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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**SUO MOTO PUBLIC INTEREST LITIGATION (ST.) NO.10567
OF 2020**

The Registrar (Judicial),
High Court of Judicature of Bombay,
Bench at Aurangabad

..PETITIONER

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr Satyajit Bora, Advocate appointed as amicus curiae for petitioner;
Mr D.R. Kale, Govt. Pleader for respondent no.1 - State

CORAM : PRASANNA B. VARALE, J.

DATE : 20th April, 2020

ORAL ORDER:



The news item published in daily newspaper 'Lokmat', in its issue dated 19th April, 2020 as well as an Article published in e-newspaper, 'The Hindu' under caption "Maharashtra allows printing but bans distribution of newspapers", prompts this Court to take cognizance of the issue involved in these news items. The news items refer to a notification signed by the Chief Secretary Shri Ajoy Mehta, issued on Saturday with a statement, "Print Media is hereby exempted from lock down from 20th April, 2020". However, given the extent of the spread of COVID-19, door-to-door delivery of newspapers and magazines is prohibited. The news item published in newspaper daily 'Lokmat' refers to the same notification with certain statements of the Honourable Members of the Ministry who have shown their ignorance to the notification.

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2. The news item published in newspaper 'The Hindu' then refers to the statement of the Honourable the Chief Minister and it reads, Mr Thackeray however said it was 'unnecessary confusion'. "While we support its operation and the need to reach out to the people, we want to also ensure the highest safety from a virus that the world is still grappling with. The sale of print media newspapers, magazines and production is allowed at stalls/shops already established, as deemed fit by the media houses. We urge the media to refrain from home deliveries," he said, in a statement issued on twitter.

(emphasis supplied)

3. This Court is aware of the unforeseen situation being faced by the world in general i.e. the outbreak of COVID-19 pandemic in general and India in particular. It is also not in dispute that the Central Government and the State Government are taking various steps/measures to deal with the situation. The issue raised in these articles is in respect of the notification signed by the Chief Secretary of the State of Maharashtra. It may not be out of place to state that though an attempt was made through the Registry of this Court to locate the said notification on the website of the State Government, the same was not available. A statement of the Honourable the Chief Minister though refers to a candid statement that the State Government supports operation and need of the newspaper to reach out to the people, there is hardly any logical explanation coming forward on the backdrop of the confusion i.e. on one hand the Chief Secretary states in the notification that print media is exempted from lock down from 20th April, 2020, the Honourable the Chief Minister, in his statement states that the sale of print media newspapers, magazines and production is allowed at

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stalls/shops already established, as deemed fit by the media houses, on the other hand the door-to-door delivery of the newspapers is prohibited. One fails to understand, when the State Government is permitting the purchase of newspapers at the stalls and the shops established, as to why the door-to-door delivery of the newspapers is prohibited. If the State Government is permitting the public general to approach the stalls and shops to purchase the newspapers meaning thereby there would be one reason or excuse for the public general to move out of the houses in the lockdown period, it would certainly cause some movements on the streets and on the other hand, the State Government is prohibiting the door-to-door delivery/distribution of newspapers, whereby the public general may get the newspapers at the door-step through the delivery boys and need not move on the streets for purchase of newspapers.

4. It is also common knowledge that the magazines are published periodically i.e. weekly or monthly, whereas the newspapers are published on daily basis and distributed to the consumers daily as well. It is also not made known in the said notification as to whether the decision is taken having regard to the various areas or districts or it is a blanket decision of the State Government without any such consideration of the areas or districts. The State Government, having regard to the spread of coronavirus can certainly consider the issue of restricting door-to-door delivery of newspapers in particular areas. One also fails to understand a logic behind the situation, wherein the newspapers are permitted to be printed and published by the media houses but they are not permitted to be distributed door-to-door and there is only a restricted distribution.

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5. It is a common knowledge that though majority of the newspapers are available by way of e-paper mode, it is not possible for majority of public general to have an access to e-paper as they may not be conversant with the technology or are used to reading of hard copy of a newspaper.

6. Having regard to the aspects referred to above, this Court deems it appropriate to take cognizance of the aforesaid news items and accordingly appoints Mr Satyajit Bora, learned Counsel, as an amicus curiae, who shall assist this Court. Mr Bora is permitted to file a petition proper on or before 22nd April, 2020.

7. Issue notice to the respondent - State of Maharashtra, through its Principal Secretary in General Administration Department, returnable on 24th April, 2020.

8. Mr D. R. Kale, learned Govt. Pleader waives service of notice on behalf of respondent – State of Maharashtra. Mr Kale may file his response on or before 27th April, 2020.

9. Authenticated copy of the order be provided to the learned Govt. Pleader

(PRASANNA B. VARALE, J.)

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