

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

(Original Jurisdiction)

W.P No /2020 (GM-PIL)

Between:

PETITIONER

AND

1. The Secretary
Department of Information and Broadcasting
Room No.552, A wing, Shastri Bhavan
New Delhi-110001

2. The Secretary
Department of Information and Public Relations
No.17, Bhagwan Mahaveer Road
Bangalore-560001

3. NDTV
NDTV Ltd., 207,
Okhla Industrial Estate,
New Delhi - 110020.
Represented by its Chief Editor,

4. Times Now
1st Floor, Trade House,
Kamala Mill Compound,
Senapati Bapat Marg,
Lower Parel, Mumbai – 400013
Represented by its Chief Editor,

5. India Today
The India Today Group
Mediaplex
Fc-8, Sector -16a,

Film City,
Noida – 201301
Represented by its Chief Editor

6. M/s Udayavani,
No.201/47, Manipal Center,
Dickenson Road,
Bangalore,
Represented by its Editor,

7. M/s Kannada Prabha,
C/o Indian Express Building,
Queen's Road,
Bangalore : 560 025.
Represented by its Editor.

8. M/s Samyukta Karnataka,
2nd Cross, Opp: to Bishop
Cotton School, Residency Road,
Bangalore : 560 025.
Represented by its Editor.

9. M/s Bangalore Mirror,
No.40/1, S & B towers,
M.G. Road,
Bangalore : 560 001.
Represented by its Editor.

10. M/s Vijaya Karnataka,
No.4, Pampa Mahakavi Road,
Chamarajpet,
Bangalore : 560 018.
Represented by its Editor.

11. M/s Prajavani News Paper,
No.75, M.G. Road,
Bangalore : 560 001.
Represented by its Editor.

12. M/s Deccan Herald,
No.75, M.G. Road,
Bangalore : 560 001.
Represented by its Editor.

13.The Times of India
No.40/1, 2nd Floor,
SB Towers,
MG Road,

Bangalore,
Karnataka 560001
Represented by its Editor.

14. The Hindu
No.19 & 21,
Bhagwan Mahaveer Road,
Infantry Road,
Bangalore – 560001
Represented by its Editor.

15. The New Indian Express,
Queens Road,
Bangalore- 560001, Karnataka
Represented by its Editor.

16. The Vijayawani Kannada News Paper
Shree Ram Towers,
1St Floor, 5th main,
KP Putanna chetty Road,
Chamaraja Pete
Bangalore -560018
Represented by its Editor.

17. Kasturi Newz 24x7,
No.12 & 12/1, kashthuri House
Kasthurba Road,
Bangalore – 560 001
Represented by its
Represented by its Chief Editor

18. Suvarna News 24x7,
Asianet News Pvt. Ltd,
No. 204, Embassy Square,
No. 148, Infantry Road,
Bangalore
Represented by its Chief Editor

19. TV9 Kannada,
No. 13, Rhenius Street,
Richmond Town,
Bangalore – 25
Represented by its Chief Editor

20. News 9,
No. 13, Rhenius Street,
Richmond Town,
Bangalore – 25
Represented by Chief Editor

21. Samaya 24x7,
No.10/A, Chandranirana Building,
5th Floor, 6th Cross,
Kasturba Road,
Bangalore – 560 001
Represented by Chief Editor

22. Udaya T.V.,
Maran Towers
No.9, Brunton Road,
Opp. M.G. Road,
Bangalore – 560 025.
Represented by Chief Editor

23. Janashree News,
No.351, 5th and 6th Floor,
Salarpuria Tower- 1,
Hosur Road,
Koramangala,
Bangalore – 560 095
Represented by its Chief Editor

24. Public TV,
Writmen Media Pvt.Ltd,
No.57, 4th Main,
MLA Layout,RT Nagar,
Bangalore – 560 032
Represented by Chief Editor

25. ETV kannada,
Ushodaya Enterprises Pvt.Ltd
K.C.N. Bhavan 9/7,
Yamunabai Street,
Madhavnagar,
Bangalore – 560 001,
Represented by Chief Editor

26. RAJ T.V
No 16/1,
Millers Road,
KKMP Building,
2nd Floor,
Vasantnagar,
Bangalore 560052.
Represented by its Chief Editor

27. TV 5
No.129, railway Parallel Road
Kumara Park West, Bangalore-560020

Represented by its Chief Editor

28.Digvijaya News
No.131/3, lalbaugh Main Road
Lalbaugh, Bangalore-560027
Represented by its Chief Editor

29.BTV
32/1-2, Cresent Tower, Cresent Road
High Grounds, Next to Goldfinch Hotel
Bangalore-560001
Represented by its Chief Editor

