

THE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH,
AT JABALPUR

(DIVISION BENCH)

WP-9432-2021

Samyant Jain Petitioner
Vs.

Union of India and others Respondents

Coram :

Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice

Hon'ble Mr. Justice Vijay Kumar Shukla, Judge

Presence :

Mr. Samyant Jain, petitioner in person.

Mr. Jitendra Kumar Jain, Assistant Solicitor General alongwith Mr. Vikram Singh, Advocate for the respondents-Union of India.

O R D E R (Oral)
(21.06.2021)

Per: Mohammad Rafiq, Chief Justice

Heard through Video Conferencing.

This writ petition in the form of Public Interest Litigation has been filed by Mr. Samyant Jain, an advocate practising before this Court, who during the course of arguments has submitted that though various vaccines have been developed, but the most effective weapon/shield that prevent the spread of Coronavirus (COVID-19) is by use of mask and maintaining physical distance. The Government authorities and the International Organizations from time to time have issued various guidelines in this regard.

2. The petitioner submitted that the TV programmes, reality shows, news channels etc. influence public at large, which subsequently shape the society and its behavior vis-a-vis daily life, activities and lifestyle. Reference is made to the observations of the Supreme Court in the case of *The Secretary, Ministry of Information & Broadcasting vs. Cricket Association of Bengal & another* reported in (1995) 2 SCC 161. It is contended that television serves as a pathway that connects the society to the world of glamour, fashion, trends and information. The performing elements such as news anchors, celebrities, models, players etc. influence the society by their thoughts, words, personality and performances. Whatever is done by these performing elements becomes a trend which is followed by the society. The petitioner has therefore filed the present writ petition against the inaction of the respondents as they have failed to make proper Covid Specific guidelines for electronic media, TV channels, TV news channels, TV journalists/reporters, sports broadcast. They have failed to implement existing guidelines issued by UNICEF and Press Council of India in this behalf. It is contended that the Press Council of India has adopted norms for Journalistic Conduct 2020 in its general meeting (Annexure-5), which provides “Guidelines on reporting of COVID-19 and Safety Measures for Journalists” under Part-B (n) of the aforementioned norms for journalistic conduct. However, as regards electronic media and TV news channels, there are no such Covid specific guidelines issued by the authority or stakeholders of the news channels and electronic media broadcasters. The petitioner has cited order dated 04.04.2021 issued by Government of Maharashtra detailing out the guidelines and protocols for shooting of films, serials and advertisements

etc. Sub-clause (g) of Section 7 “Recreation and Entertainment” of the said order provides that generally shooting of scenes with large number of artists to be avoided. All staff engaged as well as artists should carry negative RT-PCR test certificate valid for 15 days. In case a Quarantine Bubble may be created for the artists and staff engaged, they may be allowed by concerned disaster management authority with any number, provided before entry into the bubble, negative RTPCR test has been conducted on each one. It is further contended that similar to the guidelines issued by the Government of Maharashtra, the BCCI has provided even more strict, elaborated and concrete guidelines and protocol for conducting Vivo IPL 2021.

3. It is contended that by omitting to wear mask and not following physical distance ON SCREEN, the actors and performers/players etc. of the programmes/shows are indirectly promoting the notion of not wearing mask and not following physical distance. As the viewers are not aware that the performing actors/players are under special care and protection of medical professionals and reside under the shield of bio bubble, they intend to develop a myth that it is not important to follow all these guidelines of physical distancing and use of mask, which endangers the life of public at large. Reference is made to an incident in which some players of Chennai Super Kings and Kolkata Knight Riders tested Covid positive, as per news dated 05.05.2021. Similarly, 2 contestants of music reality show ‘Indian Idol’, broadcast on Sony Entertainment TV Channel, and 18 Crew members of dance reality show ‘Dance Deewane Season 3’, tested Covid positive.

[4]

4. Petitioner has placed on record a voluminous documents including screen-shots of TV show telecast and copies of the US Today report and Indian Express News report alongwith certificate under Section 65-B of the Indian Evidence Act, 1872 to substantiate his arguments. It is contended that the direction prayed for if issued to the respondents, would benefit the citizens of this country generally, as rule of safety guidelines for journalists and its mandatory implication would protect journalists as well as prevent spread of Coronavirus (COVID-19). Statutory or health warnings/disclaimer/information at the beginning, middle and end of TV shows/programs/telecast, informing people about the safety measures, protocols being followed while recording, making, organizing, conducting and also informing that even bio bubbles are not 100% effective, alongwith proper advice to use mask and maintain physical distance is essential for the safety, health and awareness of citizens amidst the spread of Coronavirus. It is contended that under Article 47 of Part-IV of the Constitution of India it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health, which can be achieved by implementing effective guidelines/directions over all these televisions channels.

5. The petitioner has worded his prayer clause in the writ petition quite comprehensively, which reads as under:

“(A) To issue direction that guidelines be made for all the TV Channels and Makers/producers/owner/broadcasters of all reality shows, serials, series, sports, telecasts, award shows etc, to display a warning, caution, disclaimer/declaration whatsoever, at the beginning, middle and end of the show/telecast/broadcast,

[5]

declaring that all the performers of this program/show/sports/game etc. are performing under proper care and observation of medical professionals, are following special safety measures, residing and performing under bio bubble, also informing that BIO BUBBLLe is not 100% effective. That they do not promote anyone to not wear mask and not follow physical distance. Along with an appeal to their viewers, to wear mask, maintain physical distance, adhere to all the guidelines provided by Govt. authorities, consult doctors in case of fever, cough, cold etc and go outside only when necessary.

(B) To make Covid specific guidelines, for electronic media, TV news channels, anchors and journalists, to be followed while performing their duties, reporting, taking interview of public or politicians, etc. Including but not limited to maintain physical distance between them as well as among the public, wear mask and PPE Kit (Personal Protection Equipment Kit) while taking interviews or interacting with public and not telecast anything which promote the notion of not weatrng mask and not maintaining physical distancing, or create distrust against the covid guidelines, failing which, will lead to statutory and disciplinary action against them.

(C) For mandating journalists of news papers and print media to strictly follow the "Norms of Journalistic Conduct 2020" issued by Press Council of India and adhere to the guidelines, maintain physical distance between them as well as among the public, wear mask, gloves and PPE Kit (Personal Protection Equipment Kit) while taking interviews of interacting with public.

(D) Any other relief as deemed fit and proper in the circumstances of this case, along with the cost of this writ petition be also awarded.”

[6]

6. In our considered view, the petitioner has raised quite significant issues of relevance in the present context, which ought to engage attention of the Ministry of Information and Broadcast, Government of India. We, therefore, deem it appropriate to dispose of this writ petition by requiring the petitioner to file a comprehensive representation, alongwith all material which he has placed before this Court in the present writ petition, before the Secretary, Ministry of Information and Broadcast, Government of India, who may examine the matter and do the needful by deciding the same expeditiously in accordance with law by communicating the outcome thereof to the petitioner.

7. With aforesaid observation, the **petition stands disposed of**.

(MOHAMMAD RAFIQ)
CHIEF JUSTICE

(VIJAY KUMAR SHUKLA)
JUDGE