- The matter pertains to the Centre's January 31 directive revoking the licence of the news channel and banning its telecast on security grounds.

What is the background of the case?

- **MediaOne went off air**

- The channel got security clearance from the Home Ministry in 2011. Later, it got permission to uplink for 10 years.
- On January 31, 2022, the I&B Ministry revoked the permission after the Home Ministry refused to grant fresh security clearance.
 - The MHA cited the channel promoters' alleged links with the Jamaat-e-Islami Hind.
- Following the revoking of its licence, MediaOne went off air.

- **Matter goes to High Court**

- The channel challenged the Centre's action before the Kerala High Court which upheld the ban on the channel.
- The HC relied on material that the Home Ministry submitted in a sealed cover.

- **Appeal in SC**

- The promoters of the channel contended that they did not get a chance to defend themselves.
- This was because the national security reasons cited to deny renewal of licence were given only to the HC in a sealed cover.
- Finally, the SC set aside both the January 31, 2022 order of the I&B Ministry and the Kerala HC order upholding the government action.

News Summary: SC lifts ban on Media One

- The Supreme Court set aside the Centre's ban on Malayalam news channel MediaOne.

Key highlights of the judgement

- **Centre's action amounts to restricting the freedom of the press**

- The Centre's refusal to renew the broadcast licence of Malayalam channel MediaOne amounted to restricting the freedom of the press.
- The apex court observed that an independent press is vital for the robust functioning of a democratic republic.
- SC also held that criticism of government policy does not constitute a reasonable restriction under Article 19(2) of the Constitution.

- **SC refused to accept the government's national security argument**

- The court refused to accept the government's national security argument to deny the licence; it said such a claim must be backed by material evidence.
 - The apex court held that national security claims cannot be made out of thin air. There must be material backing such inference.

- **Sealed cover proceedings go against the principles of natural justice**

- The court also disapproved of the “sealed cover” procedure.
- It observed that sealed cover proceedings go against the principles of natural justice and restrict the right to fair and reasonable hearing.
 - In sealed cover procedure, the documents are not available to the affected party.
 - Also, the documents are relied upon by the opposite party (which is most often the state) in the course of the arguments, and the court arrives at a finding by relying on the material.
 - This sort of adjudication perpetuates a culture of secrecy and opaqueness.
- **The judgment devised a public interest immunity claim procedure**
 - The public interest immunity claims allow the State to remove the material from the proceedings on the ground that its disclosure would injure public interest.
 - In effect, the public interest immunity claim renders the relevant document non-existent for the purposes of the proceedings.
 - The difference between the closed material procedure and the public immunity claim is that in the former, the document is allowed to be used in evidence, without disclosing to the other side.
 - For public interest immunity claim, **the judgement devised a procedure in which the court can appoint an amicus curiae.**
 - The amicus shall be given access to the materials sought to be withheld by the state.
 - He/She shall be allowed to interact with the applicant and their counsel before the proceedings to ascertain their case to enable them to make effective submissions on the necessity of disclosure.
 - The amicus shall to the best of their ability represent the interests of the applicant.
 - The amicus would be bound by oath to not disclose or discuss the material with any other person, including the applicant or their counsel.
 - This procedure has been devised to balance the concerns of confidentiality with the need to preserve public confidence in the objectivity of the justice delivery process.

Q1) What is an amicus curiae?

The term “amicus curiae” refers to a person or group who is not a party to a legal case but offers information or arguments to assist the court in making a decision. The Latin phrase “amicus curiae” means “friend of the court.”

Q2) What is the Principle of Natural Justice?

The principles of natural justice, also known as the principles of procedural fairness, are a set of fundamental legal principles that govern the way in which legal proceedings should be conducted. The principles of natural justice ensure that individuals are treated fairly and justly by the legal system.

Source: [MediaOne: What Supreme Court said on freedom, national security](#) | [Live Law](#) | [Business Standard](#)

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