

IN THE HIGH COURT OF THE JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P. No. of 2020

ASA. Umar Farooq,
S/o. Asan Mohammed,
No. 12A, Gurusamy Street, Sembiam,
Perambur, Chennai – 600 011.

: **Petitioner**

.Vs.

1. Union of India,
Through its Secretary,
Ministry of Home Affairs, Government of India,
North Block, New Delhi -110011.
2. Union of India,
Through its Secretary,
Ministry of Home Affairs, Government of India,
Shastri Bhavan, New Delhi -110011.
3. The Tamilnadu State rep. by its Chief Secretary,
Secretariat St. George Fort,
Chennai – 600 001.
4. The Principal Secretary,
Media and Public Relations Department,
Secretariat St. George Fort,
Chennai – 600 001.
5. The Principal Secretary,
Family and Health Department,
Secretariat St. George Fort,
Chennai – 600 001.
6. The Principal Secretary,
Information Technology Department,
Secretariat St. George Fort,
Chennai – 600 001.
7. The Home Secretary,
Secretariat St. George Fort,
Chennai – 600 001.
8. The Director General of Police,
Government of Tamilnadu,
Kamaraj Salai, Chennai – 600 001.

: **Respondents**

AFFIDAVIT OF ASA. UMAR FAROOQ

I, ASA. Umar Farooq, S/o. Asan Mohammed, Indian, aged about 54 years, residing at the address shown in cause title do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the petitioner herein and as such I am well acquainted with the facts and circumstances of the case and I am competent to swear this Affidavit.
2. I submit that I am filing this Writ solely with the interest of the public and the larger section of Muslim community. I have not filed any PIL as on today and this is the first PIL. I state that to the best of my knowledge no PIL had been filed in this regard, I am filing this PIL based upon my personal knowledge, information. I state that I am filing this Writ Petition out of my own funds and my source of income is based on my business. I state that I have no personal motive or enmity with any religious or non-religious organization or/do have any personal interest. I undertake that I will have to pay costs, if any, if it is found to be intended for personal gain or oblique motive.
3. I state that since adulthood I use to do social service to the public and raise voice against injustice occurs to any human being. I always serve the people who are in need, either when they ask me or voluntarily. I worked as a news editor and publisher for Samudaya Thondan newspaper for 16 years. I am very much attracted towards the public service and have helped many people to fulfil their needs. I have participated in many programs, protests, etc., I continued to do the social service in an individual capacity till I find that the Social Democratic Party of India (SDPI), a National party, that has its members in all over India, has been formed with the policy to eradicate the injustice that happens to the public and also to give freedom to the people

from hunger and fear, so I joined the Party. Its core ideology is based on the principles of rationalism, social justice and equality. From its formation, the SDPI party has fought for the poor, downtrodden, and the marginalized sections of society. The basic policy of the party is Freedom from Hunger and Freedom from Fear and it has been working on the development of the country since the day it has been formed. I continued to do the social service under the banner of SDPI. Currently I hold the position of State General Secretary of the SDPI Party and also the post of Administrative Manager for Pudhiya Paadhai Newspaper. My PAN number is ANOPA1170C. I have not paid any income tax because my annual income is less than the taxable income.

4. I submit that, in the month of February 2020, the state of Delhi witnessed one of the worst riots in the history of the state, While the state was recovering from the said riots and the relief work was going on, the outbreak of COVID-19 pandemic constrained the government to cause nationwide shut down, the entire world is witnessing the outbreak of a Pandemic under a dreaded name "Corona Virus". The Medical Professionals, Bio-Medical Scientists, Researchers, Health workers are striving hard, day and night to treat, contain, find vaccine and find cure to control and eradicate this virus from this planet called "Earth". When the entire world community is peeved at such a situation and contributing one way or the other, either directly or indirectly, a news breaks in our country, that around 2000 people belonging to "Tablighi Jamaat" are left stranded in their headquarters, "Markaz Nizamuddin" at Delhi. The timing of the event held at Markaz and the lackadaisical approach of the Markaz and the State Authorities are the issues to be enquired separately and I will not venture into this, at this grim movement. The incident made national

headlines , whoever certain section of the media , instead of exercising restraint, reported the entire incident with a communal flavour, with phrases such as “Corona Jihad”, Corona Terrorism”, Islamic Insurrection”, Corona Bombs: ,Etc., It was apparent that the unfortunate incident of the Tablighi Jamat was being used to demonise and blame the entire Muslim Community.

5. I submit that in addition to the foregoing, there were several fake reports and / or videos circulated on social media, showing Muslims in bad light. For instance, a fake video of Sufi followers indulging in mass sneezing or another fake video showing Muslim person licking vessels allegedly to perpetrate the spread of corona Virus in the Country. The social media websites were flooded with such videos demeaning the Muslim Community, without any basis.
6. I submit that such reporting has triggered communal antagonism and has also perpetrated hatred, resulting in fissiparous tendencies gaining foothold, undermining and affecting communal harmony. It is further relevant to note that ever since the communal riots in February 2020, the situation in Delhi and in the rest of our nation is already tense and sensitive; therefore, such reporting will only deteriorate the circumstances. It is need of the hour that the entire nation is united in the fight against the Corona Virus COVID -19 and any reporting on communal angle will hamper and undermine the same. It is therefore necessary the media is directed to tread with caution and is warned against the giving any communal angle to the Nizamuddin Markaz incident.
7. I submit that below I am furnishing the entire details about the start of this pandemic disease, the travel advisory issued by the Central Government, announcements of Central Government, the fake news spreading through media about the Tablighi Jamaat, etc.,

- At the outset, in India the spread of this pandemic disease was found in the month of February. As far as Tamil Nadu is concern, the first case identified was on 07.03.2020 from a person who travelled from Oman to Kancheepuram.
- This pandemic disease was first found in China in the month of January and the Health Department was unable to trace out the reason for the spread of this disease has issued travel advisories periodically which is detailed in the below table:

Travel Advisory Details:

DATE	DETAILS
17.01.2020	Conditions prescribed for travelling to China
25.01.2020	It was informed to avoid unnecessary travel to China
05.02.2020	Due to the increase of spreading of this pandemic disease to and fro travel between India and China has totally barred
26.02.2020	Apart from the travel ban to China, citizens were advised to avoid unnecessary travelling to other affected countries like Singapore, Korea, Iran and Italy. Further, those who are landing in India from the above countries will be screened and compulsorily quarantined for 14 days
02.03.2020	Complete ban of travelling to and fro between India and China, Korea, Iran, Italy and Japan. Further, those who are landing in India from the above countries will be screened and compulsorily quarantined for 14 days
03.03.2020	People are banned to travel either by Air or Sea from China, Italy, Iran, South Korea and Japan to India even if they have obtained Indian Visa. Further, those who have already started their travel from China, South Korea, Japan, Iran, Italy, Hong Kong, Macao, Vietnam, Malaysia, Indonesia, Nepal, Thailand, Singapore and Taiwan will be screened and compulsorily quarantined for 14 days
05.03.2020	Koreans who obtained Indian Visa and would like to enter into the country should obtain COVID NEGATIVE certificate from their countries health department
06.03.2020	People from Italy, Iran, South Korea and Japan who obtained Indian Visa and would like to enter into the

	country should obtain COVID NEGATIVE certificate from their respective countries health department
10.03.2020	Those who have travelled from China, Hong Kong, Korea, Japan, Italy, Thailand, Singapore, Iran, Malaysia, France, Spain and Germany to India should quarantine themselves in their house. Further Indian citizens are barred from travel to China, Italy, Iran, Korea, Japan, France, Spain and Germany. A Standard Operating Procedure (SOP) was issued stating that the people coming from China, Hong Kong, Macao, Iran, South Korea and Italy will not be allowed to embark on Indian shores.
11.03.2020	A meeting was called for by the Hon'ble Minister Mr. Harshvardhan, wherein important decisions like Visa process, Embassy procedures were decided. Further, all those who have travelled to India on or after 15.02.2020 from China, Italy, Korea, France, Spain and Germany will be quarantined compulsorily for 14 days effective from 13.03.2020.
13.03.2020	MHA has closed the Immigration Land Check Posts located at India Bangladesh Border, India Nepal Border, India Bhutan Border, India Myanmar Border effective 15.03.2020
14.03.2020	MHA has closed the Immigration Land Check Posts located at India Pakistan Border effective 16.03.2020
16.03.2020	Effective from 18.03.2020, people coming to India from UAE, Qatar, Oman and Kuwait will be quarantined in their arrival places for 14 days and those who are coming from European Union, Turkey and United Kingdom will not be allowed to land.
17.03.2020	Travellers from Afghanistan, Philippines and Malaysia will not be allowed to land in India.
18.03.2020	Published the Standard Operating Procedure Passenger Movement Post Disembarkation
19.03.2020	Promulgated that effective from 22.03.2020 all international flights will be cancelled
20.03.2020	Regulations issued by the Department of Shipping to the Harbors about controlling the spread of Corona Virus

- From 17.01.2020 to 20.03.2020, the Government was referring only about the travelling to and fro India and the procedure of quarantine.
- The Indian Government started to alert the citizens about this pandemic

disease only from 14.03.2020, but yet no ban was ordered against any gathering, programs, religious events, meetings, etc.,

- Schools were declared holiday from 16.03.2020 to 31.03.2020.
- After that only on 19.03.2020 the Prime Minister had asked the people to obtain Janta Curfew for one day on 22.03.2020. Till this time no Medical Emergency was announced in India by the Central Health Department.
- When the Central Government realised the seriousness of this pandemic disease has announced national disaster and provoked sec. 144 throughout the nation and asked the people to maintain social distancing.

The above are the actions taken by the Central Government periodically to control the Corona Virus. Until 24.03.2020 no ban was ordered on any meetings, programs, religious events, etc.,

8. I submit that the Tablighi Jamaat is one of the largest Islamic Movements in the world. The organisation has always co-operated with the authorities and has had absolutely no run-ins with the law in over 100 years of its existence. All its members are law abiding and the Tablighi Jamaat has neither encouraged nor supported and has in fact opposed any violation of law by any person or organisation. Tablighi Jamaat is non-political, socio-religious movement working with the basic Muslim community across the world for increasing their awareness of basic principles of Islam and Prophetic traditions and enable Muslims to live as honest and responsible citizens of the countries they live in. They travel throughout the world, stay in any Mosque for the allotted period and preach the principles of Islam. The Tablighi Jamaat from its inception has worked closely with establishment and

law enforcement agencies and all its programs are organized and conducted with due permission from the relevant authorities in a cordial atmosphere. As such people from other countries also come to various parts of India to preach the principles of Islam.

9. I submit that Masjide Bangalaval Markaz at Delhi Nijamudin is the Headquarters for the Tablighi Jamaat, as such, thousands of people will always be remain in it. The authorities provide the details of the foreigners staying at the Markaz to the Police Authorities and the Central Intelligence as per the proviso of Foreigners Act and also if they move to any other place then the local Police Authorities and State Intelligence will be informed accordingly. This Markaz follows the law of the land without having any remark as of date, for the past 100 years. They are the law abiding citizens.

10. I submit that the true fact is that the conference of Tablighi Jamaat was planned around a year ago and people have started to book their seats well before. This conference is not any sudden program, but is been organized by the permission of the State Government. Hence, many people have gathered to attend the conference of Tablighi Jamaat. The Health Ministry have not issued any Emergency till 21.03.2020, and all of a sudden the Janta Curfew was announced on 22.03.2020. Left with no other option to travel from the Markaz to their home place, the visitors of Tablighi Jamaat have stayed back. On 23.03.2020 the around 1500 people who are staying close to Delhi have managed to go to their native. On 24.03.2020 a letter No. D. No. 293 was received from the Inspector of Police, Nijamudin Police Station, instructing to close the Markaz on account of implementation of Sec. 144 and Markaz was closed as per instruction. But still around 1000 people from different parts of the Country stayed back, as there was no provision for them to travel.

11. I submit that on 25.03.2020 a letter was sent to the Inspector of Police, Nijamudin Police Station to arrange transportation for the people stranded in the Markaz, but in vain. Then on the same day, medical test was taken by the Doctors led by Thasildhar to the people stranded in the Markaz. On 26.03.2020 a meeting was held between the Markaz authorities and the District Officer in which it was insisted to arrange for the transportation, but no proper action was taken. Again on 27.03.2020, 6 people from the Markaz were taken for medical test. Then on 28.03.2020 again 33 people were taken to Rajiv Gandhi Cancer Hospital for medical test by the doctors of World Health Organization and were returned to the Markaz after successfully completing the medical test. While the authorities and the people have extended full support to medical authorities, police authorities, Government officials, to the shock and surprise a notice was issued on 29.03.2020 stating that the Markaz authorities have not co-operated and necessary legal action will be initiated on them, which is deceitful, deceptive and made-up.

12. I submit that in continuance to the above many false allegations have been spread among the public against the Tablighi Jamaat and the Muslims and it was propagated that the Muslims are the ones who spread Corona Virus in India. Certain sections of the media, instead of exercising restraint, reported the entire incident with a communal flavour, with phrases such as "Corona Jihad", "Corona Terrorism", "Islamic Insurrection", "Corona Bombs", etc., Many Hashtags like "#CORONAJIHAD" "#BIOJIHAD" have been purposely circulated among the public to humiliate and ignominy the Muslim Community. All this hatred has been provoked due to political obscenity and centering the Islamic hatred politics. Such reporting has triggered communal antagonism and has also perpetrated hatred, resulting in fissiparous tendencies gaining foothold,

undermining and affecting communal harmony. The Markaz authorities have issued a press release on 31.03.2020, detailing all the facts. In addition to the foregoing, there were several fake reports and/or videos circulated on social media, showing Muslims in bad light. The Social Media website was flooded with such videos demeaning the Muslim Community, without any basis. It is therefore necessary that the media is directed to tread with caution and is warned against giving any communal angle to the Tablighi Jamaat incident.

13. I submit that one thing, which made all feel sad, is the Media, be it Social, Print or Broadcasting, selectively initiated targeting one entire community with tantrums, fake messages filled with communal venom and hatred. As a responsible fellow citizen of this Great Nation, I deem it necessary that I should voice my concern for humanity. The pandemic knows no religion, has no barriers and cares no race or culture. This Virus affects one and all and is a global threat. This is a challenge to the public health. During these unprecedented and unfortunate times, our Government has initiated war footing steps ahead of all the countries of the world to contain the pandemic by initiating Janta Curfew, 21 day lockdown, home quarantine, social distancing, economic reliefs, bailing out several measures both on the economy front and on the public health front. It is needless to state that many NGOs, Social Welfare Organizations and Trusts have also extended their helping hands by feeding the poor, orphans, distributing ration to the needy and also feeding the stray dogs and cats of our locality. When everyone is hooked up to one service or other, the media engages in itself by hurling allegations that a particular community is spreading the pandemic and also terming them as "Super Spreaders" or connoting as "Corona Jihad".

Below are the few extracts of the news:

ASIANET NEWS TAMIL

S. NO.	DATE AND TIME	TITLE
1	26.03.2020 11:31 AM	சேலத்தில் 11 பேருக்கு கொரோனா பரிசோதனை.. 5 பேருக்கு பாதிப்பு உறுதியானதால் பொது மக்கள் பீதி
2.	30.03.2020 2:52 PM	டெல்லி ஜமாத்மாநாட்டில் பங்கேற்றவர்களால் தமிழகத்தில் அதிகம் பரவிய கொரோனா.. மீதமுள்ள 681 பேர் எங்கே
3.	31.03.2020 10:20 AM	ஜமாத் கூட்டத்தில் பங்கேற்ற 6 பேர் உயிரிழப்பு... காட்டுத்தீயாய் பரவும் கொரோனா... ஈரக்குலை நடுங்கும் இந்தியா... !
4.	01.04.2020 11:55 AM	அதிர்ச்சி மேல் அதிர்ச்சி.. 157 பேர்: 16 இடங்களில் தங்கி விரட்டி விரட்டி கொரோனா பரப்பிய வெளிநாட்டினர்
5	01.04.2020 5:00 pm	நிஜாமுதீனில் பங்கேற்றவர்களால் அந்தரத்தில் தொங்கும் ஆந்திரா! ஒரே நாளில் 43 பேருக்கு பாதிப்பு முதல்வர் அதிர்ச்சி
6.	02.04.2020 12:04 PM	இந்தியாவின் நாடி நரம்பையே ஆடிப்போக வைத்த ஒரு ஒரு ஜமாத் மாநாடு... அணுகுண்டை விட மோசமான அபாயம்
7.	02.04.2020 2:07 PM	பாவங்களால் ஏற்பட்ட நோய்க்கு பலியாகி விடாதீர்கள்... ! ஓடி ஒளிந்து ஆடியோ வெளியிட்ட தப்லிகி ஜமாத் தலைவர்...!

தினத்தந்தி

S. NO.	DATE	TITLE
1	18.03.2020	கொரோனா வார்டில் சிகிச்சை பெற்ற தாய்லாந்து நாட்டுக்காரர் இறந்ததால் பரபரப்பு
2.	26.03.2020	தாய்லாந்து நாட்டினருக்கு உதவிய வங்கி ஊழியரால் பரபரப்பு, கொடுமுடியில் 137 குடும்பங்களை சேர்ந்த 491 பேர்

		தனிமைபடுத்தப்பட்டனர்
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தினமணி

S. NO.	DATE	TITLE
1	04.04.2020	மணிக்கக்கூடாத குற்றம்

தினகரன்

S. NO.	DATE AND TIME	TITLE
1	02.04.2020	மலேசியா, டெல்லி மத கருத்தரங்கில் பங்கேற்றவர்களால் ஆசியா முழுவதும் கொரோனா வைரஸ் பரவல்

தினமலர்

S. NO.	DATE AND TIME	TITLE
1	26.03.2020	டீக்கடை பெஞ்ச் என்ற தலையங்கத்தில் இடம் பெற்றுள்ள லவ் ஜிஹாத் மாதிரி கொரோனா ஜிஹாத் நடக்குதோன்னு மக்கள் எல்லாம் சந்தேகப்பட ஆரம்பிச்சுட்டங்களாம்

பசுத்தாய்

S. NO.	DATE	TITLE
1	29.03.2020	மாநில அரசு நாட்டின் பாதுகாப்பை கருத்தில் கொள்க

விஜயபாரதம்

S. NO.	DATE	TITLE
1	March 2020	முகமூடிக்கு பின்னால் ஒளிந்திருக்கும் ஆபத்து பாகம் - 1

14. I submit that during these kinds of pandemic disaster the personal details of the affected persons should not be published. Due to this reason the Health Department is just informing the ratio of affected, recovered, deceased, etc, without disclosing the names, address or any other details of the affected person. But, the media, to gain TRP, to earn more money and to discriminate a particular community, without following due process of law falsely disclosing the names, photographs and other details of the people, irrespective of the truth, that whether they truly have been infected or not. These acts of media are against law and should be severely condemned.
15. I submit that based on the false news spread by the media, the public in general most particularly the fascist are maliciously spreading false news via social media and creating hatred among people. These kinds of acts should be prevented in limine, to control and restrain any further nuisance. To the best of my knowledge there are more than 200 complaints has been made against this venomous acts of media (Social, Print or Broadcasting) in several districts but very less FIR's has been registered until now by the Police Department, that too for name sake and eye wash.
16. I submit that the propaganda of this false message has created hate among public and put them under fear, enmity and animosity. It is not the time to communally identify the COVID-19 affected, but, irrespective of whichever faith the people may belong to, as responsible citizens all should refrain from posting any communally sensitive posts and news and also refrain from spreading fake messages without checking its authenticity. This is a war against the Pandemic. The Media should behave responsibly and sensitively in this war like situation. We as a nation have indulged ourselves in one way or other against this dreaded disease. We all are foot soldiers in this war against

Corona. Even one wrong step could lead to a catastrophe, it is the collective responsibility of all of us to contribute and support and defeat the Pandemic war. The silence by the Government at this juncture is highly intolerable and excruciating.

17. I submit that the Hon'ble Supreme Court in an order in Writ Petition (Civil) No. 486/2020 dated 31.03.2020 directed the media to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. The Hon'ble Apex Court further directed the media to refer to and publish only the official version about the developments. The relevant extract of the order is as follows:

"In particular, we expect the Media (print, electronic or social) to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. A daily bulletin by the Government of India through all media avenues including social media and forums to clear the doubts of people would be mad active within a period of 24 hours as submitted by the Solicitor General of India. We do not intend to interfere with the free discussion about the pandemic, but direct the media refer to and publish the official version about the developments".

18. I submit that the foremost reason of this spreading of news against a particular community is due to the information provided by the 5th Respondent wherein she always point out the name of the Delhi Tablighi Jamaat, in all her meeting. As the media has their own way of twisting any information and publishing to increase their TRP, they exaggerate the information, twist and publish. The States have the onerous duty to ensure that no individual or any organization or any community, being targeted by anyone. Hence, Government officials should maintain proper regulations while providing any information

via media.

19. I submit that as such the sudden announcement of implementation of Sec. 144 by the Government without any precautionary measures, created havoc among the people, and many people have started to walk for miles, due to non-availability of transportation. We all know about the stampedes in the Bus Stands in several states which was telecasted live in all Medias. This unprofessional and unprincipled act of Central Government not only made the public to suffer also made great adverse effect on the Indian Economy. There are several people died due to the sudden implementation of Sec. 144, without taking any preventive measures. Few daily wagers have committed suicide with family due to poverty and hunger, due to this reason. To distract the public from the actual happenings of death and economic crisis, the Central Government maliciously centred this Tablighi Jamaat issue. With malafide intention the true facts are been concealed by the Central Government and Media. Further, the Government has announced that whoever spreads the false news will be booked under Disaster Management Act and Goondas Act.

20. I submit that a representation detailing the above facts has been sent to the Respondents from 3 to 8 on 08.04.2020.

21. I submit that I have left with no other remedy except to invoke the extraordinary jurisdiction under article 226 of Indian Constitution by approaching this Hon'ble court to redress its grievances, hence, the present Writ Petition is been filed. No prejudice will be caused to the Respondents if this petition is allowed.

GROUND

- a) That the inaction on the part of the respondents, vide the media press and electronic, giving a communal angle while reporting the Nizamuddin Markaz Incident has violated Article 21 against the Muslim Persons.
- b) That the reporting giving a Communal flavour to the Nizamuddin Markaz incident is in Violation of the Provisions of the Cable Television Networks (Regulation) Act, 1995. And also such reporting demonising the entire Muslim Community is contrary to principals of secularism.
- c) That the respondents Union failed in its duty in failing to prohibit transmission of such programmes wherein a communal angle was given to the entire incident in accordance with the section 19 & 20 of the Cable Television Networks (Regulation) Act, 1995 and also in accordance with Clause 8 of the Policy Guidelines for Up linking of Television Channels.
- d) That , the respondents are the supervising and montoring authrouy of the media in our nation , have failed to stop fake news and communal stamtenes from being spread on social media werbsites.
- e) That respondents failed to curtailed the media , by coomunalising the issue and demonising the entire Muslim Community , the actions of the media pose a serious threat to the life and liberty of Mulims across the country. The demonization is also an infringement of the right to live with dignity which is alos covered under Artcile 21 of the Consitution.
- f) That respondents such as union as well as the ogvernment of Tamil Nadu have completely failed their constitutional duty by not taking action against to maintain the communal harmony in such a critically sensitive time for the nation.

