

**IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)**

I.A No. OF 2021

IN

SUO MOTU WRIT PETITION (C) NO. 3 OF 2021

IN THE MATTER OF:

IN RE : DISTRIBUTION OF ESSENTIAL SUPPLIES AND
SERVICES DURING PANDEMIC

AND

IN THE MATTER OF:

DR. KOTA NEELIMA

..... APPLICANT/

INTERVENER

AN APPLICATION FOR INTERVENTION

1. That the present Application is being filed by the Applicant seeking leave of this Hon'ble Court to intervene in the aforesaid Suo Motu Writ Petition (Civil) No. 3 of 2021.
2. That this Hon'ble Court took suo moto cognizance of the issue of the supply of oxygen, supply of essential drugs and method and manner of vaccination among other issues during the unprecedented time of the pandemic.

3. That the Applicant herein is the Director of the Institute of Perception Studies and its media initiative, Rate the Debate. The said Institute has collected and verified data of journalists and media persons who have died in India from Covid-19. The data has been collected on the basis of verified and unverified deaths since April 2020. The Applicant, through the abovementioned data, wishes to highlight the situation of journalists and media persons during this pandemic and seeks necessary directions from this Hon'ble Court to ensure proper and adequate Covid treatment to them and to their families, *inter alia*.
4. That the Institute of Perception Studies is a Delhi based Non-Profit Organization which researches the role of perception in electoral democracies and interventions that can mainstream peripheries through study of rural and urban distress and reforms. Rate The Debate, an initiative under Institute of Perception Studies has developed the first and only content rating system for Indian Media. Since April 2020, the Institute has been conducting research into the deaths of journalists due

to Covid-19 and found stark data on the lack of medical facilities for journalists who have been working tirelessly through the entire pandemic as frontline workers, without being recognized as such. Journalists and media persons, in the absence of any institutional support, succumb to the virus leaving behind deprived families.

5. That there have been 253 deaths of journalists due to Covid-19 which have been verified and 93 death which are unverified between 1st April 2020 to 19th May 2021. The said list is not exhaustive. On an average, 4 deaths of journalists have taken place between 1st April 2020 to 19th May 2021. The data suggests that 34% of the death have occurred in the metro cities whereas 66% of the deaths have occurred in the smaller cities. Moreover, the data also reveals that 54% of the deaths of the media persons have happened in print media and the greatest number of deaths have occurred in the age group of 41-50 years. True copy of the data published on the website of the Institute of Perception Studies & Rate the Debate is

annexed herewith and marked as **ANNEXURE A-1**. (Pg to).

6. That a list of names of the journalists who died of Covid-19 in the line of duty has been made based on the research and verification made by the said Institute. A true copy of the list of the names of journalists who have died of Covid-19 is annexed herewith and marked as **ANNEXURE A-2**. (Pg to)

7. That a letter was written by the Applicant to the Hon'ble Minister of Health and Family Welfare regarding the death of media persons due to Covid-19 and also regarding the request of the media persons regarding vaccination and for them to be considered as 'Frontline Worker'. The Central government still has not declared them as frontline workers whereas few state governments have designated them as frontline workers for vaccine prioritization only. True copy of the letter dated 18.04.2021 written to the Minister of Health and Family Welfare is annexed herewith and marked as **ANNEXURE A-3**. (Pg to)

8. That a letter was written by the Applicant to the Chief Ministers, Lt. Governors and Administrator of all the states and Union Territories of India regarding the death of media persons and suggestions were given as to meet the operational challenges and logistical requirement. True copy of the letter dated 14.05.2021 written to the Chief Ministers of all the states of India is annexed herewith and marked as **ANNEXURE A-4.** (Pg to)
9. That the central government launched *Special Drive under Journalist Welfare Scheme* (JWS) to help the immediate families of those media journalists who have died due to Covid-19. According to the guidelines provided, accreditation details of the journalist have to be provided including the card number, validity and media organization (or freelance) on behalf of which the accreditation has been provided. A true copy of the screen shot of the guidelines under the JWS scheme online application is available on the website of Press Information Bureau is annexed herewith and marked as **ANNEXURE A-5.** (Pg to)

10. That point 3 (ii) (a) and (b) of the guidelines for Journalists Welfare Scheme (JWS) provided by the Ministry of Information & Broadcasting states that a “media personnel” will not include persons employed at managerial level or in a supervisory capacity. This leaves a large number of persons including unaccredited journalists, technical, managerial and supervisory staff employed with media organizations along with unaccredited freelance journalists and stringers who are deprived of any relief or benefits under the scheme. A true copy of the guidelines for Journalists Welfare Scheme (JWS) provided by the Ministry of Information & Broadcasting is annexed herewith and marked as **ANNEXURE A-6**. (Pg to)

