
(2003) 02 KAR CK 0109
In the Karnataka High Court
Case No : Writ Petition No. 3317 of 2003

X.M. Joseph

APPELLANT

Vs

Press Council of India

RESPONDENT

Date of Decision : 24-02-2003

Acts Referred:

Constitution of India, 1950 — Article 19 (2)
Press Council Act, 1978 — Section 13 (2) (b), 4, 5

Citation : (2003) 3 KCCR 1935

Hon'ble Judges : N.K. Jain, C.J.;V.G. Sabhahit, J

Bench : Division Bench

Advocate : Party in Person, for the Appellant;

Final Decision : Dismissed

Judgement

N.K. Jain, C.J.—One X.M. Joseph, the Petitioner party-in-person who is alleged to be a resident of India and a practising Advocate has filed this PIL Petition with the allegation that the Press is not correctly publishing some of the news items. Mr. Joseph submits that since November 2002, one after another some such information is being published in a casual and irresponsible manner, without verifying the genuineness and correctness of the information relating to misdemeanour. The Press is also carrying news items under caption "Another Scandal" alleging that another senior Judge who has also served in Mysore District is involved in objectionable activities. In this way, the Press is misusing its freedom and indulging in heavy mud slinging on the judiciary through various news items published across the country and even abroad. As such, the news items published without any authenticity and correctness, and such malicious rumours, are only diminishing the image of the judiciary and the system. The Petitioner has also placed some news paper cuttings. It is also stated that the Respondent is a statutory body created u/s 4 of the Press Council Act, 1978 and constituted in accordance with Section 5 of the Act, 1978 for the purposes of preserving the freedom of press. But, despite the allegations being found

incorrect, the Press Council has neither substantiated the authenticity while assassinating the character and conduct of the Judges nor taken any action, but has rather remained a silent spectator and failed in its duties to enforce the direction of law under Article 19(2) of the Constitution of India in spite of being vested with power of enforcement.

2. The Petitioner also submits that nobody is above rule of law, not even Judges. A Judge himself is subject to law and should abide by it so as to prove worthy of the confidence reposed by the public in him and the judicial system. He submits that though the Press is free to bring to the notice of the public the real fact, but the fact remains that the news items did not criticize the Judgment or the functioning of a Judge in the Court which can be shown and supported on the ground of freedom of press, but instead the character assassination against an individual and Judge was being published without disclosing the true facts. Mentioning the name of a Judge and subsequently also naming some other Judges, is nothing but tarnishing the image of the judiciary. The irresponsible act of the Press media is nothing but an attempt to malign the judiciary in the eyes of public. Such damaging statements scandalizing the institution itself cannot be published in the garb of freedom of press. He also submits that despite the observations made by this Court in the case of C. Dinakar v. State of Karnataka in W.P No. 42949 of 2001 disposed of on 12.4.2002 reported in ILR 2003 390, wherein copy of the order was directed to be sent to Press Council of India, the Respondent has not taken any action. Therefore, it is necessary to issue a direction to the Press Council of India to formulate a code of conduct as stipulated in Section 13(2)(b) of the Press Council Act, 1978. The Respondent may also be directed to ensure that all news items published by the various news papers and journals both local and national, carry a declaration that the news published was only their view and/or view of their respective correspondents.

3. We have heard Mr. X.M. Joseph, the Petitioner party-in-person and perused the material on record.

4. In the instant case, Mr. Joseph, the party-in-person has not been able to show that before seeking mandamus he has made any representation and brought the same to the notice of the Respondent-Press Council of India. In absence of any notice issued by the Petitioner party-in-person, before approaching this Court, it will not be appropriate for this Court to issue notice and to grant relief as prayed for, though this Court, in an appropriate case, can issue directions if there is gross violation of fundamental right or if the issue touches the conscience of the Court and the issue is not politically motivated and does not involve personal gain or publicity.

Under the circumstances, no direction can be issued. This PIL Petition is dismissed at this stage. However, the Petitioner is free to make a representation to the Press Council of India. It is expected that the Press Council will consider the same in accordance with law. A copy of this order may be sent to the Press Council of India.