- g) That the respondents have failed to ensure and also no efforts have been taken against the websites which they have been not followed their own standards and guidelines while the social media is replet with misinformation and fake news aimed at giving the entire incident a communal tone and proliferating conspiracy theories about the Tablighi Jamat. deliberately spreading the coronavirus across our nation. Particularly, the social media like Twitter, WhatsApp and Facebook and others have been biggest spike in communal trends and hate speech against the Tablighi Jamat and Muslims on social media.
- h) That the respondents failed to curtail the media while they were out of control through their communal reportage sections, have violated all norms of Journalistic Conduct by resorting to such do-whistle tactics of targeting Muslims. The respondent union failed to prohibit the media while violated some stipulation contained in the norms of Journalistic conduct 2019 edition issued by the Press Council of India, by them through its coverage of the Nizamuddin Markaz Issue:

Norms 4. Caste, Religion or Community References

ix) "To maintain Communal Harmony and bind the social fabric of the Country, press ought to be more careful while publishing name of any organization and alleging their involvement in terrorist activities" (in Page No.10)

Norms 4. Caste, Religion or Community References

xv) *"The Press is expected to use its power to promote and contribute in maintaining communal Harmony*

The fabric of a community is very delicate. The news papers and periodicals should be sensitive in use of words with different connotation at different places and in different language" (in Page No.11).

Norms 10. Covering Communal Disputes/Clashes

l) *"News, views or comments relating to communal or religious disputes /clashes shall be published after proper verification of facts and presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to communal harmony, amity and peace. Sensational, provocative and alarming headlines are to be avoided Acts of communal violence or vandalism shall be reported in a manner as may not undermine the people's confidence in the law and order machinery of the State. Giving community-wise figures of the victims of communal riot, or writing about the incident in a style which is likely to inflame passions, aggravate the tension, or accentuate the"*(Page No.20)

- i) That respondents ought have regulate the media in the current situation need of the hour is to encourage harmony and unity whereas the medias creating divisions and demonising as if the entire Muslim community has indulged in grossly irresponsible behaviour. Spreading of such communal charged fake news and yellow journalism has the effect of pitting different communities against each and can also have the effect of creating social unrest in the society.
- j) That the respondent failed to curtiled the medias and channel while

their violating the provision under section 5 of the Cable Television Networks (Regulation) Act, 1995.

“ Section 5 stipulates that “ no person shall transmit or re trasmit throuh a cable service any programe unless such advertisement is in confrimity with the prescribed programme code”.

And also the programme code as prvided in Rule 6 (1)(c) of the Cable Television Networks (Regulation) Act, 1994 inte ali prohibits any programe which contains attack on reliegion or communities or visual or words contemtuo of religious groups or which promote communal attitudes.

k) That the respondent No. 2 ,4 & 6 have completely faield their duty , who are the monitoring and supervision authriyt to cutail the media while their in violating the coder of Cable Television Networks (Regulation) Act, 1995

Section 19 of the Cable Television Networks (Regulation) Act, 1995, provides as folows:

Power to Prohibit trasmission of certain programes in public interest

Where “ any authorise officer “ thinks it necessary or expeduient so to do in the public interest, he may, by order , prohibit any cable operator from trasmiting or retransmiting “ any program or channel if, it is not in confrimity with the prescribed programme code referred to in section 5 and advertisement code referred in section 6 or if it is “ likely to promote , on grounds of relegion , race ,language ,caste or community or any other ground whatsoever , disharmony or feelings of enimity . hatred or ill- will between different relegious, racial , linguatisc or regional groups or castes or commuties or which is likely

to disturb the public tranquility.

The reporting done by certain sections of the media maligning the entire muslim community promotes feelings of enmity, hatred and ill-will towards the muslim community and therefore respondents ought to have prohibited the transmission of such programmes as mentioned above as violation of section 19 of the Cable Television Networks (Regulation) Act, 1995. Further the transmission of such a programme was contrary to public interest and therefore violative of section 20 of the Cable Television Networks (Regulation) Act, 1995.

- l) That the respondents No. 2, 4 & 6 have failed in their duty to impose a penalty on these media channels in accordance with the clause 8 of the Policy Guidelines for Uplinking of Television Channels from India, dated 05.12.2011.
- m) That the medias have violated the direction of our Hon'ble Apex Court in Writ Petition (Civil) No. 486/2020 dated 31.03.2020 directed the media to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. The Hon'ble Apex Court further directed the media to refer to and publish only the official version about the developments. The relevant extract of the order is as follows:

"In particular, we expect the Media (print, electronic or social) to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. A daily bulletin by the Government of India through all media avenues including social media and forums to clear the doubts of people would be made active within a period of 24 hours as submitted by the Solicitor General of India. We do not intend to

interfere with the free discussion about the pandemic, but direct the media refer to and publish the official version about the developments”.

- n) That in view of the above mentioned, it is of utmost urgency that respondents take strict action against the erring media section and that there is responsible reporting by all section of the media in light of the order of the Hon'ble Apex Court at such a difficult time for the country.
- o) That , the state of Delhi has recently witnessed one of the worst communal riots in its history and there is an apprehension of the people in our nation that if permitting the media to use the Tablighi Jamat incident in continuously may be perpetrate communal hatred would risk the law and order situation in the einter stated. The reporting of the Tablighi Jamat incident , in a way which demises the entire muslim community, is likely to trigger communal antagonism and hatred resulting in fissiparous tendencies gaining foothold, undermining and affecting communal harmony.
- p) That the respondents faild to curtaied the medias such as press and electronic by publishing the hate articles against the Tablighi incident for particularly targetting against the muslim persons as if they are spreading the corona virus among the community eg. The Dinamani published the articles such in the name of the unforgiveable crime by selctive targetting against the muslims such type of activites may lead the enimity between the two groups ,whereby lodged a complaint before the concern police station but unfortunately still such fact is still in complaint and some of them are registered in leaniant provisions of

IPC whereas these illegalities are attracting the provisions such as 153 A, 500 of IPC not even invoked against the violators.

- q) That the respondents failed observed, there was a several religious and other political gatherings happened from January to till the date such as on 24.02.2020 the US President Donald Trump had visited in India, on 21.02.2020 Isha Yoga for Mahasivarathri wherein several celebrities and other big personalities and ordinary persons about lakhs were assembled and now the facts are coming from the respondent that they were also infected and also Ram Navami Gatherings on 02.04.2020 but it was not coming in light from the dark, by the selective targeting of the media against the particular community is trigger communal antagonism and hatred resulting in fissiparous tendencies gaining foothold, undermining and affecting communal harmony.
- r) That, the petitioner reserves his rights to file any additional grounds in future if arises.

INTERIM PRAYER

Based on the above said circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to direct the 8th respondent to issue suitable directions to all the respective Police Station to register FIR based on the complaints received by them by attracting the cognizable offence with respect of the fake news and spreading bigotry communal hatred against the Muslim community linked with COVID-19 and thus render justice.

PRAYER

Based on the above facts, it is most humbly prayed that this Hon'ble

Court may be pleased to Issue a Writ in the nature of mandamus, or any other Writ, order or direction by directing the respondents to stop communalism in COVID-19 Virus issue by linking the spread of the virus with Muslim Community and consequently by directing the respondents to identify the sections of Media for terming COVID-19 Virus as "Corona Jihad", "Corona Terrorism", "Islamic Insurrection", "Corona Bombs", and issue strict directions against all sections of media to strictly comply, the letter and spirit, with the directions of the Hon'ble Supreme Court dated 31.03.2020 in Writ Petition (Civil) No. 486/2020 and Pass any such other order or orders as this Hon'ble Court may deem fit and necessary in the circumstance of case and thus render justice.

Solemnly affirmed at Chennai on this 10th day of April, 2020, the content of above is explained in Tamil and clearly understood and signed in my presence. }

Before Me

Advocate

IN THE HIGH COURT OF JUDICATURE AT
MADRAS
(Special Original Jurisdiction)

W.P. No. of 2020

ASA. Umar Farooq, : Petitioner

Vs.

1. Union of India & 7 others

: Respondents

AFFIDAVIT

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M.A. SAHUL HAMEED (2614/18)
A. YOUSUFF IMRAN (1308/19)

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