11. That the requirement of accreditation, which is a prerequisite to obtain benefits under the scheme, has proved to be the largest obstacle for the journalists to avail the same. Accreditation is the process whereby the news media representatives are recognized by the Government for purposes of access to sources of information in the

Government and also to news materials, written or pictorial, released by the Press Information Bureau and/or other agencies of the Government of India (Rule 4.8 of the Guidelines for Grant of Accreditation to News Media Representatives at the Headquarters of the Government of India and the Norms for the Constitution of Central Press Accreditation Committee). True copy of the Guidelines is annexed herewith and marked as **ANNEXURE A-7** (Pg to)

12. Moreover, there are journalists who are working with the same organization, one being accredited, and another being non-accredited at the same post or same designation and are performing the same duties. The mere non-accreditation which is only a recognition provided by the Government for purposes of access to sources of information, he/she will not be covered under the scheme. Thus, it has no parity and is violative of Article-14 of the Constitution of India.

13. That as per Rule 6.1 of the Guidelines, the eligibility conditions for correspondents/camerapersons have been

provided which states “minimum 15 years professional experience as a full-time working journalist” among other things. Thus, it leaves a large number of journalists who will be not be given any benefits after dying in the line of duty due to Covid-19.

14. That As per Rule 6.2 of the Guidelines, “accreditation is granted only to those representatives who reside at Delhi or its periphery”. This definition, thus, leaves out a large number of journalists who live outside these areas and report about Delhi, thereby, preventing them from getting accredited and availing benefits of the scheme. The requirement of accreditation, therefore, should not be considered as an eligibility criterion while extending the benefits with respect to Covid-19 and non-accredited journalists should be accorded equal protection.

15. That this scheme only covers those journalists who are accredited to Press Information Bureau of India. There are no Central Government schemes, apart from schemes of few State Governments, which only cover journalists accredited

by the states, which leaves all the non-accredited journalists including freelancers and stringers and those working in various states and rural areas where a greater number of deaths have happened due to Covid-19.

16. That the Applicant conducted a survey of 70 journalists/media persons who died of Covid-19 and found out that 4 out of 70 (6%) media persons were accredited to Press Information Bureau. 26 out of 70 (37%) were accredited to the State Government and 40 out of 70 (57%) were without accreditation. This data gives a stark reality about the journalists who are not accredited by central or state government and they constitute a large portion. Thus, these non-accredited journalists and their families will suffer due to a mere technicality which can be removed by the Governments considering the unprecedented time during the crisis of the pandemic. True copy of the data collected by the Institute of Perception Studies & Rate the Debate related to accreditation and non-accreditation of journalists is annexed herewith and marked as **ANNEXURE A-8** (Pg to)

17. That the mere technical difference between the accredited and non-accredited journalists/media person with respect to compensation and other benefits being provided by both the central and the state governments is violative of Article 14 of the Constitution of India.
18. That amidst the ex-gratia amount being decided by the state/central government, a minimum amount may be fixed below which the governments cannot offer so that there is a parity among all the states. The recent example being Rajasthan government who will now provide Rs. 50 lakhs to the accredited journalists if they die due to Covid-19 (no policy for non-accredited journalists) in the state whereas Telangana is only providing Rs 2 lakh for the same. A true typed copy of the Government Order of the State of Rajasthan dated 25.03.2021 is annexed herewith and marked as **ANNEXURE A-9** (Pg to)
19. That State of Odisha also declared the journalists to be frontline workers and has provided ex-gratia of Rs. 15 lakhs to the next of kin of journalists who died of Covid-19 while

performing duty. It does not specify whether the compensation is being provided all the journalists or only accredited ones.

20. That the state of Madhya Pradesh announced recently that the it will provide free medical treatment to both accredited and non-accredited journalists/media persons if they have been infected with Covid-19 and to their family members.

21. That the above stated examples give more reasons as to why we need a comprehensive policy regarding the same which may be followed by all the states and Union Territories and the central government.

22. That the Applicant seeks to intervene as this Hon'ble Court will have a direct bearing and impact on the lives of the journalists who are still reeling under the pandemic and all the other lives which have been lost in the process of providing every little information to the public and to the government which has helped and is helping the government to take action where ever necessary. The Applicant is seeking to intervene

to put forth a representation necessary for the analysis of the aforesaid facts and data.

23. That it would be in the interest of justice that the Applicant may be permitted to intervene in the aforesaid suo motu Writ Petition so that she may be able to provide assistance to this Hon'ble Court in dealing with the issue at hand.

