

VINOD H WAGH

Assistant Professor

VPM's TMC Law College, Thane

Chendani Bunder Road, Thane (West) 400601.

E-mail: Prof.vinodhwagh@gmail.com

Mob: 9821631775

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To,
Hon'ble Justice Shri. Sharad A Bobade,
The Hon'ble Chief Justice of India,
Supreme Court of India.
New Delhi 110001

Respected Your Lordship's

This is Mr. Vinod H Wagh, an Assistant Professor in VPM's TMC Law College, Thane, Maharashtra. I am writing this letter to bring kind attention of Your Lordship's towards the clampdown of many journalists throughout India at one hand and the aggressive and anti-social journalism at other. This letter is also a kind request/prayer to this *Temple of Justice* to frame certain guidelines thereby Press remain a *Neutral Pillar of Democracy* and free from fear and favour. The Journalists must feel safe for what they are expressing and must not be subjected to the jail for their reporting.

This Court has great history. Every Indian bow before this Court for every verdict that upholds the *Equality, Freedom, Life and personal Liberty guaranteed under our Constitution*. 23 years ago this Hon'ble Court initiated the Public Interest Litigation on the basis of simple letter. The guidelines came out from that PIL controlled an arbitrary power of the State. *D K Basu vs. State of West Bengal (1997 AIR SCW 233)* was this courts credit. Till today *D K Basu* case is part of Law Syllabus. The Nation again looking forward to this Court and praying with folded hand to frame some protective guideline for the journalism and make sure that they should not be subjected to State's ire.

I am referring certain case study here to make this Hon'ble Court realised about the injustices happened to the journalists throughout the nation. The suppression of journalists and journalism will destroy the very fabric of our Democracy. This Hon'ble Court must come to the rescue of such suppression of free journalism. At the same time this Hon'ble Court also need to look into the communal and fake journalism which is threat to our Democracy. Controlling such journalism is also necessary to long live our Democracy.

The following instances happened throughout India shows that how States are using their power against the journalists for their reporting, especially not suitable to State. The State not named here does not mean there are no instances of this nature in that State. Whatever was possible for me is laid down here.

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State	Incident/s	Source
Andaman and Nicobar	The Andaman and Nicobar Islands police have arrested a freelance journalist for posting tweet in question form. His question sought attention of the local authorities about bizarre quarantine rules being followed. He was charged under several sections of the IPC as well as the Disaster Management Act.	https://thewire.in/media/andaman-journalist-arrested-for-tweet-accused-of-spreading-false-information
Assam	Journalist Rajib Sarma booked for offence extortion and outraging of modesty of women. Sarma has reported about Biswajit Roy, the DFO, for his alleged links to cattle smuggling and other illegal activities.	https://thewire.in/media/assam-journalist-arrested-rajib-sarma-dy365
Bihar	Bihar Journalist Pawan Choudhary arrested for the information he shared on his social media account about death of Covid-19 patient.	http://www.uniindia.com/bihar-journalist-arrested-for-spreading-rumours-of-a-covid-19-death-in-jamalpur/east/news/1944016.html
Chhattisgarh	The Government of Chhattisgarh issued show cause notice to a journalist in Bastar for damaging administration image. The allegation on reporter is that he has published a report showing woman was forced to sell household items to buy rations amid the on-going nationwide lockdown to combat the coronavirus.	https://www.newslaundry.com/2020/04/29/chhattisgarh-journalist-gets-notice-for-reporting-on-womans-lockdown-plight
Gujarat	Journalist Dhawal Patel arrested by Ahmedabad police for publishing a story on online portal on change on guard in the State.	https://www.thehindu.com/news/national/other-states/journalist-held-for-publishing-speculative-story-on-change-of-guard-in-gujarat/article31563046.ece
Haryana	Journalist Anoop Khandu booked for trespassing and defamation for his reporting about stacks of Food grain allegedly rotting at a warehouse of the State Food Civil supplies and consumer affair department.	https://www.thehindu.com/news/national/other-states/haryana-journalist-slapped-with-fir-for-report-on-rotting-grain/article29420236.ece
Himachal Pradesh	FIR lodged against journalist Ashwini Saini for allegedly publishing fake news about migrant labourers. He has been booked under sections of the IPC and the Disaster Management Act. Another journalist Jasveer Thakur also an accused in FIR for reporting on lockdown violations at brick kilns in Mandi district.	https://thewire.in/media/himachal-pradesh-firs-journalists
Jammu, Kashmir	Journalist Peerzada Ashiq booked for reporting on the burial of two slain militants in Baramulla. Another Journalist Masrat Zahra booked under UAPA for his post on Social Media. His post was held as “anti-national” and motivated by	https://www.thehindu.com/news/national/jk-police-file-fir-on-the-hindu-report/article31391183.ece

