

ITEM NO.34

COURT NO.1

SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.43504/2024

(Arising out of impugned final judgment and order dated 27-05-2024 in LPA No.431/2024 passed by the High Court of Delhi at New Delhi)

SINDHI SANGAT

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With IA No.223155/2024-CONDONATION OF DELAY IN FILING)

Date : 14-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Ms. Indira Jaising, Sr. Adv.
Mr. Paras Nath Singh, AOR
Mr. Rohin Bhatt, Adv.
Mr. Sadeeq Sherwani, Adv.

For Respondent(s)

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

- 1 Delay condoned.
- 2 The only relief which was sought in the proceedings under Article 226 of the Constitution was for setting up a separate Sindhi language channel on

Doordarshan. For convenience of reference, the prayers in the writ petition are set out below:

“i) ...a Writ in the nature of mandamus or any other appropriate Writ directing the Respondents to allocate a 24 Hours Sindhi Channel on Doordarshan in order to fulfill its Constitutional obligation.”

3 Before the Single Judge of the High Court of Delhi, an affidavit was filed by the second respondent, which is extracted below:

“4. Doordarshan follows the same language policy as All India (AIR). AIR language policy states that "AIR stations broadcast programmes in the principal language of the Region/State in which the station is located" and provision for "broadcast in dialects and other language is made if there is a communication imperative." Doordarshan has also followed the same policy and all its Kendras/Channels 98 telecast programmes in the principal language of the Region/State that they are situated in. Doordarshan has 17 Regional Language Satellite Services which cater to particular regions in the principle language of each region. Doordarshan has not started a channel to cater to a language but to cater to the needs, aspirations, art, music, dance, heritage, tourism, culture and local issues of a particular region.

5. In the year 2009, the Doordarshan Kendra, Ahmedabad had sent a Preliminary Project Report for a 24 hour Sindhi Channel. As per the said project report, setting up of a full time Sindhi Channel would have incurred a cost of Rs. 8.55 crores per annum for software and staff and Rs. 10.96 crore for Engineering Wing, thus resulting in a total cost of Rs.19.51 crores per annum. A copy of the Preliminary Project Report sent by the Doordarshan Kendra, Ahmedabad is annexed as ANNEXURE-A. A lot of Inter-Departmental consultations took place in regard to the proposal, as also consultation with the Ministry of Information & Broadcasting. Documents concerning the consultations on the issue annexed as ANNEXURE-B. The issue was also the subject matter of a question in Parliament, which was answered on 14.3.2011. The question in Parliament and the answer thereto are

annexed as ANNEXURE-C.

6. The issue of the start of a Sindhi Channel was considered by the Production and Content Committee of the Prasar Bharati Board in its meeting held on 20.7.2011. Copy of the minutes of the said meeting is annexed as ANNEXURE-D. Thereafter letters dated 4.1.2012 and 8.2.2012 were sent to the concerned persons to the effect that the Committee had not found it feasible to start a channel. The said letters are annexed as ANNEXURE-E.
7. I state that as per 2011 census the number of Sindhi speaking persons in the country is approximately 26 lakhs. Sindhi is not the principal language of any state, just as Bodo, Dogri, Maithali, Santali. Sanskrit and Nepali languages. Sindhi is the second language in Gujarat with a Sindhi speaking population of about 10 lakhs and fourth in Rajasthan. One of the circumstances taken into consideration while considering whether or not to start a new channel is the number of potential viewers of the same. A full-time channel for the viewership of only 26 lakh persons in the country is not sustainable.
8. However Respondent No. 2 has always been alive to its responsibility of giving adequate coverage to various regions and languages. In discharge of that duty, Respondent No. 2 has been duly telecasting programmes in Sindhi language on its DD Girnar, DD Rajasthan & DD Sahyadri channels, which cover areas where the Sindhi population is mainly concentrated i.e. Gujarat, Rajasthan and Maharashtra. The said channels are available throughout the country and are also carried on the DTK platform of the answering respondent.
9. The answering Respondent is also exploring the possibility of having a dedicated slot/window for Sindhi Programmes on one of the regional channels mentioned above.
10. It is submitted that in recent times only two new channels have been started i.e. DD Urdu Channel which was started in the year 2006 and DD Arunprabha Channel in 2019, which is meant to cater exclusively for the state of Arunachal Pradesh. The same factors as found to be relevant while examining the issue of Sindhi Channel were considered, while evaluating the feasibility of the said Channels.”

- 4 In this backdrop, both the Single Judge and the Division Bench of the High Court, came to the conclusion that no mandamus could be issued to Doordarshan to provide for a separate television channel catering to the Sindhi-speaking population.
- 5 The reasons which have weighed both with the Single Judge and the Division Bench are unexceptionable. The right which is claimed under Article 29 of the Constitution for preserving the language of the Sindhi-speaking population does not carry an absolute or indefeasible entitlement to the commencement of a separate television channel for a particular language. The issue was evaluated and a conscious decision not to provide a Sindhi language channel was taken on grounds which cannot be regarded as extraneous or not germane.
- 6 Ms Indira Jaising, senior counsel appearing for the petitioner, however submits that apart from the plea for a separate channel on Doordarshan, the reliefs could have been modulated by the High Court. We do not find that such a plea was urged before the Single Judge and the Division Bench,
- 7 Hence, we clarify that the limited ambit of the proceedings before the High Court and this Court was in regard to whether a separate Sindhi language channel should be directed to be provided on Doordarshan. The dismissal of the present proceeding will conclude this aspect of the matter.
- 8 The Special Leave Petition is dismissed.
- 9 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar