

IN THE HIGH COURT OF KARNATAKA, AT BENGALURU

(Original Jurisdiction)

W.P No. 6435/ 2020 (PIL)

**BETWEEN:**

MOHAMMED ARIF AND ANR

...PETITIONER'S

**AND:**

UNION OF INDIA AND ANR.

...RESPONDENTS

**APPLICATION UNDER SECTION THE CABLE TELEVISION  
NETWORKS (REGULATION) ACT, 1995 R/W 151 OF THE CODE  
OF CIVIL PROCEDURE, 1908**

That for the reasons sworn to in the accompanying Affidavit, the Petitioners humbly prays that this Hon'ble Court be pleased to pass necessary direction inter alia, Gag order/ directions against the Respondent No.6 to stop the broadcasting of the News Channel REPUBLIC-TV owned by the Respondent No.7 and to stop the on AIR Show called THE DEBATE at the Respondent No.7 news channel REPUBLIC TV hosted by the Respondent No.8, to restrain the Respondent No.8 from hosting any show on any news channel and initiate proceedings against the Respondent No.8 to protect the life, liberty, privacy and dignity of individuals and the general public in the interest of justice and equity.

Place: Bangalore

[RAHAMATHULLA KOTHWAL]

Date:

Advocate for Petitioner

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**AFFIDAVIT**

I, MOHAMED ARIF JAMEEL, S/o. late Abdul Rasheed, Social Worker and RTI Activist, Age About 49 years, R/at. #179, 2nd Floor, 5th Cross, 8th Main, 3rd Stage, Pillanna Garden, Bengaluru-560045, do hereby solemnly affirm and state on oath on my behalf and other petitioner as follows:

1. I state that I am the Petitioner in the above Petition. I know the facts of the case. Hence, I am swearing to this Affidavit.
2. The Respondent No. 1 is the Union of India, represented through its Secretary, Ministry of Health and Family Welfare which is the appropriate ministry dealing with in safety measures for public health and welfare in all the states. The Respondent No.2 is the State of Karnataka represented through its Secretary, Ministry of Health and Social Welfare. Which is the appropriate ministry dealing in safety measures for public health and welfare in state of Karnataka.
3. The petition is being filed in the interest of general public. It is manifestly in the Public Interest that, the State Government's Officers be assisted in discharging their duties to prevent the COVID-

19/NOVEL CORONA VIRUS from spreading and affecting large number of populations in state along with the need to be amend the Colonial Epidemic Diseases Act, 1897 which was of about more than 100 years old , to suit the needs of current situations as the provision of the said act was insufficient to handle the present grave situations.

4. It is submitted that the outbreak of Covid-19 constrained the Government to cause nationwide shut down. While the entire nation was in a lockdown this disturbing trend emerged, after the increase of COVID-19 positive cases following the religious gathering in Delhi - hosted by Tablighi Jamaat on 13-14 March, 2020 and on 24.03.2020 the Hon'ble Prime Minister Mr. Narendra Modi announced a nationwide lockdown from midnight of that day, for a period of 21 days. That the event has been twisted by various media groups including the Respondent No.7 attributing the spread of Covid-19 to the entire Muslim Community of India as being carriers of the Coronavirus and creating a system of fear of social boycott to the entire muslim community strongly effecting the lives of the ordinary and slowly seeping in of the untouchability into the Indian society that the Nation has long fought for and the fight against to abolish which is far from over.
5. It is submitted that as an outbreak of the continuous instigation by the print and social Media the Central Government had approached the Hon'ble Supreme Court urging it to bar media from publishing information not confirmed by the Government, towards which the

Hon'ble Supreme Court made an observation and directed the media to be responsible in its coverage of the pandemic. That during the midst of the lockdown on 16/04/2020 at Palhar, Maharashtra, an heinous, deplorable, condemnable act of mob lynching of three persons was reported, of whose videos were also widely circulated on social media and reporting due communal clashes. However when investigated and enquired upon it had come to the knowledge that infact the heinous act of mob lynching is that of mistaken identity and otherwise as highlighted in the media.