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	“criminal intention to induce the youth and promote offence against public tranquillity” by the police.	
Karnataka	Police lodged FIR against Editor Rajabakshi of an Online News Portal for uploading anti CAA poem ‘Anegundi Ustavas’	https://www.firstpost.com/india/poet-journalist-arrested-in-karnataka-after-complaint-by-bjp-leader-over-anti-kaa-poem-8060331.html
Madhya Pradesh	Journalist Tansen Tiwari, from Gwalior District booked by the police for referring to Bharatiya Janata Party with bad names.	https://thewire.in/media/gwalior-fir-journalist-bjp-leaders-gappu-tadipar
Maharashtra	FIR was filed in many states and districts of India against Journalist Arnab Gouswami for his statement on Sonia Gandhi. However he was protected by the Hon’ble Court.	https://www.thehindu.com/news/national/arnab-goswami-gets-interim-relief-from-arrest/article31952263.ece
Manipur	A Manipur Journalist Kishorechand Wangkhem was booked under NSA Act and arrested for uploading a video on social Media criticising the Bharitiy Janta Party and the Rashtriy Swayamsevak Sangh.	https://www.thehindu.com/news/national/manipur-journalist-kishorechandra-wangkhem-jailed-for-12-months-under-nsa-for-criticising-bjp-government/article25782130.ece
Odisha	Ramesh Rath interrogated by Police for his doing a series of operations exposing BJD government. Police denying his reason.	https://indianexpress.com/article/india/odisha-tv-journalist-picked-up-by-police-channel-says-targeted-for-exposing-govt-claim-6746964/
Rajasthan	Two journalists Sharat Kumar and Lokendra Singh booked under IT Act for false reporting of phone tapping of two MLA.	https://www.youtube.com/watch?v=mrS-I95BOUw
Tamil Nadu	The Coimbatore police arrested Journalist Andrew Sam Raja Pandian for filing news reports, which showed doctors combating COVID-19 were not provided with food and personal protective equipment (PPE) kit by the government hospital in Coimbatore.	https://www.outlookindia.com/webstory/india-news-tamil-nadu-journalist-held-for-reporting-on-doctors-not-getting-food-ppe-at-work/351372
Tripura	A freelance journalist Saikat Talapatra was arrested late Sunday evening in connection with a fake news campaign suggesting Tripura Chief Minister Biplab Kumar Deb was headed for divorce.	https://indianexpress.com/article/north-east-india/tripura/freelance-journalist-arrested-for-hand-in-fake-news-on-tripura-cm-divorce-5699481/
Uttarakhand	Journalist Rajesh Sharma arrested for allegation against the Chief Minister. They are charge with offence of sedition.	https://www.amarujala.com/dehradun/dehradun-journalist-arrested-for-treason-accused-of-publishing-false-news
Uttar Pradesh	Freelance Journalist Prashant Kanojia arrested by Uttar Pradesh police two times. First for tweeting video of women talking about CM Yogi Adityanath. Second, for allegedly for a post on the Ram Temple in Ayodhya On 5 th October 2020, Kappan, a reporter with the Malayalam news portal was arrested by the	https://www.huffingtonpost.in/entry/prashant-kanojia-arrest-up-police-in-5f3ba970c5b670ab17afc201 https://www.thehindu.com/news/national/other-states/malayalam-journalist-3-others-arrested-near-hathras-booked-

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	<p>Uttar Pradesh police. He was on way to Hathras to cover the Dalit teenager's gang-rape and murder. He is charged for the offence under the Unlawful Activities (Prevention) Act for 'conspiring' against the state government.</p> <p>A reporter Pandey was interrogated by UP Police for reporting on a letter circulated within the state administration discussing poor quality PPEs being supplied to hospitals and medical colleges.</p> <p>Another journalist Supriya Sharma faced FIR for allegedly misrepresenting facts in a report on the impact of the lockdown in a village adopted by PM Modi.</p>	<p>https://www.opindia.com/2020/07/arambagh-tv-sheikh-safiqul-islam-wife-journalist-west-bengal-arrested-corruption-expose/</p>
West Bengal	<p>Journalist Suraj Ali Khan along with owner of news channel Sheikh Safiqul Islam, his wife Alima Khatun arrested after the channel exposed corruption of the Government.</p>	<p>https://www.opindia.com/2020/07/arambagh-tv-sheikh-safiqul-islam-wife-journalist-west-bengal-arrested-corruption-expose/</p>

I would like to also bring your Lordship's attention towards another fact. The above journalist have done their job and reported against the State/administration and booked under different penal laws and arrested. Some of them are on bail and some are still in jail. The appropriate judicial forum will decide their wrong. I have no comment to make on it. But at the same time the Law and Order machinery not utter a word against other side of journalism and journalist, who openly abused the community, scandalise the reputation of individuals, make allegations without evidences, debating in very immoral way and aired fake news. Kindly see the following instances. Still No state Government or any other agency Suo-moto register any FIR against any of them.

Channel	Story	Source
	<p>Alt News online portal published that how leading channels having millions viewership aired fake and false news.</p>	<p>https://www.newslandry.com/2018/01/02/fake-news-2017-aaj-tak-toi-zee-india-today-republic</p>
Aaj Tak	<p>Aaj Tak a leading Hindi News Channel arranged a debate program and titled it as "Janmabhoomi hamari, Ram hamare, Masjid wale kaha se padhare"</p>	<p>https://cjp.org.in/hate-watch-aaj-taks-tweet-on-ayodhya-openly-spreads-communal-hate/</p>
News18	<p>On June 15, 2020, News 18 India, a mainstream Hindi news channel aired a primetime show titled Aar Paar with the</p>	<p>https://www.sabrangindia.in/decoding-hate/news-18s-amish-devgan-rakes-kashi-mathura-debate-incites-anti-minority-hate</p>

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	topic, "Barson baad Ayodhya ki aas hui poori, sant kahein Kashi-Mathura kyun rahe adhuri"	
Zee News	On March 11 in his prime time show DNA, Chaudhary used a diagram, breaking down the ways Muslims allegedly are waging "jihad" on Hindus in India, such as "population jihad", "love jihad" and "land jihad", "economic jihad", "history jihad" and "media jihad".	https://theologicalindian.com/news/zee-news-producing-fake-news-segments-21003
News Nation	News Nation airing debates on 'Maulana Gang exposed', 'Mewat kya Pakistan ban gaya?' Tabligo ka Balatkari Jihad.	https://www.sabrangindia.in/article/deepak-chaurasia-spewing-communal-hate-social-media
Sudarshan News	Sudarshan News was to air program on UPSC jihad. Hon'ble Supreme Court and stayed it.	https://scroll.in/latest/973165/sc-restrains-sudarshan-news-from-telecasting-communal-show-says-anchor-doing-disservice-to-nation
Times Now and Republic	These channels have aired communal debates based on wrong and false facts. Also defame and malign the many individual without any evidences.	https://www.newslaundry.com/2018/01/02/fake-news-2017-aaj-tak-toi-zee-india-today-republic https://scroll.in/latest/978062/notice-issued-to-republic-tv-times-now-on-bollywood-producers-plea-on-irresponsible-reporting

Your Lordship, the above both tables (taken only for instances with no specific complaints) and instances are not healthy for Democracy. At one hand we see, immediate and strict action for the news reported on mal-administration and fair/unfair criticism. Other side no action even for fake and communal reporting and debates. These both approaches should not be welcomed.

This letter, therefore humbly prays this court to issues certain guidelines whereby the journalists must feel safe for true journalism and must have a fear for fake and communal journalism. The self-restrictions of press seem to be not working.

A complaint against journalists for what he has done as journalist is one thing and complaint against a person who is happened to be journalist is other thing. Well known journalist Mr. Arnav Gouswami's example is very much relevant here. Many FIR were registered against him when he had reported on Palghar lynching case. That was for what he had done as journalist. Another FIR was lodged against him by private individual for the offence under Section 306 of IPC was different one. The guidelines may address such issues too.

Your Lordship, the Press and Media is backbone of every Democracy and therefore protection of the press and journalists is very much necessary. Hence I request you to kindly frame certain guideline to protect the journalism and journalists from arbitrary action of the State. This Hon'ble Supreme Court laid down the procedure in case of

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Arnesh Kumar vs State of Bihar (2014) 8 SCC 273 about no automatic arrest. Such things may be applied/done to the journalist. Any reporting against the State Government or their administrative departments or any criticism on the State affairs may not call for any coercive action against the journalist. At the same time communal and fake news may be controlled through following a legal way.

This Hon'ble Supreme Court has always come to the rescue of the *Democracy, Secularism, Freedom, life and Personal liberty of an Individual*. In the absence of any legislation this Court has made laws and gave it to the nation.

When Criminal Procedure Code was lacking fair arrest procedure, this Court has given guidelines in *D K Basu vs State of West Bengal 1997 AIR SCW 233*.

When women of this country were unsafe on workplace this Court has given guidelines in *Vishakha vs State of Rajasthan AIR 1997 SC 3011*

When section 498-A of the Indian Penal Code was started misusing and unnecessary arrest of accused, this Court has given guidelines in *Arnesh Kumar vs State of Bihar (2014) 8 SCC 273* and protected accused from unnecessary arrests.

This Court has given guidelines about mandatory registration of FIR in case of *Lalita Kumari vs State of Uttar Pradesh (2014) 2 SCC 1*

This Court has issued guidelines to stop the fake encounter in case of *PUCL vs State of Maharashtra CDJ 2014 SC 831*.

Therefore, it's humble prayer to this Hon'ble Supreme Court that in order to protect the *DEMOCRACY, Personal Liberty and Professional Liberty* of journalists and journalism, this Hon'ble Court may frame some guidelines and protect the spirit and principles of our great Constitution.

Thanking You.

A Law Abiding Citizen

Vinod H Wagh