

एन-13011/5/2025-बीसी-II
भारत सरकार
सूचना और प्रसारण मंत्रालय
'ए' विंग, शास्त्री भवन, नई दिल्ली-110001

दिनांक: 21 मार्च, 2025

सेवा में,

1. सभी प्राइवेट सैटेलाइट टीवी चैनल
2. डिजिटल मीडिया पर समाचार और समसामयिक विषयों की सामग्री के प्रकाशक
3. प्रेस और पुस्तक पंजीकरण अधिनियम, 1867 के अंतर्गत पंजीकृत समाचार पत्र।

विषय: माननीय कर्नाटक उच्च न्यायालय द्वारा रिट याचिका संख्या 7582/2025 - श्रीमती रोहिणी एचपी बनाम भारत संघ, सूचना और प्रसारण मंत्रालय एवं अन्य में दिनांक 18.03.2025 को पारित आदेश।

अधोहस्ताक्षरी को माननीय कर्नाटक उच्च न्यायालय, बैंगलोर द्वारा रिट याचिका संख्या 7582/2025 - श्रीमती रोहिणी एचपी बनाम भारत संघ, सूचना और प्रसारण मंत्रालय एवं अन्य में दिनांक 18.03.2025 को पारित आदेश की प्रति संलग्न करने का निदेश है। कृपया सभी संबंधित माननीय न्यायालय के पूर्वोक्त आदेश एवं निदेशों का तत्काल आवश्यक अनुपालन सुनिश्चित करें।

संलग्न: यथोपरि।

-हस्ता/-

(अनुभव सिंह)
ओएसडी (बीसी)
टेलीफ़ोन: 23386394

प्रतिलिपि:

1. केबल टेलीविजन नेटवर्क (संशोधन) नियम, 2021 के तहत पंजीकृत टीवी चैनलों के स्व-विनियामक निकाय।
2. सूचना प्रौद्योगिकी (मध्यवर्ती दिशानिर्देश और डिजिटल मीडिया आचार संहिता) नियम, 2021 के अंतर्गत स्व-विनियामक निकाय।
3. प्रिंट और इलेक्ट्रॉनिक मीडिया के संघ/निकाय।
4. सचिव, भारतीय प्रेस परिषद।
5. डिजिटल मीडिया अनुभाग, सूचना और प्रसारण मंत्रालय, शास्त्री भवन, नई दिल्ली-01

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Status: Pending

Case Number: WP 7582/2025
(KAHC010176992025)

Classification: GM RES

Date of Filing: 14/03/2025 15:48:04

Petitioner: MRS. ROHINI. H. P.

Petitioner Advocate: MAHESH Y L

Respondent: UNION OF INDIA

Respondent Advocate: SHANTHI
BHUSHAN H

Filing No.: WP 8378/2025

Judge: M.NAGAPRASANNA

Last Posted For: FRESH MATTER/S

Last Date of Action: 17/03/2025

Last Action Taken: ADJOURNED

Next Hearing Date:

Daily Orders: WP 7582/2025

1	M.NAGAPRASANNA	<u>18/03/2025</u>
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Heard the learned senior counsel Sri Prabhuling K Navadgi and Sri Mahesh Y L, learned counsel, appearing for petitioner, learned Deputy Solicitor General of India Sri H Shanthi Bhushan representing respondent No.1 and Sri Madhu N Rao, learned counsel representing respondent No.2/the Directorate of Revenue Intelligence.

The petitioner, in the case at hand, is the mother of one Ranya Rao who is said to be investigated into certain allegations by the 2nd Respondent/Directorate of Revenue Intelligence. She is before the Court seeking a direction to lay down certain guidelines with regard to the publication by the electronic media, in particular when the accused is a lady.

The Learned Counsel Sri Mahesh Y L appearing for petitioner, taking this Court through the documents appended to the petition, would seek to demonstrate that the Civil Court has passed restraint orders against the media houses, restraining them from publication of any material that would touch upon the dignity of the petitioner, as any publication of the kind would be in violation of Article 21 of the Constitution of India. Despite the said order, it is the submission of the learned Counsel that the media houses are not encouraging restraint or not complying with the directions of the Civil Court. The learned counsel would submit that, in identical circumstances, the coordinate bench has directed the Union of India to communicate to the media houses that they should not violate the orders passed by the concerned Court.

The learned counsel Sri Mahesh Y L, appearing for petitioner places on record a communication to encourage restraint when Courts would pass certain orders. The communication reads as follows:

"Dated the 18th July, 2023

To.

1. All Private Satellite TV Channels
2. Publisher of news and current affairs content on digital media
3. Newspapers registered under Press and Registration of Books Act, 1867.

Subject: Hon'ble High Court of Delhi's Order dated 19.04.2023 passed in WP (Crl.) No. 1090 of 2023-State of NCT Delhi Vs. UOI & Ors. -reg.

I am directed to enclosed herewith a copy of Order dated 19.04.2023 passed by Hon'ble High Court of Delhi in WP (Crl.) No. 1090 of 2023-State of NCT Delhi Vs. UOI & Ors. The Media Houses may ensure necessary compliance to the aforesaid Order and directions of the Hon'ble Court.

Encls: as above.

Sd/-

(Vrunda Manohar Desai)

Director (BC)

Tel: 23386394."

This was in furtherance of a direction issued by the High Court of Delhi directing the Union of India to direct the media houses by appropriate orders from publishing, printing and disseminating confidential information contained in the charge sheet therein.

However, the issue in the lis is with regard to investigation. Information about the investigation is not disseminated by the media house, but the learned counsel submits, that the character of the accused in the DRI case is wrongly portrayed. The learned counsel, would therefore seek, identical orders to be passed as is passed by the coordinate bench of this Court.

The coordinate bench of this Court in W.P.No.24836 of 2024 concerning the accused therein, had passed the following orders:

09.09.2024

"The learned Additional Government Advocate accepts notice for the respondent No.2.

Sri Prabhulinga Navadgi, learned Senior Counsel representing the petitioner's counsel submits that the Bombay High Court in the case of Nilesh Navalakha & ors. -vs- Union of India - (2021) SCC OnLine Bom 56 has laid down the following guidelines:

"a. In relation to death by suicide, depicting the deceased as one having a weak character or intruding in any manner on the privacy of the deceased;

b. That causes prejudice to an ongoing inquiry/investigation:

i) Referring to the character of the accused/victim and creating an atmosphere of prejudice for both;

ii) Holding interviews with the victim, the witnesses and/or any of their family members and displaying it on screen;

iii) Analyzing versions of witnesses, whose evidence could be vital at the stage of trial;

iv) Publishing a confession allegedly made to a police officer by an accused and trying to make the public believe that the same is a piece of evidence which is admissible before a Court and there is no reason for the Court not to act upon it, without letting the public know the nitty-gritty of the Evidence Act, 1872;

v) Printing photographs of an accused and thereby facilitating his identification;

vi) Criticizing the investigative agency based on half-baked information without proper research;

vii) Pronouncing on the merits of the case, including pre-judging the guilt or innocence of an accused or an individual not yet wanted in a case, as the case may be;

viii) Recreating/reconstructing a crime scene and depicting how the accused committed the crime;

ix) Predicting the proposed/future course of action including steps that ought to be taken in a particular direction to complete the investigation; and

x) Leaking sensitive and confidential information from materials collected by the investigating agency;

c. Acting in any manner so as to violate the provisions of the programme Code as prescribed under section 5 of the CTVN Act read with rule 6 of the CTVN Rules and thereby inviting contempt of court; and

d. Indulging in character assassination of any individual and thereby mar his reputation."

However, the Electronic Media contrary to the guidelines are broadcasting on their respective channels adverse to the prejudice to the case of the petitioner - accused in Crime No.0250/2024. He further submits that in an identical circumstance, the Delhi High Court in the case State of NCT Delhi -vs- Union of India and ors. - (WP (Crl.) 1090/2023) has directed the respondent No.1-Union of India to pass appropriate orders to media agencies from publishing, printing and disseminating confidential information contained in the charge sheet and the other such material collected during the course of investigation in relation to the case FIR No.659/2022 and shall ensure that guidelines so issued be complied with.

Sri Aravind Kamath, learned Additional Solicitor General for the respondent No.1 submits that if complaint is filed, an appropriate action will be taken in accordance with law.

In the absence of complaint/representation, a direction as sought for by the petitioner cannot be issued.

List on 10.9.2024."

10.09.2024

"Learned counsel for the petitioner files a memo seeking impleadment of news channels/media houses/electronic media and other social platforms as co-respondents who are allegedly airing, printing and publishing the contents of the charge sheet in relation to Crime No.0250/2024 registered by the Kamakshipalya Police Station.

The memo is placed on record. Petitioner is permitted to implead the proposed respondents as respondents 3 to 40 and file the amended cause title.

Sri Prabhulinga Navadgi, learned Senior Counsel representing the petitioner's counsel submits that the Bombay High Court in the case of Nilesh Navalakha & ors. -vs- Union of India - (2021) SCC OnLine Bom 56 has restrained the press/media from printing/displaying any news item and/or initiating any discussion/debate/interview of the nature, as indicated hereunder:

"a. In relation to death by suicide, depicting the deceased as one having a weak character or intruding in any manner on the privacy of the deceased;

b. That causes prejudice to an ongoing inquiry/investigation:

i) Referring to the character of the accused/victim and creating an atmosphere of prejudice for both;

ii) Holding interviews with the victim, the witnesses and/or any of their family members and displaying it on screen;

iii) Analyzing versions of witnesses, whose evidence could be vital at the stage of trial;

iv) Publishing a confession allegedly made to a police officer by an accused and trying to make the public believe that the same is a piece of evidence which is admissible before a Court and there is no reason for the Court not to act upon it, without letting the public know the nitty-gritty of the Evidence Act, 1872;

v) Printing photographs of an accused and thereby facilitating his identification;

vi) Criticizing the investigative agency based on half-baked information without proper research;

vii) Pronouncing on the merits of the case, including pre-judging the guilt or innocence of an accused or an individual not yet wanted in a case, as the case may be;

viii) Recreating/reconstructing a crime scene and depicting how the accused committed the crime;

ix) Predicting the proposed/future course of action including steps that ought to be taken in a particular direction to complete the investigation; and

x) Leaking sensitive and confidential information from materials collected by the investigating agency;

c. Acting in any manner so as to violate the provisions of the programme Code as prescribed under section 5 of the CTVN Act read with rule 6 of the CTVN Rules and thereby inviting contempt of court; and

d. Indulging in character assassination of any individual and thereby mar his reputation."

However, the Electronic Media contrary to the guidelines are broadcasting on their respective channels prejudice to the case of the petitioner - accused in Crime No.0250/2024. He further submits that in an identical circumstance, the Delhi High Court in the case State of NCT Delhi -vs- Union of India and ors. - (WP (Crl.) 1090/2023) has directed the respondent No.1-Union of India to pass appropriate orders to media agencies from publishing, printing and disseminating confidential information contained in the charge sheet and the other such material collected during the course of investigation in relation to the case FIR No.659/2022 and shall ensure that guidelines so issued be complied with.

Learned Senior Counsel further submits that the wife of the petitioner had filed a suit in O.S.No.6082/2024 for permanent injunction against the media channels and the jurisdictional Civil Court by order dated 27.08.2024 restrained the defendants therein by way of ex-parte ad-interim temporary injunction order, from airing, printing, publishing any statement in relation to the investigation being undertaken by Kamakshipalya Police Station against Sri. Darshan Srinivas, who is arraigned as accused No.2 and from airing, printing, publishing any statement about the final reports, confessional statements and holding debate/discussion/interview on the final report pertaining to FIR No.0250/2024 pending adjudication before the XXIV ACMM Court, Bengaluru. Despite the ex-parte ad-interim order granted, the media channels continue to air, print, publish and disseminate the confidential information contained in the charge sheet in relation to the said crime.

The Hon'ble Supreme Court in the case of Sidhartha Vashisht Alias Manu Sharma vs. State (NCT of Delhi) - (2010) 6 SCC 1, has ruled that despite the significance of the print and electronic media in the present day, it is not only desirable but least that is expected of the persons at the helm of affairs in the field, to ensure that trial by media does not hamper fair investigation by the investigating agency and more importantly does not prejudice the right of defence of the accused in any manner whatsoever and it will amount to travesty of justice if either of these causes impediments in the accepted judicious and fair investigation and trial.

Clause (5) of the Cable Television Networks (Regulation) Act, 1995 states that no person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.

Rule 6 of the Cable Television Networks Rules, 1994 narrates the programme code and it states that, no programme should be carried in the cable service which:

(a) xxxxxxxx

(b) xxxxxxxx

(c) xxxxxxxx

(d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;

(e) xxxxxx

(f) Contains anything amounting to contempt of court;

(g) xxxxxxx

(h) xxxxxxx

(i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country ;

(j) xxxxxxx

(k) xxxxxxx

(l) xxxxxxx

(m) xxxxxxx

(n) xxxxxxx

(o) xxxxxxx

Following the order of the Division Bench of this Court in W.P.No.7026/2021, the Government of Karnataka has issued a Circular dated 11.08.2021, whereby the following directions have been issued to the police personnel of Karnataka who have been entrusted with the task of investigation of any crime:

"a) No police personnel shall brief and disclose to the print, electronic and social media about the nature of the investigation under progress, the materials collected during the investigation, before completion of the entire investigation and before acceptance of final report of the investigation by the competent jurisdictional courts.

b) No police personnel shall disclose and share the identity of the complainant and the accused in connection with the crime under investigation, to the print, electronic and social media until the completion of the investigation and before acceptance of final report of the investigation by the competent jurisdictional courts.

c) All police personnel in the State should strictly adhere to the guidelines issued through this Circular, in addition to the Circulars instructions that have been already issued by the DG&IGP has referred above.

d) Any lapses in this regard by any police personnel will be viewed seriously and it would attract immediate disciplinary action against such police personnel by the concerned disciplinary authority.

e) Any lapses in this regard will be considered as a serious misconduct on the part of concerned officer and in addition to disciplinary action against such officer, if warranted, criminal action may also be initiated against such officers.

f) However, the information relating to registration of FIR can be disseminated as per the direction of Hon'ble Supreme Court of India in WP.(CRL) No.68/2016 and in the light of section 41C of the CrPC. Except for the compliance of section 41C and directions of Hon'ble Supreme Court of India in WP.(CRL) No.68/2016, the instructions / directions issued in the present Circular would be applicable in full force and strict sense."

Sri Aravind Kamath, learned Additional Solicitor General for the respondent No.1 submits that if complaint is filed, an appropriate action will be taken in accordance with law.

Petitioner has established a prima facie case to grant an ex-parte interim order.

Accordingly, I pass the following:

ORDER

(i) Respondents 3 to 40 are hereby restrained from publishing, printing, airing and disseminating confidential information contained in the charge sheet in relation to Crime No. 0250/2024 registered by the Kamakshipalya Police Station, till the next date of hearing.

(ii) Respondent No.1 to communicate this order to respondents 3 to 40.

Needless to state that respondent No.1 to take appropriate action against respondents 3 to 40, if

they telecast, print, air or publish any statements in violation of the Cable Television Networks Rules, 1994.

Issue emergent notice to respondents 3 to 40.

The respondents in the case at hand, are the media houses. In the light of the order of the Civil Court, as also the direction of the Government of India to all the media houses, print and electronic, they are required to comply with the directions of the Courts that have granted injunctory orders against the print and media houses and encourage restraint.
Issue emergent notice to the respondents 3 to 34 returnable by the 8-04-2025.
List the matter on 08-04-2025.

Last Updated On: 2025-03-18 18:20:46

2	M.NAGAPRASANNA	<u>14/03/2025</u>
	<p>Heard the learned counsel for petitioner. The petitioner is before this Court seeking protection to the dignity of her daughter. The daughter is now accused in the proceedings of Directorate of Revenue Intelligence. The daughter – Harshavardini Ranya Rao is said to have approached the civil Court and has been granted an order of injunction injuncting the defendants therein from making any statement through print / electronic media and also not to publish anything against the daughter of the petitioner. Notwithstanding the same, it is now alleged that there have been defamatory statements made which would touch upon the dignity of the daughter of the petitioner or the life of her daughter. Therefore, till 17.03.2025, the order of the civil Court shall be adhered to. Further orders would be passed on the next date of hearing. List this matter on 17.03.2025, in the fresh matters list.</p> <p>Last Updated On: 2025-03-14 18:39:46</p>	