

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2020

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NC. 8275 OF 2012 (GM-RES-PIL)

BETWEEN:

GAYATHRI RAVISHANKAR
AGED 42 YEARS
VEDSHREE NILAYA
#330, 2ND E MAIN, BHUVANAGIRI
BANASWADI
BANGALORE - 560 033

... PETITIONER

(BY SHRI RAVISHANKAR S.S., ADVOCATE)

AND:

- 1 . UNION OF INDIA
REP. BY THE SECRETARY
PRESS COUNCIL OF INDIA
SOOCHNA BHAVAN 8-C
GO COMPLEX, LODHI ROAD,
NEW DELHI 110 003
- 2 . UNION OF INDIA
REP. BY MINISTER OF INFORMATION
AND BROADCASTING
MINISTRY OF INFORMATION &
BROADCASTING
A WING SHASTRI BHAVAN
NEW DELHI.

3. UNION OF INDIA,
REP. BY CHAIRMAN
PRINCIPAL INFORMATION OFFICER,
PRESS INFORMATION BUREAU,
THE CENTRAL PRESS ACCREDITATION
COMMITTEE(CPAC)
GOVERNMENT OF INDIA
NEW DELHI
4. UNION OF INDIA
REP. BY CHAIRMAN
STANDING COMMITTEE ON
INFORMATION TECHNOLOGY
NEW DELHI.
5. UNION OF INDIA
REP. BY CHAIRMAN
DIRECTORATE OF ADVERTISING
AND VISUAL PUBLICITY
NEW DELHI.
6. UNION OF INDIA
REP. BY CHAIRPERSON
CENTRAL BOARD OF FILM CERTIFICATION
NEW DELHI.
7. STATE OF KARNATAKA
REP. BY THE MINISTER OF
HOME DEPARTMENT
GOVERNMENT OF KARNATAKA
8. STATE OF KARNATAKA
REP. BY THE MINISTER OF LAW,
JUSTICE AND HUMAN RIGHTS
GOVERNMENT OF KARNATAKA.
9. THE GENERAL SECRETARY
THE ADVERTISING STANDARDS
COUNCIL OF INDIA 219,
BOMBAY MARKET, 78,
TARDEO ROAD,
MUMBAI 400 034
10. DIRECTOR,
CHAIRMAN AND CHIEF EDITOR

UDAYA T V NO.16 A 2ND FLOOR
KSHATRIYA MARATHA BHAVANA
THIMMAIAH ROAD, VASANTH NAGAR
BANGALORE 52

- 11 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
EENADU TV (KANNADA)
KCN BHAVAN NO.9/1
YAMUNA BAI ROAD,
MAHDAVA NAGAR,
BANGALORE 1
- 12 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
NDTV, 60/1,
COLES ROAD,
FRAZER TOWN
BANGALORE 3
- 13 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
AAJTAK/TV TODAY
201-201, RICHMOND TOWERS
RICHMOND,
BANGALORE 25
- 14 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
ZEE TV 5/1, SERPENTAIN ROAD,
KUMARA PARK WEST
BANGALORE 20
- 15 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
STARTV, 15,
WALTON ROAD,
LAVELLE ROAD,
BANGALORE 1
- 16 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
ETV KANNADA
BANGALORE.

- 17 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
SUVARNA T V
BANGALORE.
- 18 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
KASTHURI T V
BANGALORE.
- 19 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
TV9 KARNATAKA,
BANGALORE.
- 20 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
SUVARNA NEWS 24 x 7
BANGALORE
- 21 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
SAMAYA T V
BANGALORE.
- 22 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
JANASHRI T V
BANGALORE.
- 23 . DIRECTOR,
CHAIRMAN AND CHIEF EDITOR
PUBLIC T V
BANGALORE.
- 24 . DIRECTOR,
CHAIRMAN AND SECRETARY
PRESS TRUST OF INDIA
17/2 QUEENS ROAD,
BANGALORE 52
- 25 . PUBLISHER & CHIEF EDITOR
THE PRINTERS (MYSORE) PVT LTD.,
DECCAN HERALD
M.G.ROAD, BANGALORE.

- 26 . PUBLISHER & CHIEF EDITOR
TIMES OF INDIA
S&B TOWERS 40/1,
M.G.ROAD, BANGALORE 1
- 27 . PUBLISHER & CHIEF EDITOR
THE ASIAN AGE
BANGALORE.
- 28 . PUBLISHER & CHIEF EDITOR
SAMYUKTHA KARNATAKA
THE LOKASHIKSHANA TRUST
2, RESIDENCY ROAD,
BANGALORE 25
- 29 . PUBLISHER & CHIEF EDITOR
UDAYAVAANI
MANIPAL MEDIA NETWORK LTD.,
N-201, MANIPAL CENTER
47, DICKENSON ROAD,
BANGALORE 42
- 30 . PUBLISHER,
THE NEW INDIAN EXPRESS
EXPRESS PUBLICATIONS (MADURAI)LTD
1, QUEENS ROAD,
BANGALORE 1
- 31 . PUBLISHER & CHIEF EDITOR
KANNADA PRABHA
KANNADA PRABHA PUBLICATIONS LTD.,
1 QUEENS ROAD,
BANGALORE 1
- 32 . PUBLICHER AND CHIEF EDITOR
KASTURI AND SONS LTD.,
THE HINDU, PLOTNO.13-D,
BOMMASANDRA JIGINI LINK ROAD,
KIADB INDUSTRIAL AREA
ANEKAL TALUK
BANGALORE 99
- 33 . PUBLISHER & CHIEF EDITOR
DNA, FLAT 296/297,

INDUSTRIAL AREA,
BOMMASANDRA JIGINI LINK ROAD,
BANGALORE 6

- 34 . PUBLISHER & CHIEF EDITOR
THE MID DAY
BANGALORE.
- 35 . PUBLISHER & CHIEF EDITOR
BENNETT, COLEMAN & COMPANY LTD.,
THE BANGALORE MIRROR
4, PAMPA MAHAKAVI ROAD,
CHAMARAJAPET
BANGALORE 18
- 36 . PUBLISHER & CHIEF EDITOR
KARANTAKA NEW PUBLICATIONS,
SANJE VAANI, 11/2,
QUEENS ROAD,
BANGALORE 52
- 37 . PUBLISHER & CHIEF EDITOR
VIJAYA KARNATAKA, TIMES VPL LTD.,
4, KSCCF COMPOUND,
PAMPA MAHAKAVI ROAD,
CHAMARAJAPET
BANGALORE 18
- ... RESPONDENTS
(BY SHRI Y.H.VIJAYAKUMAR, GOVT. ADVOCATE
FOR R-7 & R-8;
SHRI C.SHASHIKANTH, ADDL.SOLICITOR GENERAL
FOR R-1 TO R-6;
SHRI M.C.JAYAKIRTHI, ADVOCATE FOR SMT.GEETHA
DEVI M.P., FOR R-13;
VIDE ORDER DATED 5.7.2012, R-27 IS STRUCK OFF)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A
WRIT OF MANDAMUS DIRECTING THE RESPONDENT
GOVERNMENT TO INITIATE ACTION TO NATIONALIZE THE
MASS MEDIA IN THE INTEREST OF SAFETY, SECURITY
AND INTEGRITY OF THE COUNTRY, AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY
HEARING THIS DAY, **CHIEF JUSTICE** MADE THE
FOLLOWING:

ORDER

There are only five substantive prayers in this petition namely clauses (a) to (e) which read thus:

“PRAYER”

“It is therefore prayed that this Hon’ble Court be pleaded:

(a) to issue a writ of mandamus directing the respondent government to initiate actions to nationalize the mass media in the interest of safety, security and integrity of the country,

(b) to issue a writ of mandamus or in the nature of and/or any other appropriate writ, order or directions, directing the respondent government to pass an appropriate Law governing the MASS MEDIA in the interest of securing free and fare mass media aimed at the protection of our national interest,

(c) to issue a writ of mandamus directing the respondent government to cancel licenses of international and foreign investments in the mass media to protect the national interests and safeguard economic standing of the nation,

(d) to issue any other appropriate writ, order and or directions to respondents herein other than the government as per Hon’ble court deem fit and necessary and

(e) to pass such order and further orders as this Hon’ble court may deem necessary and proper on the basis of history, facts and circumstances of the case.”

2. So far as prayer clauses (d) and (e) are concerned, they are general prayers in which no specific relief is sought. So far as prayer clause (a) is concerned, the prayer is to nationalize mass media. If at all the Government wants to consider the issue of nationalization, it will have to be done by means of a legislation. Prayer clause (b) seeks a writ of *mandamus* directing the Government to legislate. Therefore, the first two prayers are, in substance, prayers seeking a writ of *mandamus* to legislate in a particular manner. Such a writ cannot be issued in a petition under Article 226 of the Constitution of India.

3. So far prayer clause (c) is concerned, whether the Government of India should allow foreign investments in mass media is a policy matter and therefore, a Writ Court cannot interfere with such a policy. If the petitioner is aggrieved by such a policy, he can always make an appropriate representation to the concerned Government.

4. The learned counsel appearing for the petitioner submits that the grievances of the petitioner are very genuine and in fact, the Press Council of India has also

supported the same. He has relied upon photographs and other material produced after the filing of the petition for showing objectionable material which is telecast in the mass media.

5. As disclosed in the companion petition, W.P. 13677/2012, the News Broadcasting Standards Authority has been constituted. Apart from that, Monitoring Committees have been constituted as per the directions of the Government of India both at the State level and also at District levels for entertaining the complaints against the media and in particular, television media. Moreover, if someone has indulged in the commission of an offence, the Petitioner can always set the criminal law in motion.

6. Considering the nature of the prayers made, we are unable to grant any of the reliefs sought. Subject to what is observed above, the writ petition is disposed of.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

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