30.Prajaa Tv
C/o Samparka Info Media Pvt Ltd
Shezan Lavelle,4th Floor
No.15,Near UB City, Walton Road
Bangalore-560001
Represented by its Chief Editor

31.Suddi News
No.51, Khykya Business Centre
K.H.Road, Bangalore-560001
Represented by its Chief Editor

32. ETV Bharat
Ramoji Film City
R.R.District
Hyderabad-501512
Represented by its Chief Editor

33. Power Kannada T.V
No.150, Infantry Road
Vasanth Nagar
Bangalore-560001
Represented by its Chief Editor

34. Lankesh Patrike,
Having its office at
No. 5/2, Unit No. 001,
Trumph Tower,
Eagle Street,
Langford Town,
Bangalore
Represented by its editor,

35. Hi Bangalore
Represented by its Editor
Having its office at

No. 2, 2nd Stage, Padmanabhanagar,
Kadirenahalli Cross,
Banashankari -70

RESPONDENTS

**MEMORANDUM OF WRIT PETITION UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA**

The Petitioner named above respectfully submits as follows:

1. The address of the petitioner for the purpose of issue of court notices, summons etc from this Hon'ble Court is as shown in the cause title above. He may also be served through his counsel Mr H.Sunil Kumar, L2-05, 2nd Floor, Splendid Plaza, 100ft Road, Koramangala, Bangalore-560095
2. The address of the respondents for the similar purpose is as shown in the cause title above

BRIEF FACTS OF THE CASE

3. It is submitted that the petitioner is a public spirited citizen and he is filing this public interest litigation in a larger public interest. He has no private interest to file this petition and hence he seeks liberty of this Hon'ble court to file the above public interest litigation.
4. It is submitted that the present crisis due to Corona Virus has affected the lives and livelihood of crores of people in the country and majority of the people are under the lockdown imposed by the Union Government and the respective state governments. The World Health organization has declared the Corona Virus or Covid-19 as a global Pandemic and has asked all the nations to take adequate steps to mitigate the crisis.
5. It is submitted that the Union Government from time to time has been Issuing notifications extending the lockdown period and the majority of the population are following the rules and regulations imposed by the union government. This unknown

enemy called the Corona Virus has destroyed the livelihood of Millions of Migrant workers, farmers and the poor sections of the society.

6. It is submitted that during the present crisis Doctors, nurses, health care personnel, ASHA activists, Police, Para military personnel are functioning as Essential services for the control and prevention of Corona Virus. They are very much essential to provide health care support to the people who are getting infected by the corona virus. They are also proudly called as Coronal Warriors. Along with them the media persons both Print and Electronic media are also working day and night in creating awareness to the general public about the harmful effects of the Corona Virus.
7. It is submitted that the Media are also part of the Essential services and they are also providing timely information to the general public about the policies and directions of the government. They are also creating awareness programmes for the benefit of the general public. They are the primary source of information to the public and the entire population of the country depend on the news channels for the information about the corona virus.
8. It is submitted that various news reporters are interviewing the doctors, police personnel, government officials, patients and the family members of the patients infected by the corona Virus on a day to day basis. They are under great risk of contacting the virus and their families are also under the great risk of contacting the deadly virus. They have no social security benefit and in case of unfortunate death in the line of duty, they also do not have any means of compensation either from the management or the government.
9. It is submitted that the Delhi Government under the leadership of Chief Minister Arvind Kejriwal has announced a

compensation of Rs.1 crore to the families of health care personnel, police, civil defence volunteers, teachers, fire service personnel etc if any of these persons die due to corona virus infections. It is a moral and Psychological boost to lakhs of persons who are fighting in the frontline of war against the corona virus for the benefit of the general public. Copy of the newspaper article is produced as **Annexure A**.

10.It is submitted that the Maharashtra Government and the Madhya Pradesh Government have also announced a compensation of Rs.50,00,000/- to the kith and kin of Police personnel in case of death due to Corona Virus Infection. All these schemes of the government will provide a moral boost to the Police and the Medical personnel who are the frontline warriors in the fight against the corona virus. But the media personnel are left out by the government and the Media Channels. Even in many of the Media Channels and offices social distance is not properly maintained and the reporters on the ground lack basic protective equipment when they cover the news related to corona Virus.

11.It is submitted that the media persons visit hospitals, quarantine zones and containment centers without using Personal protective equipment. This is very risky and they can easily get infected by the corona virus. Further in Mumbai 52 Media persons have tested positive for the corona virus and all of them have been quarantined. Hence they always face the risk of infection during the period of reporting. It is important to provide schemes for the welfare of the media persons who are also frontline warriors in the present crisis.

12.It is submitted that the government has announced compensation to Police personnel and the health care workers in case of an unfortunate death due to corona virus. But denying the same compensation to the media persons and their families

amounts to violation of Article 14 and 21 of the Constitution of India.

GROUND

13. It is submitted that media persons are also frontline warriors who provide information to the public and educate the public about the corona virus. But if they are infected due to the virus or if they die, the government has no scheme to compensate the family of the media persons. Thousands of persons are engaged in the duty of reporting and it will be unjust for the government if they do not announce any schemes for the benefit of the family members in case of death. Even people who distribute newspapers to each houses are also under greater risk and in case of any damage to them, the government and the management of the Newspapers should pay compensation.

14. It is submitted that media is also a part of the essential services and they render noble service by providing timely information to the public from the government and also educate the public. They are the eyes and ears of the government. They are the only means of information to the public and absence of any social welfare scheme to the media persons is highly unjust, inhuman and unethical.

15. It is submitted that the respondents 3 to 35 should also take necessary steps to ensure social distancing at the workplace and compulsory check up of all the media persons to prevent the spread of the virus.

16. It is submitted that in case of death of any media person due to corona virus the government has to provide a compensation of Rs.50,00,000/- to the family and the respondents 3 to 35 should provide a compensation of Rs.50,00,000/- to the family of their reporters and staff. This will ensure a safe support system for the media persons who are putting their life at risk

to provide timely information to the public in their efforts to fight the corona virus.

17. It is submitted that Article 21 of the constitution clearly states that “*no person shall be deprived of his life and personal liberty except according to procedure established by law*”. According to **Justice Bhagavathi** “*Article 21 embodies a constitutional value of superior importance in a democratic society.*” In the case of **Kharak singh vs State of uttar pradesh**, the Hon’ble Supreme court has held as follows “*by the term life as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body by amputation of an arm or leg or the pulling out of an eye, or the destruction of any other organ of the body through which the soul communicates with the outer world*”.

18. In **Sunil Batra Vs Delhi Administration**, the Hon’ble Supreme court held that the “*right to life “ includes the right to lead a healthy life so as to enjoy all faculties of the human body in their prime conditions. It would even include the right to protection of a person’s tradition, culture, heritage and all that gives meaning to a man’s life. It includes the right to live in peace, to sleep in peace and the right to repose and health.*”

19. It is submitted that the petitioner has not filed any other petition or application before any other court on the same cause of action.

20. It is submitted that the Petitioner has no other alternative efficacious remedy than to approach this Hon’ble Court in the Form of this Petition.

PRAYER

WHEREFORE its most respectfully prayed that this Hon'ble court may kindly be pleased to:

- (a) Issue a writ in the nature of mandamus directing the respondents 1 to 2 to provide compensation of Rs,50,00,000/- to the families of media persons, newspaper delivery boys in case of death of any media persons and delivery boys due to corona virus infection.
- (b) Issue writ in the nature of mandamus to the respondents 3 to 35 to provide a compensation of Rs.50,00,000/- to the families of the media persons, newspaper delivery boys in case of any death due to corona virus.
- (c) Issue a writ in the nature of mandamus directing the respondents to compulsorily conduct health check ups to all the media persons to identify any of the suspected case of corona virus.
- (d) Issue a Writ in the nature of mandamus directing the respondents to provide safety kits, masks, gloves and Personal protection equipment to the media persons who visit hospitals, quarantine centers and containment zones.
- (e) Issue a Writ in the nature of mandamus directing the respondents 3 to 35 not to terminate the services of the press reporters or staff during the current lockdown period and not to reduce the salary of the media persons during the crisis period.

(f) Issue such other writ or directions as this Hon'ble court deems fit in the facts of circumstance of case in the interest of justice and equity

Bangalore

Date

Advocate for Petitioner

H. SUNIL KUMAR

Address for Service

Mr. H.Sunil Kumar

Advocate

L2-05, 2nd Floor, Splendid Plaza

100ft Road, Koramangala

Bangalore-560095

Ph-9036223360

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

W.P. No. /2020(GM-PIL)

Between:

Mr Jacob Geroge

Petitioner

AND

The Secretary and others

Respondent

AFFIDAVIT

1. I state that I am the petitioner in the above case well conversant with the facts and circumstances of the case. Hence I am swearing to this affidavit
2. I state that the averments made in the paragraphs 1 to 20 of the above petition is true and correct to the best of my knowledge, information and belief.
3. I state that the Annexures A to B are true copies of the original.

Identified by me

Advocate

Bangalore

Date

Deponent

