

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE J.SREENIVAS RAO

WRIT PETITION NO.41756 OF 2016

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Vivek Jain, learned counsel appears as *Amicus Curiae*.

Mr. Chikkudu Prabhakar, learned counsel for the petitioners.

Mr. S.Rahul Reddy, learned Special Government Pleader attached to the office of the learned Additional Advocate General for the State of Telangana appears for the respondents.

2. The petitioners are journalists employed by various small newspapers, which are published from various places in the State of Telangana. In this writ petition, the

petitioners have assailed the validity of Schedule-E of G.O.Ms.No.239 (Gen. Administration (I&PR) Department) dated 15.07.2016, insofar as it categorises small newspapers in the State of Telangana into A, B, C and D categories for the purposes of issue of accreditation cards. The aforesaid Schedule-E appended to G.O.Ms.No.239 dated 15.07.2016 has been challenged on the ground that the same is violative of Articles 14, 16, 19 and 21 of the Constitution of India.

3. The erstwhile State Government, in exercise of the executive powers, framed a policy for recognition of media representatives by the State Government for the purpose of access to all sources of official information in the State Government as well as to grant the benefit of schemes framed by the Government to the journalists. The aforesaid policy was known as Andhra Pradesh Media

Accreditation Rules, 2005. Under the aforesaid Rules, which are executive in nature, three categories of newspapers *namely* big dailies and periodicals, medium dailies and periodicals and small dailies and periodicals were recognized for the purpose of grant of accreditation. The grant of recognition to the aforesaid three categories of dailies and periodicals was based on the number of copies in circulation and number of pages in circulation of said newspapers and dailies.

4. The State of Telangana came into existence with effect from 02.06.2014. Thereafter, the State Government framed another policy for grant of accreditation to the journalists of print and electronic media, which was published *vide* G.O.Ms.No.239 dated 15.07.2016 known as Telangana Media Accreditation Rules, 2016 (hereinafter referred to as '2016 Rules'). In Schedule E of the

aforesaid 2016 Rules, the State Government decided to restrict the benefit of accreditation in respect of small newspapers by categorizing them into A, B, C and D categories and deprived the journalists at the district and constituency levels of the benefit of accreditation in categories C and D. In the aforesaid factual background, the petitioners have approached this Court by filing the present writ petition, in which a challenge has been made to Schedule E of the 2016 Rules *inter alia* on the ground that the same is violative of Articles 14, 16, 19 and 21 of the Constitution of India.

5. Learned counsel for the petitioners submitted that 2016 Rules do not permit categorization of journalists of small newspapers into four different categories and the aforesaid categorization is violative of Articles 14, 16, 19 and 21 of the Constitution of India. In support of his

submission, learned counsel for the petitioners has placed reliance on two decisions of the Supreme Court in **Ramana Dayaram Shetty v. International Airport Authority of India¹** and **Modified Voluntary Retirement Scheme of 2002 of Ajam Jahi Mills Workers Association v. National Textile Corporation Limited²**.

6. Learned *Amicus Curiae* has invited the attention of this Court to 2016 Rules and has submitted that 2016 Rules do not provide for a criteria for categorizing the small newspapers into four categories *viz.*, A, B, C and D. The aforesaid categorization has been provided only in Schedule E. It is further submitted that even in the counter filed on behalf of the respondents, no justification has been offered for categorization of small

¹ (1979) 3 SCC 489

² 2021 SCC OnLine SC 972: AIR 2021 SC 5686

newspapers into four categories *viz.*, A, B, C and D for the purpose of grant of accreditation. It is contended that the journalists at the district and constituency levels have been deprived of the benefit of accreditation without any justification. It is submitted that the provisions of Schedule-E suffer from vagueness. In support of aforesaid submission, reliance has been placed on two decisions of the Supreme Court in **Harakchand Ratanchand Banthia v. Union of India**³ and **Shreya Singhal v. Union of India**⁴.

7. On the other hand, learned Special Government Pleader has justified the decision taken by the respondents to restrict the conferment of benefit of accreditation to the journalists at district and constituency levels. Learned

³ (1969) 2 SCC 166

⁴ (2015) 5 SCC 1

Special Government Pleader has also referred to a memo dated 13.09.2019 filed on behalf of the respondents.

8. We have considered the submissions made by learned counsel for both parties and have perused the record.

9. Admittedly, the State Government, in exercise of executive powers, has framed the Telangana Media Accreditation Rules, 2016. Rule 2(a) of the said Rules defines the expression 'accreditation' to mean the recognition of a media representative by the Government for the purpose of access to all sources of official information in the Government. Under Sub-Rules (c), (r) and (s) of Rule 2, the newspapers are classified into 'Big Daily' (above 75,000 copies), Medium Daily (between 25,001 and 75,000 copies) and Small Daily (below 25,000 copies).

10. In view of the mandate contained in Rule 4 of 2016 Rules, accreditation has to be given to the editor/media representatives at the state level and in the district level based on the recommendations of the State Media Accreditation Committee, which is constituted under Rule 3 thereof.

11. Rule 5 of 2016 Rules prescribes the eligibility criteria for grant of accreditation for newspapers. This Rule *inter alia* provides that the entitlement of number of accreditations at the state and district headquarters for big, medium and small dailies shall be governed by the criteria mentioned in Schedules A to E.

12. On perusal of 2016 Rules, it is evident that the Rules nowhere prescribed that the journalists working in small

newspapers should be divided into four categories *viz.*, A, B, C and D. Schedule E of 2016 Rules reads as under:

SCHEDULE-E
ENTITLEMENT OF ACCREDITATION FOR EMPANELLED SMALL NEWSPAPERS
(TELUGU, ENGLISH, URDU & HINDI)

S. No.	Category (as categorized in the Department)	State Level	District Level	Constituency Level
1.	A	2 Correspondents + 1 Desk Journalist + 1 Photographer	1 Correspondent	1 Correspondent (If circulation is more than 250 in constituency)
2.	B	1 Correspondents + 1 Desk Journalist + 1 Photographer	1 Correspondent	1 Correspondent [in district of publication] [If circulation is more than 250 in constituency]
3.	C	1 Correspondent + 1 Photographer	Nil	Nil
4.	D	1 Correspondent	Nil	Nil

13. In the absence of any provision in the policy itself, the action of the respondents in depriving the journalists working at district level and constituency level of the benefit of accreditation cannot be said to be justified. Even otherwise, in the counter filed on behalf of the respondents, no explanation worth the name has been offered for dividing the journalists working in small

newspapers into four categories *viz.*, A, B, C and D and depriving them of the benefit of accreditation. Under the previous policy framed by the erstwhile Government, even the journalists of small newspapers working in district and constituency level were entitled to the benefit of accreditation. In the absence of any explanation on behalf of the respondents, depriving the journalists working in small newspapers at the district and constituency levels of the benefit of accreditation is arbitrary and cannot be termed as justified.

14. For the aforementioned reasons, Schedule E of 2016 Rules is hereby quashed.

15. Needless to state that the State Government shall frame the guidelines for extending the benefit of accreditation to the journalists working in small newspapers in district and constituency levels on the basis

of a fair and rational criteria within a period of two months from the date of this order.

16. Before parting with the case, we must place on record our appreciation for the able assistance rendered by Mr. Vivek Jain, learned *Amicus Curiae*.

17. Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

ALOK ARADHE, CJ

J.SREENIVAS RAO, J

Date: 01.08.2024
LUR