

ORDERS ON I.A.No.1

Plaintiffs 1 to 6 being elected Members of Karnataka Legislative Assembly and presently Ministers in the Government of Karnataka have instituted this suit against the defendants 1 to 68 for the relief of permanent injunction to restrain the defendants from broadcasting, telecasting or publishing or letting in circulation or posting or accommodating the posting or transmitting or circulating or expressing in any manner anything that are defamatory or negatively impacting or hazardous to plaintiffs and committing any act or intentional omission raising negative image, character assassination, or creating sarcastic views on them and leveling baseless and unverified allegations against them and from defaming or

WWW.LIVELAW.IN

damaging them by discussing their character in any manner including showing the footages and pictures involving or referring to the plaintiffs in negative spectrum.

Plaintiffs have filed IA No.1 under Order-39 Rules-1 and 2 of the CPC. for an ad-interim order of injunction, to the above effect, pending disposal of the suit.

It is the claim of the plaintiffs that recently Media channels in the State of Karnataka including Social media platforms telecasted and published news titled as Sex Scandal of the State Minister Sri.Ramesh Jarakiholi alleging that the said Minister sought favours from a woman promising her a job. Same was telecasted/published even before verifying the news, its sources and authenticity, resulting in Sri.Ramesh Jarakiholi resigning as Minister. In close heel of the same, it is alleged that some of the Media Houses are telecasting/publishing news that there are other C.Ds containing several sex scandals pertaining to M.L.As, Ministers and there are around 19 C.Ds. of different M.L.As and Ministers including that of an influential politician from Old Mysore region. On the basis of such false news being telecasted, members from respective Constituency of the plaintiffs have started calling them and presuming their involvement in such Sex scandals. Family members of the plaintiffs are being put to embarrassing situation. Recently, by a process of deep fake using artificial intelligence, videos of worldwide politicians such as Barrack Obama, Queen Elizabeth have been morphed and have gone viral. Similar videos of some Indian politicians have also been made. Innocent people who are

WWW.LIVELAW.IN

unaware of such process tend to believe the videos and its contents to be true. Therefore, Plaintiffs apprehend that by using fake C.Ds. their reputation would be harmed. Hence, they have instituted the suit and I.A.No.I.

Plaintiffs have produced printout of the screen shots of the telecasts in 'B' News Channel and 'B tv' News channel. In the printouts pertaining to 'B' News there is a caption telecasted as "ಬಾಂಬೆ ಕಳ್ಳ ಕಾಣೆಯಾಗಿದ್ದಾನೆ", "ಸಿಡಿ ಪ್ರಭಾವ", "ಕಂಗಾಲಾಗಿ ಅಜ್ಞಾತ ಸ್ಥಳಕ್ಕೆ ಹೋಗಿರೋ ಹಳೇ ಮೈಸೂರು ಭಾಗದ ಮಂತ್ರಿ", "ಪ್ರಭಾವಿ ಸಚಿವರೊಬ್ಬರ ಸಿಡಿ ರಿಲೀಸ್". Also photograph of a person is visible in the said screen shot. In another printout of Btv News channel similar item is there and in yet another it is stated that there are 19 C.Ds. of 19 influential persons Sex Scandals and in another printout it is stated that C.Ds. may come to surface any time.

So, from the above material, it is prima facie seen that although no C.Ds. are released, yet which are claimed in the said news items, it is being sensationalized that there are 19 more C.Ds. Of 19 influential persons and they may be released any time and they pertain to sex scandals and there is even reference to some Ministers. From the said printouts it is prima facie seen that Media houses have still not received any C.Ds., but news items are being telecasted.

Plaintiffs are holding High Offices in the Government of Karnataka and if unverified news items are telecasted or published it goes without saying that the same would cause irreparable injury to their reputation

and also cause loss of respect in the Society and in their own families.

Of-course, citizens have right to know about their leaders. They have right to know how their elected representatives are performing. Similarly, Media has right to freedom of expression, nay the duty to report such matters so as to appraise the people about the conduct of their elected representatives. Media is considered to be 4th pillar of our Democracy. At the same time, plaintiffs have right to be protected against their character assassination on the basis of unverified material. In fact, in this connection, plaintiff counsel has placed reliance on a decision of the Delhi High Court in the case of ***Swatanter Kumar Vs. The Indian Express Ltd. and others decided on 16.01.2014 in IA No.723/2014 in CS (OS) No.102/2014***. In this situation, rather than right of freedom of expression of Media, they being entrusted with the duty of reporting on public affairs to appraise the citizens, I am of opinion that the Media should walk an extra mile to get news item and its source verified through legally admissible process, whereupon, it should be ready to shoulder responsibility for such news items and then publish or telecast same, so as to advance cause of freedom of expression as well as right of the citizens to know about public affairs. But, at this stage, as can be seen from the printouts of the screen shots produced, new items are apparently in the nature of sensationalisation of the unverified material. Not even clear foundation is available in the said news items.

In the above circumstances, I am of opinion that **it is necessary to injunct telecasting** or publishing of any unverified news items against the plaintiffs/applicants. Therefore, till the next date of hearing, defendants/opponents are hereby **restrained by an Interim-Order of temporary injunction from broadcasting**, telecasting or publishing or letting in circulation or posting or accommodating or transmitting or circulating any defamatory news items or showing footages and pictures referring to the plaintiffs in relation to the alleged C.Ds. and committing any act or intentional omission which thereby causes character assassination of the plaintiffs on the basis of the unverified material.

Issue notice on T.I, Emergent notice on IA no.1 and suit summons to the defendants 1 to 68, simultaneously through court and RPAD, returnable by **31.03.2021**.

Plaintiff shall comply with Order-39 Rule-3(a) of CPC. And also furnish requisite PF, RPAD and copies in Office within 3 days, failing which interim order shall stand vacated, forthwith.

Call on : **31.03.2021**.

[D.S.VIJAYA KUMAR]
XXVI Addl.City Civil & Sessions Judge,
Bengaluru