24. That the Applicant prays for the leave of this Hon'ble Court to make additional submission during the course of hearing, if so required and if so, permitted by this Hon'ble Court.

25. That this Application is bonafide and in the interest of justice.

PRAYER

In view of the facts and circumstances stated above, it is humbly prayed that this Hon'ble Court would graciously be pleased to:

(a) Allow the applicant to intervene in the aforesaid Suo Motu Writ Petition (C) No. 3 of 2021 and;

(b) Allow the Applicant to adduce arguments and make additional submissions during the course of hearing and;

(c) Pass any such order(s) as this Hon'ble Court me deem fit
and proper.

AND FOR THIS ACT OF KINDNESS, YOUR
APPLICANT AS INDUTY BOUND SHALL EVER
PRAY.

Settled by:

Salman Khurshid
Snr. Adv

Filed By

Lubna Naaz

Advocate for the Intervenor

Filed on: .05.2021

New Delhi

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AN APPLICATION SEEKING DIRECTIONS

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF

THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION

OF THE APPLICANT ABOVENAMED:

MOST RESPECTFULLY SHOWETH:

1. That the instant Application for intervention has been filed wherein the Applicant seeks intervention of this Hon'ble Court with respect to the deaths of the journalists/media persons due to Covid-19 and inter alia seek the indulgence of this Hon'ble Court to analyze the facts and data put forth for the relief which may be provided to the journalists and their families.
2. That the contents of the aforesaid Application may be read as a part of the present application for the sake of brevity.
3. That the Applicant seeks the leave of this Hon'ble Court to refer and to rely upon the contents of the accompanying application.
4. That there have been 253 deaths of journalists due to Covid-19 which have been verified and 93 death which are unverified between April 2020 to May 2021. The said list is not exhaustive. The data suggests that 34% of the death have occurred in the metro cities whereas 66% of the deaths have occurred in the smaller cities. Moreover, the data also reveals that 54% of the death of the media persons has happened in

print media and the greatest number of deaths have occurred in the age group of 41-50 years.

5. That in the light of the aforesaid facts and relying on the accompanying Application, the present Applicant is preferring the instant Application seeking direction of this Hon'ble Court to direct the government for free treatment of journalists in private as well as government hospitals in this unprecedented time of pandemic.
6. That it is submitted that the government may be directed to provide compensatory support to the immediate families of journalist in the form of ex-gratia or employment support.
7. That it is humbly submitted that the journalists may be provided a walk-in-registration and vaccination and that it won't be mandatory for them to register on CoWIN.
8. That the government may be directed that differentiation between the accredited and non-accredited journalists, employed and freelance, rural and urban, technicians and assistance be removed for the purpose of all the schemes being provided so that it is more inclusive.

9. That this Hon'ble Court may from a comprehensive guideline which may be followed by all the states and Union territories and the central government.

10. That the application has been made bona fides and in the interest of justice.

PRAYER

In view of the facts and circumstances stated above, it is humbly prayed that this Hon'ble Court would graciously be pleased to:

(a) recognize all the journalists and media persons as 'frontline warriors' so that they can avail the benefits being extended to all such workers; and/or

(b) formulate a comprehensive guideline with respect to the medical facilities and related benefits for Covid-19 pandemic to be extended to the journalists/media persons (accredited and non-accredited) to be implemented by all the States and the Union Territories in a uniform manner; and/or

- (c) direct the government for free treatment of journalists in private as well as government hospitals in this unprecedented time of pandemic and the reimbursement of their bills; and/or
- (d) direct the government to provide compensatory support to the immediate families of journalist in the form of ex-gratia or employment support; and/or
- (e) fix a minimum amount to be given as compensation to maintain a parity among states; and/or
- (f) direct the government provide journalists with a walk-in-registration and vaccination making it non-mandatory for them to register on CoWIN; and/or
- (g) direct the government to not consider the differentiation between the accredited and non-accredited journalists, employed and free-lance, rural and urban, technicians and assistance be removed for the purpose of all the schemes being provided so that it is more inclusive and/or;
- (h) direct the government to include editorial staff, photographers, videographers, cameramen, technician,

technical staff and all assistants in the definition of
'journalists and media persons'; and/or

(i) Pass any such order(s) as this Hon'ble Court me deem fit
and proper.

AND FOR THIS ACT OF KINDNESS, YOUR
APPLICANT AS INDUTY BOUND SHALL EVER
PRAY.

Settled by:

Salman Khurshid
Snr. Adv

Filed By

Lubna Naaz

Advocate for the Intervenors

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New Delhi