6. It is submitted that the Respondent No.8 in his popular show at Republic TV owned by Respondent No.7 in utmost unethical, deplorable manner, belittling the profession of journalism in repeated attempt to paint the event of mob lynching at Palhar, Maharashtra into into an communal event demonising the common man to be at fear for his life at all times; the Respondent No.8 not only has he tried to promote communal disharmony among the people but has also resorted to shameful acts of derogatory, defamatory, name shaming attempting to character assassinate and threaten a person of public life on live TV a norm which would be adopted if not nipped at the bud. Statements published on 21/04/2020 and 23/04/2020 by well know tabloids is herein reproduced along with the links as follows:

*“If this had happened in a state run by BJP, and, instead of Hindus, and let me be very direct about it, they were from any minority community, would [actor] Nasseeruddin Shah, Aparna Sen,*

*[historian] Ramchandra Guha, [editor] Siddharth Varadarajan, and the award vapsi gang, would they have gone berserk*

*today?"* [https://www.theweek.in/news/india/2020/04/21/on-live-tv-](https://www.theweek.in/news/india/2020/04/21/on-live-tv-arnab-goswami-resigns-from-editors-guild-of-india-citing-hypocrisy.html)

[arnab-goswami-resigns-from-editors-guild-of-india-citing-hypocrisy.html](https://www.theweek.in/news/india/2020/04/21/on-live-tv-arnab-goswami-resigns-from-editors-guild-of-india-citing-hypocrisy.html) and ***“I would like to ask the country, would the country had remained silent if Maulvis or Christian Padres would have been targeted the way Hindu saints were? Would Italy’s Antonia Maino (Sonia Gandhi) have remained silent then? I would like to tell you, if the victims had been Christian padres, Sonia Gandhi, who had come from Rome, would not have remained close-mouthed on the issue,” “I am telling you. She would prepare and send a report to Italy in which she would state where she had formed a government in a state, and she is getting Hindu saints killed there. And she would receive applause from there (Italy),”*** <https://www.opindia.com/2020/04/arnab-goswami-sonia-gandhi-palghar-mob-lynching-sadhus-hindu-italy-maharashtra/>,

the above clearly implying the Respondent No.8 having complete disregard and disrespect to the directions of the Hon’ble Supreme Court in defiance made statements to meet his nefarious intentions, in order to gain unlawfully and to score political points with half baked truth with lies, to mislead the unsuspecting common man into the flawed narrative peddled in to meet personal gains at the cost of the Nation itself to promote unhealthy environment across the country which is promoting hatred and disharmony by spreading bigotry

and communal charged content relating to Mob Lynching at Palghar, Maharashtra.

7. It is submitted that such reports have triggered communal antagonism and has also perpetrated hatred, resulting in fissiparous tendencies gaining foothold undermining and effecting communal harmony and peace. It is further submitted that ever since the communal riots in February 2020 and now the heinous act of mob lynching has put the Nation on the brink and by such false narrative that the Respondent No.8 has been showing his viewers testing the resilience of the people living in peace with each other, frustrating the already burdened common man which will would a grave task for peace and harmony of the Nation.
8. It is submitted that the Hon'ble Supreme Court in an order dated 31.03.2020 in W.P (C) 468 of 2020 has directed the media to maintain strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated , which the Respondent No.7 and 8 have no regards towards.
9. It is submitted that due such portrayal of events during this entire pandemic has clearly shaken the faith of the common man on the media and its objectives towards the nation and its very integration vide its people and such statements are actionable and criminal offences.

**The statements made promoting hatred are a punishable offence and an assault on our constitutional values including the right to life of an entire community.**

WHEREFORE, I pray that this Hon'ble Court may be pleased to allow this Application, by issuing necessary Gag order/ direction against the Respondent No.6 to stop the broadcasting of the News Channel REPUBLIC-TV owned by the Respondent No.7 and to stop the on AIR Show called THE DEBATE at the Respondent No.7 news channel REPUBLIC TV hosted by the Respondent No.8, to restrain the Respondent No.8 from hosting any show on any news channel and initiate proceedings against the Respondent No.8 in the interest of justice, and equity.

I, the Deponent do swear in the name of GOD that it is my name and signature, and that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

"Identified by me"

DEPONENT

ADVOCATE

Place: Bengaluru

Date: