

PRESS COUNCIL OF INDIA

Compendium of Adjudications
(April 1, 2011 - March 31, 2012)

New Delhi

Printed at : Bengal Offset Works, 335, Khajoor Road, Karol Bagh, New Delhi-110 005

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PREFACE

While freedom of press is a right to be cherished at all costs, the most vociferous advocates of this right have to also unequivocally advocate the balancing of the right with the duty to report facts, clear and distinct from opinions and free from all biases and pre-conceived notions. For the Press Council the most potent instrument of furthering this cause is the medium of its adjudications on the complaints brought before it.

On the basis of its adjudications and other pronouncements the Council has built up a code of journalistic ethics to lead and guide the journalists along the path of ethical rectitude. Though these codes have emerged out of cases relating to print media, the fundamental principles evolved in the process are as equally relevant to the broadcast media.

The adjudications of the Council in 2011-2012 have been comprehensively covered in this Compendium which I hope and trust the readers will find of great relevance and interest.

Markandey Katju
Chairman
Press Council of India

Index of Adjudications of the Council for the Period April 1, 2011 – March 31, 2012

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43.	Complaint of Admiral Arun Prakash (Retd.), Goa against the Editor, Outlook Magazine, New Delhi.	„
44.	Complaint of Ms. Rita Sen, Principal, Delhi Public School, Delhi against the Editor, The Economic Times, New Delhi.	„
45.	Complaint of Shri Devi Ram, Rohtak, Haryana against the Editor, Dainik Jagran, Rohtak, Haryana	„
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Sl. No.	Parties	Date of Decision
51.	Complaint of Dr. Vinod Kumar Rai, Chairman & Managing Director, R.R. Memorial Surgical Centre Pvt. Ltd., Sonebhadra, U.P. against the Editor, Namantar, Hindi monthly, Lucknow, U.P.	November 17, 2011
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53.	Complaint of Mohd. Moteen Khan, Additional Session Judge, Fast Track Court - II, Shrawasti, Uttar Pradesh against the Editor, Dainik Hindustan.	„
54.	Complaint of Shri Brahm Kumar Trimurti, Manager, Khadi Karamchari/Shramik Kalyan Samiti, Ambedkarnagar, Uttar Pradesh against the Editor, Janmorcha, U.P.	„
55.	Complaint of Shri Suman Dhagra, Chairman, Shri Digamber Jain Panchayat Mandir, Beawar, Rajasthan against the Editor, Dictator, Beawar, Rajasthan.	„
56.	Complaint of Shri P.P. Kapoor, Haryana State Convener, Labour Union, District Panipat, Haryana against the Editor, Dainik Bhaskar, Panipat, Haryana.	„
57.	Complaint of Shri R.D. Rahi, Executive Engineer, Public Works Department, Government of Uttar Pradesh, Hardoi against the Editor, Dainik Aaj.	„
58.	Complaint of Shri Satyendra Veer Singh, Superintendent of Police, Sultanpur, Uttar Pradesh against the Editor, Dainik Jagran, Sultanpur, Uttar Pradesh.	„
59.	Complaints of Shri G.N.K. Tomar, Chief General Director, All India Bank Recovery Rapid Action Force, Noida against the Editors, Dainik Jagran and Amar Ujala, New Delhi.	„
60.	Complaint of Shri Sandeep Kumar Verma, Chief Train Tickets Examiner, Haridwar Railway Station, Haridwar, Uttrakhand against the Editor, Dainik Jagran, Muradabad, Uttar Pradesh.	„

Sl. No.	Parties	Date of Decision
61.	Complaint of Dr. Ram Sharma, Lecturer, Meerut Cannt, Uttar Pradesh against the Editor, Amar Ujala, Meerut Cantt, U.P.	November 17, 2011
62.	Complaint of Shri Abhiram Das, Balasore, Orissa against the Editor, Odisha Khabar, Balasore, Orissa.	„
63.	Complaint of Shri Vinod Kumar Sharma, Deputy Superintendent of Education-cum-Regional Education Officer, Banipur, Darbhanga, Bihar against the Editor, Hindustan, Muzaffarnagar, Bihar.	March 27, 2012
64.	Complaint of Shri S. Kamaraju, Taluk & District – Parambalur, Tamil Nadu, against the Editor, Vilmurasu Monthly Magazine, Chennai, Tamil Nadu.	„
65.	Complaints of Kumari Neelam Gupta, Aligarh against the Editors (i) Akinchan Bharat (ii) Dainik Hindustan.	„
66.	Complaint of Shri M.S. Bitta, Chairman, All India Anti – Terrorist Front, New Delhi against Shri Viresh Shandilya, Chief Editor, Dainik Jyotikan, Ambala.	„
67.	Complaint of Shri Om Parkash, Under Secretary to the Government of India, Ministry of Chemicals & Fertilizers, Department of Pharmaceuticals, National Pharmaceutical Pricing Authority, New Delhi against the Editor, Medicare News Fortnightly, Rohtak, Haryana.	„
68.	Complaint of Shri Lakshmi Vardhan Sharma, Moradabad, Uttar Pradesh against the Editor, Amar Ujala, Uttar Pradesh.	„
69.	Complaint of Shri Navin H. Pandya, Malad East, Mumbai against the Editor, The Economic Times, Mumbai.	„
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71.	Complaint of Shri Nilotpai Basu, Member, Communist Party of India, New Delhi against the Editor, The Economics Times, New Delhi.	„

Sl. No.	Parties	Date of Decision
72.	Complaint of Shri Diwan Singh, Election Agent, Bhiwani, Haryana against the Editor, Abhi – Abhi, Hisar, Haryana.	March 27, 2012
73.	Complaint of Shri Jagdish Verma, Private Secretary to the Minister of Education, Government of Himachal Pradesh, District Shimla against the Editor, Dainik Bhaskar, Shimla, Himachal Pradesh.	„
74.	Complaint of Shri Anil Dawra, IPS, Additional Director General of Police, (CID), Chandigarh against the Editor, The Times of India, Chandigarh.	„
75.	Complaint of Shri R. Sathasivam, Madurai, Tamil Nadu against the Editor, Dinamalar, Madurai, Tamil Nadu.	„
76.	Complaint of Smt. K. Jayalakshmi, District – Karur, Tamil Nadu against the Editor, Kumudam Reporter, Magazine, Chennai.	„
77.	Complaint of Shri H.N. Krishnamurthy, Tudki Village, Shimoga, Karnataka against the Editor, Varadi Shimoga, Karnataka.	„
78.	Complaint of Shri H.M. Mahabala Bhatt, Thirthahalli, Shimoga District Karnataka against the Editor, Vidhatha, Thirthalalli, District Shimoga, Karnataka.	„
79.	Complaint of Shri M.G. Yathish, General Secretary, Karnataka State Pollution Control Board, Technical Officers Associations (Regd.), Bangaluru, against the Editor, Parisara Malinya, Bangaluru, Karnataka.	„
80.	Complaint of Shri M. Lakshmana, Convenor, Association of Concerned and Informed Citizens of Mysore against the Editor, Srinath Patrike, Kannada Fortnightly, Mysore.	„
81.	Complaint of Shri Abdul Kalam Azad, National Gold Palace, Shimoga District, Karnataka against the Editor, Lakshmeesha Patrike, Kannada Weekly, Karnataka.	„
82.	Complaint of Dr. G. N. Shivanna Reddy, District Health Officer & F.W. Officer, Karwar, (Uttra Kannada) Karnataka against the Editor, Karavali Munjavu, Karwar, Karnataka.	„

Sl. No.	Parties	Date of Decision
83.	Complaints of Nithyananda Dhyanapectam, Bangaluru against the Editors, (i) The New Indian Express, Bangaluru, (ii) Mid Day, Bangaluru, (iii) Deccan Herald, Bangaluru, Karnataka, (iv) "DNA" Bangalore, (v) Dainik Jagran, Kanpur, Uttar Pradesh.	March 27, 2012
84.	Complaint of Shri K. Sudhakar, District Panchayat Officer, Kakinada, Andhra Pradesh against the Editor, Varadhi Daily, Kakinada, Andhra Pradesh.	„
85.	Complaints of Dr. P. Subba Reddy, Tirupati, Andhra Pradesh against the Editors, (i) Eenadu (ii) Sakshi, Hyderabad, Andhra Pradesh.	„
86.	Complaints of S/Shri Krishna Rao Patro, Reddy Sasi Bhaskar, District Srikakulam, Andhra Pradesh against the Editors, (i) Andhra Bhoomi, (ii) Andhra Jyothi, (iii) Sakshi, Vishakhapatnam.	„
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87.	Complaint of Shri Jayanta Deka and others, (Advocates), Mangaldai, District Court, Assam against the Editor, Asomiya Pratidin, Guwahati, Assam.	November 17, 2011
88.	Complaint of Smt. Suprita S. Amin, Principal, MICE, Udupi (through The Deputy Commissioner of Udupi, Government of Karnataka) Karnataka against the Editor, India Today, New Delhi.	March 27, 2012
Anti-National Writings		
89.	Complaint of Col. Sanjay Dikshit, Northern Command GS (IW) against the Editor, Greater Kashmir, Srinagar.	November 17, 2011
90.	Complaint of Shri D. Venkatesan, Chennai against the Editor, Outlook, Safdarjung Enclave, New Delhi.	March 27, 2012

Adjudications of the Council

Harassment of Newsmen

- 1) **Shri Satish Bhatia**
District Correspondent
Rashtriya Sahara
Sonebhadra
Uttar Pradesh
- Versus*
- The Chief Secretary**
Government of Uttar Pradesh
Lucknow, U.P.
- The Secretary**
Home (Police) Department
Government of Uttar Pradesh
Lucknow, U.P.
- The Superintendent of Police**
Sonebhadra, Uttar Pradesh

ADJUDICATION

Facts

This complaint dated 13.9.2007 has been filed by Shri Satish Bhatia, District Correspondent, Rashtriya Sahara, Sonebhadra, U.P. against Shri Bashir Began alleged anti-social element for threatening him and his family members. The complainant has submitted that he was compiling report on illegal mining being done by the son of Shri Bashir Beg, namely, Shri Dara Sikoh. The complainant submitted that he had acted on a complaint dated 12.9.2007 of one Shri Bhupender Bahadur Singh to District Magistrate, Sonebhadra about the said illegal mining by the respondent family. *Vide* letter dated 10.11.2007, the complainant cited news reports about his crusade against illegal mining published during 2007.

The complainant has alleged that on 12.9.2007, when he was returning home from mine site after collecting information about the said illegal mining by the respondent family, an unknown person came and threatened him with dire consequences. An attempt was made to frame him in false and fabricated case No. 494/07 under Section 307 IPC in order to pressurise him to stop exposing the illegal activities causing loss to the State government, alleged the complainant.

The Superintendent of Police, Sonebhadra in his comments dated 23.1.2008 has submitted that one Smt. M. Beg filed an FIR on 12.9.2007 against the complainant, Shri Satish Bhatia and his son, Shri Neeraj Bhatia charging both of them for gunshot at her car. A case No. 494/07 under Section 307 IPC was registered against the complainant and his son but the inquiry in the matter found that the father-son duo committed no such crime and the case was filed.

The complainant in his counter comments dated 5.9.2010 has submitted that even after finding out the case against him was false, the respondent authorities did not care to take any action against Smt. M. Beg. He has desired action under Section 182 IPC so that no journalist be harassed or victimized by filing false cases against them.

Report

The matter came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. The Inquiry Committee noted that complainant was not present. On the other hand, the representative of the police authorities Shri Ram Bachan Yadav, Sub-Inspector, Sonebhadra, filed a report dated 15.8.2011 of Superintendent of Police, Sonebhadra informing that case no. 494/07 under Section 307 IPC was filed being false, the police had initiated action against the informer under Section 182-IPC for giving false complaint to the police and the same is pending in the court of Additional Civil Judge, Judiciary Robertsganj, Sonebhadra.

The Inquiry Committee in view of the report filed by Superintendent of Police, Sonebhadra opined that the police authorities acted on a *bonafide* manner and taken remedial action under Section 182 IPC against the informer. It also opined that the ATR filed by the police may mitigate the grievance of the complainant, who appears to be satisfied and not pursued the matter with the Council. It therefore recommended to the Council to dispose off the complaint being infructuous.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

2) **Shri Awdesh Singh Patel**
Correspondent
Amar Ujala
Banda, Uttar Pradesh

The Chief Secretary
Government of Uttar Pradesh
Lucknow

Versus **The Secretary**
Home (Police) Department
Government of Uttar Pradesh
Lucknow

Senior Superintendent of Police
Banda, Uttar Pradesh

Station House Officer
Police Station, Marka
Banda, Uttar Pradesh

ADJUDICATION

Facts

This complaint dated 13.5.2008 has been filed by Shri Awdesh Singh Patel, Correspondent, Amar Ujala, Banda, Uttar Pradesh against the police authorities for allegedly hatching conspiracy against him by filing a false criminal (rape) case against him. According to the complainant, he had highlighted the extortion activities and irregularities of Shri Jogeshwar Prasad, the Revenue Collector (Amin) who got annoyed and started harassing him in connivance with the police, by filing the very first case under SC/ST Act on 27.7.2006. An inquiry was conducted in the matter and he was declared innocent in the final report. The complainant further alleged that one Smt. Lalita Devi, under the pressure of the Amin, Shri Jogeshwar Prasad and Shri Ram Naresh Dinkar, brother of an ex-minister, BSP, lodged a false FIR on 9.5.2008 of rape case at Marka Police Station against him and seven other people and the complainant was shown as fifth accused in the FIR.

A group of journalists from Baberu (Banda) in a Memorandum dated 13.5.2008 alleged that while the complainant Shri Awdesh Singh Patel was at Police Station, Marka doing news coverage on 7.5.2008 about cow slaughter incident, there was a quarrel between two parties, and the Munshi was to make a statement that their dispute was settled. On the request of the Munshi, the complainant signed settlement statement. After two days, the police implicated the complainant along with seven other people in false rape case. The journalists threatened to hold dharna if the false case is not taken back against the journalist.

Comments of the respondent government of Uttar Pradesh and police authorities were called on 17.7.2008. The respondent Station House Officer, Marka, Banda in his comments dated 2.2.2010 has submitted that a rape case No. 59/08 was filed under Sections 363, 366, 368, 376 IPC by Smt. Lalita Devi against seven persons but no case was filed against the complainant. The Superintendent of Police, Banda in his comments dated 17.3.2010 has submitted that the matter was inquired by the concerned Station House Officer and its report dated 8.3.2010 found that the complainant's name was mistakenly included in the complaint of Smt. Lalita Devi, which is still pending in a court of law.

The complainant in his counter comments dated 20.11.2010 expressed his dissatisfaction over the alleged involvement of his name in the rape case of Smt. Lalita Devi, even though his name was mentioned mistakenly. While the alleged victim was an illiterate, how came she mentioned his name in the FIR, questioned the complainant. Thus still his grudge was against the police authorities for implicating him in false case as a pressure measure for exposing the irregularities committed by the Amin.

Arguments

The matter came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. The complainant submitted before the Committee that he was highlighting irregularities of Amin, and as a reprisal measure he was falsely implicated in SC/ST and rape cases in connivance with the police. The complainant further submitted that Amin was after him for about five-six years and finding opportunity to entangle the complainant in false cases and started harassing with his grown confidence. The complainant also stated that he was harassed due to acts of police for their deliberate mistake of including his name in the FIR and his complaint also stands against the police authorities for implicating him in false cases as a pressure measure for exposing irregularities committed by Amin.

Shri Abdul Jwar, SI entered appearance before the Inquiry Committee and reiterated on the comments already filed by the respondents.

Report

The Inquiry Committee on a careful perusal of the record noted that a *prima facie* case of harassing the complainant and indulgence of police authorities in falsely implicating the complainant was made out. The respondent authorities despite admitting the mistake of wrong mentioning of the complainant's name in the FIR, had not initiated any action against the erring officials. The Inquiry Committee thus opined that a direction to Director General of Police, Uttar Pradesh was necessary for inquiring into the allegation of false implication of the

complainant and taking appropriate action against the official responsible for causing harassment to the complainant. The Inquiry Committee directed the Director General of Police, Uttar Pradesh to initiate action against guilty person and file Action Taken Report. It recommended to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

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| <p>3) General Secretary
U.T. Journalist Union
Daman</p> <p>Shri Satish Sharma
Managing Editor
Savera India Times
Nani Daman. (Sangh
Pradesh)</p> | <p><i>Versus</i></p> | <p>1. The U.T. Administration
Union Territory of Daman
Diu and Nagar Haveli</p> <p>2. Police Authorities
Daman</p> |
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ADJUDICATION

Facts

In a fax complaint dated 21.1.2009, the General Secretary, U.T. Journalist Union, Daman intimated the Council about registration of an allegedly false case against the editor, Savera Times due to publication of critical news items exposing the activities of police. This was followed by a complaint dated 27.5.2009 filed by Shri Satish Sharma, Managing Editor, Savera India Times, Nani Daman against the police authorities for allegedly harassing him by filing false cases against him due to publication of critical news items as a reprisal measure. He submitted that he had published certain critical news items exposing the misdeeds of the police authorities, especially the Chief of Police, Shri R.P. Meena. Annoyed with the publication, Shri Meena ordered his subordinate to lodge false cases against the complainant so that he could not publish critical news in future. According to the complainant, a former employee of his newspaper, Shri Jitendra Singh Shekhawat, before he was removed from his service due to his habitual drinking habit, had sought information under the RTI Act 2005 regarding CBI inquiry against the respondent police chief Shri Meena. The complainant has alleged that enraged by the removal, Shri Shekhawat took side with the police officer and in connivance, the respondent Shri Meena registered a false case, through Shri Shekhawat, before the Police Station, Daman under Sections 504/506(ii)-IPC.

According to the complainant, he accompanied by two others visited the residence of Shri Shekhawat and served an eviction notice on Shri Shekhawat to vacate the company owned residence quarter but he refused to receive it and instead filed a false complaint against the complainant alleging threat to kill and showing pistol. The complainant has alleged that false case was registered against him to curtail his freedom. The complainant requested to take necessary action in the matter.

The General Secretary, U.T. Journalists Union in his complaint dated 21.1.2009, also urged the Council to take action against the respondent police authorities for registering allegedly false cases against the complainant editor, Savera India Times due to publication of critical news item exposing the illegal activities of the police.

1. Comments of Police Authorities

In response to the notice for statement in reply dated 13.7.2009, the SHO of Daman Police Station, Nani Daman in his comments dated 10.08.2009 has submitted that on 17.1.2009 at 18.45 hrs one Shri Jitender Singh Shekawat filed a written complaint at the police station alleging that between 0600 to 0630 hours, on that day the accused Satish Bhawarilal Sharma, Local Editor, Savera India Times abused him in filthy language and threatened to assault and to kill him. Therefore, an offence *vide* Nani Daman Police Station Cr. No. 15/09 under Sections 504-506 (ii) IPC was registered against the accused and at present the case is pending investigation. At no point of time, has the investigating officer/agency, the police authority took any action so as to curtail the freedom of press against the complainant, Shri Satish Sharma, Managing Editor of Savera India Times which is evident from the fact that he published matter against the police after the registration of the case stated the respondent. The respondent furnished a collection of the news clippings published by the complainant, Shri Satish Sharma in his newspaper Savera India Times in its issues dated 6.3.2009, 1.5.2009, 29.5.2009, 20.6.2009 23.6.2009, 2.7.2009, and 15.7.2009 against the police after the registration of the FIR No. 15/09 at Nani Daman Police Station as documentary evidence. Shri Satish Sharma, has registered cases against him in other police stations also after the registration of the abovementioned cases, which supports the fact that Nani Daman Police Station has not been prejudiced or biased against him in any respect, details of which are as follows:

- (1) FIR No. 31/09 under Sections 384, 506 IPC at Diu Police Station on the complaint of Dr. Pushpasen B. Kapadia against the accused Arun Pandiya and Satish Sharma for attempting to commit extortion and threatening the complainant with dire consequences and;
- (2) FIR No. 11/09 under Sections 186, 506 IPC at Coastal Police Station on the complaint of Shri V.P. Singh, Managing Director, DIC Daman and

Field Publicity Officer against the accused Shri Satish Sharma for obstructing the complainant while discharging his lawful duties as a Field Publicity Officer and for threatening him with dire consequences. Both these cases are under investigation.

2. Comments of the Civil Administrative Authorities

The Field Publicity Officer, UT Administration of Daman and Diu in his comments dated 11.2.2010 submitted that Shri Satish Sharma has a history of criminal charges against him and the FIRs mentioned in the instant complaint are not only the criminal charges against him. The respondent narrated FIRs/ cases against Shri Sharma, which are as follows:

- (i) FIR No. 11 of 2009 under Sections 186, 506 IPC at Coastal Police Station on the complaint of Shri V.P. Singh, Managing Director, DIC Daman and Field Publicity Officer against Shri Satish Sharma for obstructing him while discharging his lawful duties as a Field Publicity Officer and for threatening him with dire consequences.
 - (ii) FIR No. 15 of 2009 lodged by Shri J.S. Shekhawat against Shri Satish Sharma for abusing him in filthy language.
 - (iii) FIR No. 31 of 2009 was lodged on 15.6.2009 by Dr. Pushpsen B. Kapadia, the President of Municipal Council of Diu under Sections 384 and 506 of the Indian Penal Code for threat to get advertisements for his newspaper or else fact publication of false and fabricated articles against him.
- A. NC Case No. 55/04 under Sections 504, 452 IPC: On 27.4.2004 Smt. Bilkis Sathiya, resident of Nani Daman complained that on the previous day the accused Satish Sharma of Savera India Times abused her in filthy language and attempted to assault her and the witnesses while they were washing the staircase and vehicles. In this connection, one NC was registered at Nani Daman Police Station. In order to avoid further commission of any cognizable offence and avoid further breach of peace in the locality a chapter case *vide* No. 32/04 under Sections 107, 150, 116 Cr.P.C was submitted to the Executive Magistrate, Daman to bound down both parties. The same was done by the Executive Magistrate.
- B. Chapter Case No. 06/09; Shri Jitendra Shekhawat was working in Savera India Times with Shri Satish Sharma and thereafter some dispute arose between the two because of which both started making allegations against each other. In order to avoid further communication of any cognizable offence and avoid further breach of peace in the locality a chapter case *vide* no. 06/09 under Sections 107, 116 Cr.P.C. was submitted to the Executive Magistrate, Daman requesting to bound down both parties. The same was done by the Executive Magistrate.

- C. FIR No. 36/06 under Section 1539 (A) (1) (a) IPC: On 2.8.2006, FIR 36 of 2006 was lodged against Shri Satish Sharma by one Shri Khursid in regard to publication of derogatory remarks and a picture of the Prophet Mohammad. Trial is under way and the charge sheet has been filed.
- D. FIR No. 139/07 under Sections 451, 506 920 – IPC: On 30.10.2007, Shri Ramgopal Srikrishna Agarwal, resident of Teen Batti, Nani Daman complained to the effect that for the last two years the accused Satish Sharma, local editor of Savera India Times, would come in his car, criminally trespass into the room and would threatened his son with dire consequences by pointing a pistol. During the course of the investigation, the accused Satish Sharma had been arrested.
- E. Shri Satish Sharma is in the habit of publishing false articles and making false allegations against the Police department and the UT administration. On 10.12.2008, a news was published in Savera India Times with the heading '*Violation of Human Right Blotted the Uniform of Daman Police*'. After the publication of the news item, he also filed a complaint application inward No. 304 dated 16.12.2008 in the Court of Hon'ble Principal District and Session Judge, Daman-Diu and Dadra Nagar Haveli. An enquiry was conducted into this application by Shri D.S. Shinde, Hon'ble Civil Judge (S.D.) & Chief Judicial Magistrate, Daman. In the inquiry report, the Hon'ble Judge has concluded that "*On the Inquiry with the accused and on the reply to the show cause notice it is illuminated that there is no violation of the Human Rights as such. The published news is exaggeration of falsity with embellishment, to lower the police department in the esteem of the public at large. It is a libel defaming the police department as inimical department rather than friend of the society. Therefore the public prosecutor of the administration is at liberty to lodge the complaint by invoking the provisions of Section 199 (2) of the Cr. P.C. to your honours' court for taking cognizance of the offence of defamation of the public servant in respect of his conduct in the discharge of his public function, against the Chief Editor, Shri Satish Sharma of the Savera India Times as he has misused the liberty of thought, expressions, given to the press media.*"

Counter Comments of the Complainant

The complainant in his counter comments dated 12.4.2010 has submitted that the respondent Information and Publicity Officer has misled the Press Council by filing wrong statements and stated that the allegations levelled by the Field Publicity Officer were absolutely false. The FIRs mentioned by the

respondent were lodged to avenge and harass him for publication of news item against corrupt officers, reiterated the complainant. Due to the publication of the corrupt practices of the officials at Civil as well as Police administration of the Union Territory of Daman, Diu and Nagar Haveli, the complainant editor and an accredited journalist of Saveria India Times, were arrested without any reason, handcuffed and dragged in the main market place of the city to harass him. The complainant further submitted that in order to ascertain the facts, the respondent officers must be asked to prove the allegations levelled against him with documentary evidence.

Matters Adjourned

The matters came up for hearing before the Inquiry Committee on 31.5.2010 at New Delhi. The complainant, Shri Satish Sharma, Managing Editor, Saveria India Times, Daman (Sangh Pradesh) appeared in person and reiterating his allegations submitted that he was implicated in false case at the instance of the Administrator, Daman & Diu and the Chief of Police, Shri R.P. Meena in retaliation of publishing news/articles against them. During the police remand he was taken to Daman handcuffed and made to walk from the bus stand to the police station. This incident was widely published by many Gujarati newspapers from Silvassa. The complainant further stated that the Coastal police registered false FIR of Shri V.P. Singh without any evidence. The Journalist Association of Dadar Nagar Haveli petitioned the Administrator to investigate the matter and his handcuffing but the Administration did not initiate any action. Rather the Administration ceased issuing advertisements to his newspaper and issued notice for cancellation of his accreditation card. The complainant averred that at the instance of the Administration he was not only harassed but painted as an offender. He further alleged that the Administration had sent police to his office and checked the details of the circulation of his newspaper and other records and the Diu police confiscated the hard disks and his mobile phone and thus created an obstruction in publication of his newspaper.

S/Shri Deepak Purohit, Chief of Police, Daman, Abhishek Mitra, Advocate and Ms. Supriya Maulick Mahajan, Advocate appearing for the respondent Union Territory of Daman & Diu submitted that after receiving the complaint, the reports from Chief of Police, Diu, Deputy Inspector General of Police, Daman & Diu were called. The Superintendent of Police, Daman was directed to conduct a comprehensive inquiry into all the allegations and submit a report to the Administration. Denying the allegations the respondents submitted that these were baseless, frivolous and motivated. In fact, the complainant has a history of criminal charges. The S.P., Daman in his inquiry report submitted that one Shri V.P. Singh, Field Publicity Officer, UT, Administration lodged FIR No. 11/2009 on 18.6.2009. It was charged that the complainant obstructed him while

discharging his lawful duties as a Field Publicity Officer. The complainant had been asking him for favours in the form of advertisements in Saveria India Times. On refusal the complainant started threatening him of dire consequences. The respondent further submitted that the allegations levelled by the complainant against the Police Department and the Administration were merely a mean to divert the attention of the authorities from the many criminal proceedings pending against him.

Directions of the Inquiry Committee

The Inquiry Committee on hearing the averments of the parties decided to adjourn the matter directing the complainant to file his statement on affidavit within three weeks and also provide a copy of the same to the respondent Government for their further comments. The Inquiry Committee also directed the respondent Government to ensure that no harassment be made to the complainant. They were also directed to frame the advertisement/accreditation rules of the Union Territory of Daman & Diu at the earliest.

Final Adjourment

The matter came up for hearing before the Inquiry Committee on 28th and 29th October, 2010 at New Delhi. Both the parties were present. At the very outset Shri Ashish Bernard, Advocate appearing for the respondent submitted that the complainant was directed on last hearing to file affidavit within three weeks but he abused the liberty and filed it on 23.10.2010 after lapse of four and half months, leaving no time for the authorities to file comments thereon.

Shri Satish Sharma, the complainant appearing along with his advocate Shri Rishi Matoliya admitted the delay but reiterated that he was handcuffed by the police on 2.7.2009 and paraded in the main roads of Daman market. It was widely published by many vernacular newspapers.

On the queries by Inquiry Committee in respect of handcuffing of the complainant and framing of accreditation rules, the respondent counsel sought time to seek instructions. The matter, was therefore, posted for hearing for next day.

On 29.10.2010, Miss Avni Singh, Advocate appearing for the respondent submitted before the Inquiry Committee that the charge of handcuffing was figment of imagination of the complainant as no handcuffing had ever taken place. She filed a copy of the inquiry report of Superintendent of Police, Daman in which he found the complainant proven liar, habitual complainant who is in the habit of making false and frivolous complaint to divert the attention from various criminal cases pending against him and to put pressure on the authorities. Regarding framing of accreditation rules, the respondent counsel submitted that the same is underway and will be finalized soon. The counsel for the respondent

raised preliminary objection to the jurisdiction of the Council over matter before Courts and submitted that all the FIRs by respondent and other individuals against the complainant are pending trial and therefore the Council may not proceed with its inquiry. She further submitted that the complainant had given bad statement regarding handcuffing. He was arrested on 30.6.2009 and when he was produced before JMFC on 1.7.2009, he did not make any statement of handcuffing. Although he had alleged beating up before the JMFC, the Medico-Legal Report did not confirm it.

Shri Rishi Matoliya, counsel for the complainant submitted before the Committee that the Superintendent of Police's report dated 5.9.2009 was answered by the Deputy Secretary, Home, Daman to IGP taking serious note of handcuffing.

The Inquiry Committee upon hearing the parties directed the respondent to file a proper affidavit disclosing all details/information and material with regard to the charge of handcuffing. In the meantime, the complainant may file the copy of the letter of the Deputy Secretary (Home) to IGP, stated to be written in response to the report dated 5.9.2009 of Superintendent of Police, Daman. The matter stands adjourned.

Respondent's Letter Dated 2.2.2011

In response to the Council's letter dated 20.1.2011 Shri Banbari Lal, Field Publicity Officer, Daman *vide* letter dated 2.2.2011 informed the Council that Hon'ble Administrator of Daman & Diu and Dadra Nagar Haveli has appointed Deputy Collector (HQ) and SDM to conduct magisterial inquiry into the incident of handcuffing of complainant. He has further stated that the Inquiry Report has not yet been filed by the Inquiry Officers. As and when the report is filed, the affidavits of Chief Secretary and Field Publicity Officer, Administration of Daman & Diu will be filed with the Council.

Complainant's Letter Dated 5.2.2011

In response to the Council's letter dated 20.1.2011 the complainant *vide* his letter dated 5.2.2011 has furnished a copy of the letter written by the Deputy Secretary (Home) to the IGP, Daman. The same was forwarded to the respondents for their information and comments *vide* letter dated 1.3.2011, but no response.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.8.2011 at New Delhi. Both the parties were present. At the outset the complainant appearing along with his counsel, Shri Rishi Matoliya stated that he has filed an Affidavit dated 22.7.2011 intimating that he has been acquitted in some of the cases against him whereas the remaining cases were dismissed by the concerned court. The complainant also stated that he is contemplating to

seek redressal against defaulting police personnel in court of law under IPC. He also pointed out that the notice of hearing sent by the Council did not carry name or designation of the parties while his complaint was against specific persons particularly Commissioner of Police. The complainant raised objection to the Inquiry Report of the Magisterial Inquiry conducted by the Inquiry Officer, the Deputy Collector (HQ) and SDM, Daman. He opposed to the fact that there was no public notice for Inquiry, which would have called upon the public witnesses to the incident. The Inquiry Officer put emphasise only on material evidence thereby rejecting any other witnesses' statement given by the complainant.

Shri Surinder Kumar, Field Publicity Officer, Daman appeared for the respondent pleaded ignorance about action being taken by the police authorities and stated that the Administration had ordered for Inquiry.

Report

The Inquiry Committee on a careful consideration of documents including the Inquiry Report of the Deputy Collector (HQ) and SDM, Daman observed that the Inquiry Officer has concluded that no documentary and material evidence was produced by the complainant or witnesses that could prove the incidence of handcuffing of Shri Satish Sharma by the police on 2.7.2009 as alleged in the complaint. However, preponderance of probabilities with respect to these witnesses indicates that the incidence of handcuffing of the complainant by the police officials might have taken place.

The Inquiry Committee noted that the Inquiry Officer had chosen to discard oral witness and sought material evidence in the form of photograph. The Committee was of the view that how it was possible for someone to unexpectedly and instantly take pictures of the incidence of handcuffing a person being paraded in a market place. It recalled the observation of the Hon'ble Supreme Court of India that "Handcuffing being a serious matter be deprecated in no uncertain terms".

Thus, the Inquiry Committee noted that primary issue involved is the handcuffing of the complainant. It opined that the Inquiry Report in its present form is unsatisfactory as it has chosen to discard oral evidence and intended to rely only on material evidence in the form of photograph. Hence, the report is liable to be rejected outrightly and the authorities be directed to conduct a fresh inquiry into the matter by independent higher authority preferably a judicial officer. As it was a clear case of harassment, Administration should have taken *suo-motu* action for handcuffing. It directed that a fresh inquiry be initiated and report be submitted to the Council within a period of four months from the date of order of the Council. It recommended to the Council accordingly.

Held

The Council on consideration of the records of the case and report of the Inquiry Committee decided to dispose off the complaint with above directions.

4) **Shri Anurag Srivastava** **Station House Officer**
Correspondent *Versus* **Jalaun**
Swatantra Bharat **Uttar Pradesh**
Kanpur, U.P.

ADJUDICATION

Facts

Shri Anurag Srivastava, Correspondent, Swatantra Bharat, Jalaun, U.P. has filed this undated complaint received on 30.4.2009 against Shri Suresh Babu, S.H.O., P.S. Jalaun, U.P. for insulting and threatening him due to publication of following critical news items about role of the police in liquor racket in March/April 2009 issues:-

Sl. No.	Caption	Dated
1	पुलिस की मिलीभगत से चल रहा नगर में नशे का कारोबार	21-3-2009
2	कोतवाली न्याय नहीं कानून का पढाया जाता पाठ	27-3-2009
3	पुलिस उत्पीड़न की शिकायत पुलिस महानिदेशक से	7-4-2009

The complainant has submitted that as a part of his journalistic duties he had highlighted misdeeds in public interest. Being annoyed with the critical publications, the respondent SHO not only misbehaved and insulted him in public but also threatened him on 18.4.2009 while he was covering an incident in Mohalla Kalikan of the Jalaun City where three members of a family were electrocuted and lost their life. To avoid any untoward incident, he contacted the SHO on his mobile and requested for sending police force, but the respondent refused and said that no action be initiated till head of the family inform them about the incident in writing. The complainant contacted the S.P., Jalaun and his colleague informed the District Magistrate about the incident. At 10.50 a.m. the SHO reached on the spot. People gathered there asked him the reason for delay. The SHO replied that they were not informed about the incident. When the complainant apprised him that he was asking for written complaint by the head of the family, the SHO, threatened him "better behave yourself or else you will be taken care of". When people said they are from press, the SHO shouted

“Being in the press does not allow them to arson you will be smashed by hammering with lathis”. The complainant requested the Council to intervene in the matter and initiate action against the respondent.

Comments

In response to the notice for statement in reply dated 6.10.2009, Shri P.K. Mishra, S.P., Jalaun in his comments dated 23.10.2009 while denying the allegations submitted that on getting information of the incident that three members of a family were electrocuted and lost their lives, the police force reached on the spot. But the complainant tried to disrupt law and order by demanding compensation to the affected family and agitating the mob gathered there. The SHO stopped the complainant to do so. Filing a copy of the Inquiry Report of the Circle Officer, Jalaun, the S.P., Jalaun submitted that the respondent SHO, Shri Suresh Babu had been transferred to Urai Police Station. Thus, no further action is required in the matter. The Superintendent of Police, Jalaun in his further reply dated 1.4.2010 submitted that the Deputy Superintendent of Police, Jalaun, made an inquiry in the matter and the allegations could not be substantiated due to lack of evidence. He filed a copy of the Inquiry Report wherein the DSP while denying the allegations submitted that the complainant had twisted the facts.

The Deputy Secretary, Government of U.P. *vide* his letter dated 26.11.2009 also filed a copy of the reply dated 23.10.2009 of the S.P., Jalaun and submitted that the matter had been inquired and the allegations were found baseless.

Counter Comments

The complainant in his counter comments dated 22.12.2009 submitted that he was not satisfied with the Inquiry Report being one sided. He alleged that the inquiry officials have destroyed the factual information and tried to save the respondent.

Report

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. The complainant was not present. Shri Kamlesh Dixit, C.O., Jalaun, Uttar Pradesh appearing for the police authorities submitted that an inquiry was conducted and the statement of all concerned were taken but the allegations were not substantiated.

The Inquiry Committee considered the record and noted that the complainant as a journalist had in addition to his journalistic duties had done a public service but his act was taken otherwise by the respondent. The Inquiry Committee was not convinced with the investigation done by the senior police officer and was of the opinion that the complainant was threatened not only as

a person doing public service but for the reason of the critical reports against the police on the issues published just before few days before the said incident. The Inquiry Committee advised the police authority particularly SHO to be more careful in their duties and refrain from muzzling the press. It recommended to the Council accordingly.

Held

The Press Council, on consideration of the records of the case and report of the Inquiry Committee accepts the reasons, findings and the recommendations of the Committee and decides accordingly.

5) **Shri Devender Kumar Sharma**
Owner/Editor/Publisher/Printer
Weekly Amar Tanav
District: Mahamaya Nagar
(U.P.)

Versus

The Chief Secretary
Govt. of Uttar Pradesh
Lucknow

The Secretary
Home (Police) Department
Govt. of Uttar Pradesh
Lucknow

The Superintendent of Police
District: Mahamaya Nagar
Uttar Pradesh

The S.H.O.
P.S: Kotwali, Hathras
Mahamaya Nagar (U.P.)

Shri M.P. Singh
District Social Welfare Officer
Mahamaya Nagar (U.P.)

Shri Narayan Lal
Mahamaya Nagar (U.P.)

ADJUDICATION

Facts

Shri Devender Kumar Sharma, Owner/Printer/Publisher and Editor, Amar Tanav, Hindi Weekly, Mahamaya Nagar (U.P.) has filed this complaint dated 12.4.2010 against S/Shri B.P. Singh and S.P. Singh, District Social Welfare Officers and Shri Narayan Lal, Agent of District Social Welfare Department

for attacking and looting office of his newspaper and against Shri S.R.S. Aditya, the then Superintendent of Police, Mahamaya Nagar for not filing his complaint and implicating him and his reporters in false cases as a reprisal measure due to publication of critical news items as follows:

Sl. No.	Caption	Dated
1	पुलिस अधीक्षक का बयान स्वयं एक सवाल	25.1.2010
2	डग्गेमारी और अतिक्रमणकारी लगता है इनसे पुलिस भी हारी	22.2.2010
3	सैकड़ों ग्रामीण जाटवो पर एक लड़की भारी, अविवाहित युवती की वजह से हुई खाकी वर्दी शर्मसार	22.3.2010
4	समाज कल्याण विभाग के अधिकारी भ्रष्टाचार में आकंठ डूबे, क्या जिलाधिकारी देंगे भ्रष्ट अधिकारियों को निलंबन पत्र?	5.4.2010
5	निज आवासों पर दंगे है मान्टेसरी स्कूलों के बोर्ड छात्रवृत्तियों का बंदर बांट कर अधिकारी कर रहे है अपने वारे न्यारे	5.4.2010

The complainant exposed the activities of corruption/irregularities/misdeeds of District Social Welfare Department and inaction of the police official in aforesaid news item. According to the complainant annoyed with the critical writings on 8.4.2010 Shri Narayan Lal (middle men in the office of social welfare department) his wife and two other officials of the District Social Welfare Department attacked his office, looted 20 rims of papers, Photostat machine, printer and Rs.10,000. The complainant alleged that when he approached the police about the incident, the then Superintendent of Police, Mahamaya Nagar, Shri S.R.S. Aditya refused to file his FIR and on the contrary with connivance of the respondents filed a false case No.157/2010 under Sections 354, 394, 504 and 506 of IPC and under SC/ST Act against the Managing Editor and correspondents and put them behind the bars. The complainant stated that at the time of the incident i.e. 8.4.2010 he was not present at Hathras. He went to Mathura on 4.4.2010 to collect some news and there he was admitted in a hospital from 4.4.2010 to 10.4.2010 due to illness. In support of his claim he has also filed a copy of medical certificate issued by the hospital. The complainant further submitted that he drew the attention of the Senior Superintendent of Police, Mahamaya Nagar on 3.5.2010 and requested him to inquire into the matter and not to implicate them in false case. The complainant submitted that the act of the respondent was curtailment of freedom of the press. He requested the Council to take action in the matter.

Comments of the Superintendent of Police, Mahamaya Nagar

In response to the Council's notice for statement in reply dated 11.6.2010 Superintendent of Police, Mahamaya Nagar in his comments dated 26.6.2010 submitted that the matter was inquired by the Deputy Superintendent of Police and the allegations levelled by the complainant were found unsubstantiated false and baseless. The respondent further submitted that the then Superintendent of Police had asked the Deputy Superintendent of Police and Circle Officer to visit the spot and they found that no such incident had occurred and the allegations could not be substantiated. According to the respondent on the complaint of Shri Narayan Lal a case no. 157/2010 under Sections 354/394/504/506 IPC and 3(1) 10 SC/ST Act was registered against the complainant, Shri Devender Sharma, Sheelu and Vijay Singh (reporters) and on 9.4.2010 they were arrested later the application of Shri Devender Sharma and the affidavits filed by him were forwarded to the Circle Officer, Sikandra Rao to further inquire into the matter.

Comments of the S.H.O., Kotwali, Hathras

The respondent Inspector In-charge, Police Station, Kotwali, Hathras in his comments dated 24.6.2010 reiterate the statement filed by the Superintendent of Police, Mahamaya Nagar. He submitted that a case was registered on the complaint of Shri Narayan Lal Jatav on 8.4.2010. Regarding the allegation made by the complainant, he submitted that the matter was inquired by the Circle Officer and no evidence of loot or anything else in the office of the complainant was found. The respondent further alleged that in fact the complainant, to save himself filed false affidavit against police authorities and Shri Narayan Lal.

Comments of Shri Narayan Lal

Shri Narayan Lal, the respondent in his undated comments (received in the secretariate on 25.6.2010) submitted that the allegations levelled by the complainant were false, fabricated and baseless. The respondent submitted that he had never done anything wrong or against the freedom of the press. He further alleged that the complainant was involved in mischievous activities and had contacts with the anti-social elements of the area. In fact the complainant teased and misbehaved with his wife thrice. He published the newspaper to hide his misdeeds and blackmail the reputed persons. He submitted that he had never worked as an agent of Social Welfare Department and do not know anyone there. The respondent requested the Council to initiate action against the complainant so no one can do any wrong act in the garb of press.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. Both the sides were represented. The complainant

stated that the police not only arrested him but also tortured him and his family members. He further stated that a news was published on 5.4.2010 in which names of the touts were published on the basis of information given by a lady. He stated that the allegations of attack and mentioning his name in the FIR was false that maligned his image. According to him, on the Talab Chauraha there was heavy traffic movement and hundreds of people pass from there, and how he could stand there with the iron rods.

The respondent Shri Shashi Shekhar Dixit, Deputy Superintendent of Police (C.O. - Sadabad), Mahamaya Nagar submitted that the Superintendent of Police, Mahamaya Nagar had called a report in the matter and complainant's name was in FIR but found false on inquiry.

The respondent Shri Narayan Lal stated that the complainant had misbehaved with his wife thrice and that one man named Shilu had beaten him with iron rod wounded him due to which he became unconscious. After that respondent went to Kotwali where Circle Officer was present and saw him bleeding. Then, the CO ordered arrest of culprit and they were arrested on the same night.

Report

The Inquiry Committee upon careful consideration of the record and hearing the parties noted that the complainant was wrongly implicated and on investigation the police itself found that the complainant's name was wrongly mentioned in the FIR. The Inquiry Committee opined that the police should be more careful in dealing with journalists and ensure that no harassment is caused to the journalist. The Inquiry Committee recommended to the Council to issue caution to the respondent police authorities for their omission and commission in harassment meted to the complainant. It recommended to the Council accordingly.

Held

The Press Council, on consideration of the records of the case and report of the Inquiry Committee accepts the reasons, findings and the recommendations of the Committee and decides accordingly.

6) **Shri Kamlesh Kumar Jha** **Shri Maheshwar Hazari, MLA**
Correspondent *Versus* **Varishnagar**
Dainik Jagran **Patna, Bihar**
Samastipur, Bihar

ADJUDICATION

This undated complaint received in the Secretariat of the Press Council

on 24.7.2008, filed by Shri Kamlesh Kumar Jha, Correspondent, Dainik Jagran, Khanpur-Samastipur, Bihar against Shri Maheshwar Hazari, M.L.A. allegedly threatening the complainant as a reprisal measure due to publication of allegedly critical news item under the caption “Varshon Se Ghar Baithe Vetan Utha Rahi Vidhayak Ki Patni” (MLA’s wife sitting at home for years drawing salary) published in Dainik Jagran issue dated 22.5.2008. According to the complainant, the news item in question was published on the basis of complaint of the President, Block Programme Implementation Committee, Khanpur filed before the Collector, Samastipur. Annoyed with the publication, the respondent MLA of Varishnagar, Shri Maheshwar Hazari lodged an FIR No.35/08 dated 27.5.2008 under Sections 384/504/311 IPC and Provisions of SC Atrocity Act with a view to harass him, alleged the complainant.

According to the complainant, the news item based on the true fact was published in public interest. The respondent not only threatened him but issued a legal notice demanding apology for publication of the news item in question. The complainant in his reply to the notice declined to tender apology for the news item which was published in public interest. The complainant further alleged that under the influence of the respondent MLA, the Deputy Superintendent of Police, Shri Shiv Charan Das supported the respondent without conducting any inquiry into the matter.

Notice for comments dated 25.3.2009, were issued to the respondents Shri Maheshwar Hazari, MLA as well as the Government of Bihar including the Deputy S.P. (Headquarters), Samastipur, Bihar but no comments were filed despite issuance of reminder on 13.10.2011.

The Inquiry Committee took up the matter for hearing on 18.11.2011 at New Delhi but none of the parties appeared before it. The Inquiry Committee noted that the complaint against the incidence of 2008 of alleged harassment was not followed up by the complainant. None of the parties had intimated progress of the case filed under the SC Atrocity Act and whether charge sheet had been filed or not to determine whether the matter was *sub-judice*. The Inquiry Committee, therefore, decided not take cognizance of the matter for want of these bare information and recommended to the Council to dispose off the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

8) **Shri Mukesh Thakur**
Editor, Agni Blast
Indore

Versus

Shri Umashankar Gupta
Home Minister
Government of Madhya Pradesh
Bhopal

Shri D. Srinivasrao
Senior Superintendent of Police
Indore

Shri Rakesh Srivastava
Commissioner
Information & Public Relations
Department, Government of
Madhya Pradesh, Bhopal

ADJUDICATION

This complaint dated 2.12.2010 has been filed by Shri Mukesh Thakur, Editor, Agni Blast, Hindi monthly, Indore against Shri Umashankar Gupta, Home Minister of Madhya Pradesh Government, Shri D. Srinivasrao, Senior Superintendent of Police, Indore and Commissioner, Information and Public Relations Department, Government of Madhya Pradesh for implicating him in false cases due to publication of critical writings against them with their photographs under the captions “यह कैसा सिस्टम?” किसी को भी झूठे षडयंत्र में फंसा दो and “कलेक्टर या खिलाड़ी?” इन्दौर में निठठले अफसरों की फौज in its issues dated August 10, 2010 and September 10, 2010 respectively. The complainant submitted that as a reprisal measure, the respondents in connivance registered false case against him and he was arrested on 5.10.2010 under Sections 500, 384 IPC and 66 of IT Act and sent to jail without any investigation. The complainant further submitted that when he intimated police officials that he is a State Accredited journalist, (and therefore cannot be arrested without approval of the authorities laid down in State Accreditation Rules) they informed him that his accreditation has been cancelled on 4.10.2010. The complainant stated that the Commissioner, Information & Public Relations Department cancelled his accreditation and stopped Government advertisements to his monthly magazine. The complainant drew the attention of the Hon’ble Chief Minister of Madhya Pradesh and other higher officials on 17.7.2010 towards the act of the Hon’ble Home Minister of Madhya Pradesh and Senior Superintendent of Police, Indore for implicating him in false cases due to reprisal measure but received no reply. The complainant requested the Council to initiate action against the respondents.

The Senior Superintendent of Police, Indore filed comments dated 18.4.2011 and informed that cases registered against the complainant are under process in various courts. The statement of the complainant that he was implicated in false cases is totally baseless as the cases are registered in different police stations by the different officers.

The Deputy Director, Information & Public Relations Department, Madhya Pradesh, Bhopal *vide* his comments dated 5.5.2011 has submitted that a temporary Accreditation had been provided to the complainant as per Accreditation Rules 2007. It is clearly mentioned in the S.No.2 of the Sub Rule 18 of Accreditation Rules, 2007 that if a journalist/editor/correspondent is involved in any criminal activity or any case pending in any court of law, his Accreditation shall be cancelled. The respondent submitted that a letter from Senior superintendent of Police, Indore was received on 10.9.2010 informing that a case has been registered against the complainant at MIG, Police Station. Therefore, his accreditation was cancelled on 4.10.2010 and intimated to the complainant on the same date. Thus the allegation that his accreditation has been cancelled due to reprisal measure is totally incorrect. The respondent further submitted that advertisements issued to all the newspapers/magazines as per their entitlement or budget and no discrimination as done to the complainant's magazine.

The complainant in his counter comments submitted that the information provided by the Senior Superintendent of Police, Indore is false, baseless and tried to mislead the Council. The complainant stated that as per the comments of the SSP, Indore all cases are pending in the court of law, but the complainant submitted that two cases are dismissed. The complainant further submitted that as a reprisal measure the SSP, Indore wrote to the Department of Information & Public Relations to cancel his accreditation.

In response to the Comments filed by the Directorate of Information & Public Relations the complainant in his counter comments submitted that the directorate informed the Council that due to a criminal complaint against him in MIG Police Station, his temporary accreditation has been cancelled but it is known fact that accreditation is given only those journalists whose character is certified by the Commissioner of Police in his report.

The Inquiry Committee heard the complainant on 31.1.2012 at New Delhi. The Inquiry Committee also heard the arguments made by Shri Amrendra Singh, DSP, Shri Jitendra Singh Chauhan, SDM and Shri Pradeep Bhatia, Jt. Director, I&PRD.

Upon hearing the parties, the Inquiry Committee held that the complainant has not been convicted in any criminal case and till his guilt is proved accreditation

cannot be denied. Out of the three cases, the complainant was acquitted in one case, (copy of the judgment provide by him) and compromise effected in another case. The third case is pending and listed for hearing. Merely, because a case is pending against him, it cannot entitle authorities to cancel the accreditation of the complainant. The Inquiry Committee, therefore, without interference with the process of law in the matter *sub-judice* directs the authorities to restore his accreditation forthwith and recommended to the Council.

The Press Council accepted the reasons of the Inquiry Committee and decided accordingly.

9) **Shri Ashok Singhal** **District Administration**
Editor/Publisher *Versus* **Dhoulpur**
Dhoulpur Tikshan **Rajasthan**
Rajasthan

ADJUDICATION

This complaint dated 19.4.2010 has been filed against S.D.M, Dhoulpur for alleged harassment due to publication of critical news reports against the administration. The complainant has submitted that the SDM issued him a notice and called in the office of the SDM on the appointed date and time along with all the proofs of news reports but there was no date and time mentioned in the letter. The complainant went there many times but he could not meet the SDM. The complainant submitted that due to sending false notice he was harassed physically and mentally. The complainant also submitted that he drew the attention of the Association of Small & Medium Newspaper of India, Kanpur and Indian Rural Journalist Association, Bikaner to the matter. The complainant stated that the act of the administration tantamount to suppression the freedom of the press.

Notice for statement in reply was issued to the respondent on 20.10.2010.

The District Magistrate filed reply dated 25.1.2012 at the time of hearing through Shri Ram Avtar Sharma, Sub-Divisional Officer, Dhoulpur who appeared before the Inquiry Committee on 31.1.2012 at New Delhi.

The Inquiry Committee upon perusing the record and hearing the complainant noted that the complainant has filed this complaint only on apprehension of action which has not happened. It therefore recommended to the Council to dismiss the complaint.

The Press Council accepted the report of the Inquiry Committee and decided accordingly.

- 10) **Shri B.N. Devdas** **Shri S.R. Jangid, IPS**
Advocate, Coimbatore *Versus* **Sub-Urban Police Commissioner**
Chennai

ADJUDICATION

This complaint dated 20.9.2010 has been filed against Sub-Urban Police Commissioner, Chennai for allegedly causing death on 17.9.2010 of Shri Ki Arunan, Senior Journalist of Coimbatore due to threats and mental torture given by the said Commissioner and his associates. According to the complainant, the respondent succeeded in stopping publication that exposed corruption in police department. The complainant has submitted that the editor of “Arunan” magazine, Shri Ki Arunan had published the news item against the Sub-Urban Police Commissioner and four other IPS Officers regarding accumulating of wealth disproportionate to their income with full details.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. Both the parties were represented. Shri B.N. Devdas, complainant submitted that the respondent IPS officer herein was responsible for the death of Shri Ki Arunan. Ms. Kavitha advocate appearing for the respondent challenged the charge and contended that the matter is pending in the court of law.

The Inquiry Committee upon hearing the parties noted that the matter is *sub-judice*. It therefore recommended to the Council to drop further proceedings.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

- 11) **Shri K. Nagaimugan** **Police Authorities**
President, Centre for Protection of *Versus* **Chennai**
Freedom of Press
Chennai

ADJUDICATION

This complaint of Shri K. Nagaimugan, President, Centre for Protection of Freedom of Press against police authorities of Chennai States that Chennai Sub-Urban Police Commissioner pushed him towards suicide by implicating him in false cases because of publication of critical news item under the caption “Jungle Raj=Jangid Raj” (North Indian Lobby). The contents of the petition of some employees/constables of the said Commissioner. He further stated that Central Crime Branch arrested him on 16.6.2009. The complainant *vide* his another letter dated 20.10.2010 intimated the Council that the Chennai Sub-Urban police arrested him again on 11.10.2010 on the complaint of a policeman in Cr.No.615/09 and remanded in Vellore prison on 12.10.2010 under the Press

& Registration of Books Act. The complainant concluded that his life was in danger due to the respondent police officials.

The respondent denied that the allegations levelled by the complainant and submitted that the complainant has a criminal history, indulging in extortion and communal violence, blackmailing the government officials and his magazine is also not registered with Registrar of Newspapers in India. The respondent further stated that the magazine publishes false, libelous and motivated allegations in a pre-determined and calculated manner. The respondent further stated that police officers who were badly affected by the highhanded nature of the complainant have filed defamation suits against the complainant who filed false complaint with Press Council of India.

The complainant in his counter comments refuting the allegations of the respondent Commissioner of Police, Chennai has submitted that he never indulged in blackmailing tactics. He has been fighting against corruption, human rights violence and curtailment of freedom of press.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. Both the parties were represented. Shri K. Nagaimugan complainant appeared in person and prayed that he should be protected from false cases. Ms. Kavitha advocate appearing for the respondent submitted that the matter is pending in the court of law.

The Inquiry Committee upon hearing the parties noted that the matter is being in the court awaiting decision. It therefore recommended to the Council to drop further proceedings.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

12) *Suo-motu* inquiry on the reported attack on the offices of “Kannada Prabha” and “Jayakirana” published by “The Hindustan Times”, “The Hindu” and “The Times of India” in their issues dated 3.3.2010.

ADJUDICATION

On coming across the incident of attack on the offices of Kannada Prabha and Jaykirana, the Press Council initiated *suo-motu* inquiry under Section 13 of the Press Council Act, 1978 read with regulation 13 of the Inquiry Regulation, 1979.

The reported attack on the newspaper offices was due to publication of articles regarding Burka Clad women written by Bangladeshi writer in exile Miss Taslima Nasreen and for comments of the author on Prophet Mohammed on “Burka”. The said article provoked the attack at Hassan and Shimoga-the

hometown of Karnataka Chief Minister and also resulted into protest by Muslim organizations and riots thereafter which caused death of 2 persons.

The newspapers reported the incident and denial of Miss Taslima Nasreen that she had never penned any article was also published by various newspapers as per details below:

S. No.	Captions	Paper and Date
1.	Taslima article sparks riot	Deccan Herald; 2.3.2010
2.	2 killed in Shimoga, Hassan violence	The Hindu; 2.3.2010
3.	Manufactured rage	The Pioneer; 3.3.2010
4.	Anti-Taslima protests subside but curfew on	The Pioneer; 3.4.2010
5.	Newspaper offices attacked in Karnataka	The Hindu; 3.3.2010
6.	Don't blame me for Karnataka riots: Taslima	Hindustan Times-3.3.2010
7.	2 dead, media offices attacked	Indian Express; 3.3.2010
8.	I never penned any article for a newspaper in Karnataka: Taslima Nasreen	Times of India; 3.3.2010
9.	Karnataka normal, security for media houses	The Hindu; 4.3.2010
10.	Normality returns to Hassan and Mangalore after stir over Taslima	The Statesman;4.3.2010
11.	It's Just Not On	Times of India; 4.3.2010

The complainant Manoj Haleangady, Editor, Jaya Kirana, Mangalore filed a detailed statement dated 22.3.2010 informing the Council that on March 2,2010 evening at around 9.15 p.m. a group comprising of more than 8 miscreants all of a sudden attacked their office. They launched a destruction spree, vandalizing equipment and furniture and computers. He has submitted that a total loss is estimated around Rs.5.35 lakhs was suffered which is heavy amount for a newspaper. He further submitted that at the time of the attack 6 staff members were working in the office and they strongly protest the miscreants but they paid no heed and the staff was forced to defend themselves. The complainant further submitted that he was not aware of any reason for the attack, though

the media have attributed the attacks to an article attributed to Ms. Taslima Nasreen which was published in Kannada Prabha. He stated that he never took a stand against any religious issue and had not published any articles related to Taslima Nasreen.

The Under Secretary, Government of Karnataka, Home Department, Bengaluru forwarded a copy of the report dated 3.6.2011 of Additional Director General of Police, L&O, O/o the Director General and Inspector General of Police, Government of Karnataka, Police Department, Bengaluru. It has been stated in the report that on the basis of the article published in Kannada Prabha on 28.2.2010 a case was registered in Cubbon Park police station *vide* Cr.No.43/2010 under Sections 153(B)(1)(c)/295(A), R/W 34 IPC against the accused (1) Miss Taslima Nasreen (2) Smt. Sindhu (3) Editor, Printer and Publisher of Kannada Prabha daily and (4) Editor, Printer and Publisher of The Siyasath, Urdu paper. He has further submitted that a petition transferred from Gandhi Chowk police station on the basis of jurisdiction against accused person viz. (1) Shri K. Shankar (2) Shri Shiva Subramanya and (3) Smt. Sindhu and a case in Cr. No.152/2010 under Section 295(A) was registered in Cubbon Park police station, Bangalore City. A case transferred from Chitradurga Town police station on the same issue was registered in the Cubbon Park police station Cr.No.153/2010 under Section 153(A) IPC, R/W 34 IPC against (1) Editor, Kannada Prabha (2) Miss Taslima Nasreen and (3) Smt. Sindhu and the case is under investigation. A case was also received from Davanagere Extension police station on transfer and was registered at Cubbon Park police station Cr. No.154/2010 under Sections 107, 153(A), 295(A), 465, 468, 501, 505 IPC R/W 34 IPC against accused persons viz. (1) Smt. Sindhu (2) Editor, Reporter and Printer of Kannada Prabha, the case is under investigation. He has submitted that a proper police arrangement was made at the offices of daily newspaper of Kannada Prabha, The Indian Express, The Times of India, Prajavani, Deccan Herald and thereby no report received of any untoward incident in the Cubbon Park police station limits. The ADGP, L&O has revealed that on the night of 2.3.2010 "Jayakirana" and "The New Indian Express Ltd." Newspapers offices in Mangalore City were attacked by some miscreants in connection with the publication of the translated version of article of Miss Taslima Nasreen, which was earlier published in Kannada Prabha.

Giving detail of the incidents, the respondent stated that on 2.3.2010 at about 22.30 hrs, the Manager, The New Indian Express gave a written complaint in between 8.30 p.m. to 9.15 p.m. stating that a group of some miscreants formed themselves into an unlawful assembly with deadly weapons and trespassed into the office of "The New Indian Express Ltd.," with a common intention and threw fire bottle containing petrol, resulting in a sofa-set, chairs getting burnt and also damaging the computers, printers etc., The accused persons further ran away from the scene. A loss of Rs.15 lacs was caused. The ADGP, L&O has submitted that a case in Mangalore North police station Cr.No.49/2010 under

Sections 143, 147, 148, 448, 436, 427, 506 r/w 149 IPC and 2(a)(b) “Karnataka Prevention of Destruction and Loss of Property Rules-1983” against the accused was registered in this connection and six accused were arrested and three other accused persons are absconding. The case is under investigation.

The ADGP, L&O further submitted on the same day i.e. 2.3.2010 in between 8.30p.m. to 9.15p.m., a group consisting of 5-10 miscreants formed themselves into an unlawful assembly with deadly weapons and trespassed in the “Jayakirana” newspaper’s office with a common intention and damaged chairs, computers printer, cubical glass etc. and ran away causing a loss of Rs.5,35,000/-. A case in Mangalore Urva police station *vide* Cr.No.18/2010 under Sections 143, 147, 148, 448, 427 R/W 149 IPC was registered on complaint of Shri Veerendra Shetty and 10 accused persons were arrested. The case is under trial in JMFC 2nd Court Mangaore in C.C.No.4441/10.

The Inquiry Committee considered the matter on 27.2.2012 at Chennai. Dr. Venkatesh, Magazine Editor appeared for Kannada Prabha and informed the Council that now they have no grievance as they are now safe. The counsel for the Govt. of Andhra Pradesh Shri J.N. Desai, Law Officer and Public Prosecutor, Bangalore Division, Bangalore representing (i) the Chief Secretary and (ii) the Secretary, Home(Police) Department has filed written statement and has intimated that the govt. has given proclaim to the complaints. The Inquiry Committee is satisfied with the version of the State Govt. and the *suo-motu* inquiry stands dropped.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

Facilities to the Press

13) **Smt. Najma Begam**
Editor, Dainik Hindi Action *Versus* **The Director General**
Bhopal **Directorate of Advertising**
Madhya Pradesh **& Visual Publicity**
 New Delhi

ADJUDICATION

Facts

This complaint dated 2.5.2008 has been lodged by Mrs. Najma Begum, Editor/Publisher, Dainik Hindi Action, Bhopal against the Directorate of Advertising & Visual Publicity, New Delhi alleging denial of payment of the advertisement bill dated 11.9.2006 to the tune of Rs.7,799/- against publishing of display advertisement from the DAVP. The complainant has stated that after publishing

the said display advertisement as per DAVP RO.No.4041/0050/2006, she had submitted the bill No.204 dated 11.9.2006 requesting for payment on 23.10.2006 which had been received by DAVP on 01/11/06. Subsequently, on 9.4.2007, she received a letter No.6/10/2001/ABS/Computer/R dated 2.2.2007 from the Accounts Officer, DAVP objecting that the bill being submitted late by six days, payment cannot be affected. The complainant has stated that she had immediately clarified to the DAVP *vide* her letter dated 29.4.2007 thereby attaching copy of bill, voucher, receipt and informing them that the said bill had been submitted in time, i.e. on 1.11.2006 and the last date being 11.11.2006. The complainant has further stated that since no payment had been received she had sent several reminders to Director General, DAVP and also to the Hon'ble Information & Broadcasting Minister.

The complainant has thus prayed to the Council for direction to DAVP for early clearance of their pending bill for display advertisement published by them and also to direct them to stop partiality and award advertisement commensurate to other newspapers.

No Comments

Hon'ble Chairman *vide* his order dated 8.4.2008 condoned the delay in filing the complaint by the complainant keeping in view the reason stated by her that she had been pursuing the issue with DAVP & Minister of Information & Broadcasting ever since it has been withheld till the date of her complaint in Press Council of India. A notice for comments dated 15.4.2009 was issued to the respondent followed by a reminder dated 29.12.2009 and Notice for Written Statement dated 14.7.2010, but no reply has been received so far.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. Dr. H. Majid Hussain, representative appeared for the complainant and submitted that the respondent had not made the payment of the bills despite the fact that the complainant had written several times to the DAVP. He submitted that normally they send the bills to the DAVP before the due date but in this case the bill was late by six days. He further submitted that only four or five advertisements are issued by the respondent in a year and if they will not reimburse the amount how the paper will survive. The complainant further submitted that there may be possibility that the bill might be received in the office of the DAVP on due date but the concerned section received it after expiry of the date. The complainant representative requested that the respondent may be directed to pay the advertisement bills.

Report

The Inquiry Committee on perusal of the records of the case and oral

submissions made before it noted that the respondent had not filed its written statement in the matter despite reminder. It also noted that the respondent had also not responded to the complainant. The respondent office should have checked its records and late receiving of the bills was no reason for the complainant to suffer. The Inquiry Committee observed that the respondent had availed the services of the complainant newspaper and they were bound to make the payment and petty delays could not be reason for rejection of claim. The Inquiry Committee taking serious view in the matter directed the respondent to make the payment of the bills as early as possible.

It also observed that being a public servant it was the duty of the respondent not to harass the small newspapers and as trustee of public money, it was essential to bring transparency in action of the government so that the decisions were fair and just *vis-à-vis* similarly placed newspapers and the power could not be used as retaliation or placatory measure. It, therefore, recommended to the Council to direct the Department to pay the bills in accordance with democratic principles. It directed that the action be completed within a period of one month under intimation to the Council.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

14) Shri Harjeet Dua Freelancer, Delhi	<i>Versus</i>	The Chief Secretary, Government of NCT of Delhi Delhi
		The Director Directorate of Information and Publicity Government of NCT of Delhi Delhi

ADJUDICATION

Facts

Shri Harjeet Dua, Freelancer, Delhi has filed this complaint dated 30.7.2010 against the Press Accreditation Committee working under the aegis of Directorate of Information and Publicity, Government of NCT of Delhi for refusal of the Accreditation Card due to adverse remarks made by the Police in the verification report thereby depriving him from performing his journalistic duties. The complainant has submitted that he had applied for renewal of his

Press Accreditation Card as a Freelance journalist in the year 2009 but it was declined by the Delhi Press Accreditation Committee in its meeting held on 17.6.2010 primarily for the reason that the police had given adverse remarks when his matter was sent to them in the routine manner for verification. He received the information on 19.7.2010. The complainant alleged that by doing so the police had once again succeeded to deprive him of his source of livelihood by their unreasonable, arbitrary, whimsical, irrational and malafide attitude. The complainant while giving background and reference of his earlier complaints against the police authorities and the relief provided by the Council through its adjudications alleged that the police as well as the Accreditation Committee succeeded in depriving him of his lawful avocation.

The complainant has requested the Council to intervene in the matter and to call for the alleged adverse remarks which were forwarded by the Police in its so called 'verification' and direct the Press Accreditation Committee to renew and issue the Press Accreditation Card in the category of Freelance Journalist to him at the earliest.

Comments

In response to the notice for comments dated 26.10.2010, the Deputy Director (Press), Information and Publicity Directorate, Government of NCT of Delhi in his reply dated 12.11.2010 submitted that the complainant, Shri Harjeet Dua had been an Accredited journalist of the Government of NCT of Delhi. In the year 2006, Shri Dua applied for renewal of his Press card as a freelance journalist. The matter was placed before the Press Accreditation Committee on 30.1.2006 and it approved with the condition that he would have to submit clarification regarding non publication of his newspaper from his office. After filing the clarification, Press Card No. 262 was issued to him in 2006. In the year 2009 Shri Dua applied for renewal of his press accreditation card. The matter was placed before the Press Accreditation Committee on 20.1.2009 for consideration. The Committee decided not to renew the Press Card as the new clipping enclosed by Shri Dua to substantiate his work experience showed him as a Chief Correspondent in the print line of the newspaper. As per point 8.5 of the Delhi Press Accreditation Rules 1986, a freelance journalist is to be associated with more than one organization. But the complainant was associated only to one newspaper, "Yuva Pukar". Thus the Committee rejected his case and he was advised to apply on behalf of the Hindi Dainik, Yuva Pukar. Later Shri Dua applied in February, 2010 for Press Accreditation as a Chief Correspondent of Yuva Pukar. The Committee considered the case in its meeting held on 17.2.2010 and it was decided to treat it as fresh case as there was a gap of one year and thus, police verification may be done. Accordingly the matter was sent to the office of DCP. As per the Police inquiry report, Shri Dua

was involved in six criminal cases. The matter was again placed before the Press Accreditation Committee in its meeting held on 17.6.2010 and it was rejected due to adverse police report. Accordingly, the complainant was informed. The respondent also filed a copy of the list of the criminal cases in which the complainant was involved along with FIR.

Complainant's Reply

The complainant *vide* his fax dated 28.12.2010 informed that out of the six cases as mentioned by the respondent, he has already been exonerated in three cases. The other three cases had been filed later and only in one case an FIR was filed. All the cases are pending before court. He has requested to place his case before the Inquiry Committee of the Council for consideration and he will provide the documents before it only.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. Both the parties were present. The complainant appeared in person and reiterated his complaint. He submitted that he had written articles in his newspaper against MLAs, MPs and corporators of the area. The complainant submitted that he was an accredited journalist since 1976 and only recently the Directorate of Information and Publicity, Government of NCT of Delhi refused him Accreditation Card. The complainant submitted that he had applied for the renewal of his press accreditation card as a freelance journalist in the year 2009 but the Press Accreditation Committee in its meeting held in 2010 did not renew his card due to adverse remarks that "six criminal cases were registered against him" made by the police in the verification report. He submitted that he had published scanned copy of the Marriage Card of the daughter of the Chairman of the Delhi Press Accreditation Committee Shri Dilbar Gothi who belongs to Navbharat Times as a Chief Correspondent, in a Government Bungalow. Out of revenge he pressurized the members of the Press Accreditation Committee not to renew the Accreditation Card and misused his powers as Chairman of the Committee. He stated that due to non issuance of Accreditation Card he is deprived to perform his journalistic duties. The complainant submitted that he was implicated in six criminal cases by the police authorities without any evidence. Out of these six cases he had already been exonerated by the Hon'ble High Court of Delhi in three cases and in another three cases police has not yet filed any Challan in the court. The complainant submitted that the Press Accreditation Committee is working under the aegis of Directorate of Information & Publicity, Government of NCT of Delhi. The complainant submitted that the respondent acted to curtail the freedom of speech which is a fundamental right, guaranteed by the constitution.

Smt. Urmila Beniwal, Assistant Information Officer appearing for the respondent Department of Information & Publicity, Government of NCT of Delhi submitted that the complainant was an Accreditation Card holder of Yuva Pukar for a long time and this time he had applied as freelance journalist. The respondent submitted that in the paper (Yuva Pukar) mentioned his name as a Principal Correspondent in the print line of the newspaper which he enclosed with his application for the Accreditation Card as a freelance journalist. It was mentioned in the Press Accreditation Rules, 1986 Point No. 8.5 that for freelance journalist the candidate should have been associated with more than one newspapers, but in the instant case the complainant submitted only one newspaper as work experience. Therefore, the Delhi Press Accreditation Committee rejected his application for the renewal of Card. After that he was advised to apply for the editor's category for renewal of the Accreditation Card and the complainant filed his papers in February, 2010 and the case was put up before the Press Accreditation Committee on 17.2.2010 which decided that complainant's case may be treated as new due to gap of one year. The complainant's case was forwarded to the DCP for the verification and in the DCP report it was stated that six criminal cases are registered against the complainant and the complainant's case was rejected on that ground on 17.6.2010.

Report

The Inquiry Committee considered the record and the submissions made before it by the parties. The Inquiry Committee noted that the instant matter was delayed by the administration to harass the complainant. The Inquiry Committee noted that the complainant was a journalist of long standing accredited for the last 34 years and his case for renewal of accreditation card was denied by the Press Accreditation Committee because police verification report was negative. In a democratic set up anyone can file a complaint against anybody and mere filing of FIR cannot be the basis of the denial of accreditation to a journalist of long standing. In the present case, the Inquiry Committee was of the view that the complainant's application warranted consideration and could be considered by the Press Accreditation Committee under the accreditation to journalists belonging to "Long and distinguished category".

It is understandable if a person is held guilty and punished by the court for a criminal offence and denied access to accreditation, but the mere factum of registration of an FIR cannot lead to inference of his guilt. In a profession like journalism, such provisions could provide an opportunity to force the journalists reason to complain for the powers that be and interfere with the free functioning of the press. The said clause was, therefore, *ultra virus* of the fundamental principles of our Constitution and required to be withdrawn. The possible implications of such provisions were fortified by the reference to the past

journalist. The complainant stated that he was unable to understand the attitude of such Senior Public Relations Officer towards media person. Objecting to the word used “Aire-gaire Patrakar” (so called) (unknown and undesirable journalist) the complainant submitted that he had sent a letter to vigilance, CVO and CPRO on the same day but received no response.

In response to the Council’s notice for statement in reply dated 10.6.2010, the respondent submitted that the complainant met him on 3.8.2009 and desired information regarding Delhi Metro Project. As the information related to the project was voluminous she asked him to give specific queries related to the project in writing along with a copy of the newspaper and RNI certificate for their record purpose. The respondent further submitted that since the information asked by the journalists are not always readily available, they are generally requested to give their queries in writing so that the same could be forwarded to the concerned departments for information. According to the respondent, the complainant left the office by saying that he will get the information through RTI. The whole conversation lasted only for about 30 seconds to a minute. During this conversation she did not misbehave with him in any manner and neither denied for any information nor she made any remark like “Aire-Gaire” journalist as alleged by the complainant. She further stated that after receiving his e-mail on the same subject to Chief Public Relations Officer and Chief Vigilance Officer, Delhi Metro, the CPRO also counselled her to be more helpful and cordial in dealing with journalists in future. She assured the Committee that she did not misbehave with the complainant and if her professional approach towards her work did hurt the complainant in any way then she will be more careful in future.

The complainant in his counter comments dated 21.8.2010 submitted that if, the information was not available the respondent could have provided later on but must be polite.

Report

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. There was no appearance from either side. The Inquiry Committee perused the record and noted that while the complainant had brought to its notice a very trivial issue, the respondent in their reply had assured for extending all co-operation to the journalists. In view of the assurance given by respondent, the Inquiry Committee decided to allow the matter to rest. It recommended to the Council accordingly.

Held

The Council on perusal of the record concurred with the report of the Inquiry Committee and decided to allow the matter to rest.

16) **Shri Amar Singh Johri**
Editor

Akhiri Koshish, Hindi Dainik
Panipat, Haryana

Versus

The Director
Information and Public
Relations Department
Government of Haryana
Chandigarh

The Chief Election Officer
Haryana, Chandigarh

ADJUDICATION

Facts

Shri Amar Singh Johri, Editor, Akhiri Koshish, Hindi Dainik, Panipat has filed a complaint on 2.5.2009 against Director, Information and Public Relations Department, Government of Haryana, Chandigarh and Chief Election Officer, Haryana, Chandigarh regarding discrimination in the matter of issuance of authority letters during Lok Sabha Elections 2009. Forwarding the copies of the letters of Commissioner, Chief Secretary, Government of Haryana regarding verification of the titles of newspaper, the complainant has submitted that journalism has become a business and thus requested the Council to take action against the erring officials responsible for not issuing the authority letters to correspondents.

Comments

The Joint Director (Press), Information and Public Relations Department, Haryana in his comments dated 6.8.2009 addressed to Chief Election Officer, Haryana, Chandigarh and a copy endorsed to Press Council has submitted that authority letters at the district level for the coverage of polling and counting process during elections are always issued on the recommendation/list supplied by the concerned District Information and Public Relations Officer and without his recommendation not even a single authority letter is issued. The District Information and Public Relations Officer is a responsible officer of the Public Relations Department and he knows well how to maintain cordial relations with the press. The contents of the complaint filed by Shri Amar Singh Johri do not reflect any specific allegations towards any person or organisation. In fact, the contents of the complaint are advisory in nature. In these circumstances, it is not possible for the department to conduct any inquiry until allegations pinpointing any specific person or any organisation are made. The respondent has further submitted that every care is taken while issuing authority letters to media persons so that any mischievous element may not disturb the election process.

The complainant in another letter dated 18.10.2011 has submitted that the journalists are compelled to perform their duties under the directions of District

Public Relations Officer and only small and medium newspapers are penalized on inquiry being conducted for spreading rumours while the national newspapers are involved in such activities for their self-interest. It tantamounts to curtailment of freedom of press and has requested the Council to direct the authorities for maintaining freedom of press in the interest of small and medium newspapers.

Report

The Inquiry Committee considered the matter on 19.9.2011 at New Delhi, when the complainant did not appear before it despite service of notice. Shri Ashok Kumar, Dy. Director, Public Relations Department and Shri Mahender Kumar, Dy. Superintendent, Office of Chief Election Officer, Government of Haryana appearing for the respondent submitted that DPRO recommends the name for issuance of authority letters for election coverage. Moreover, their department always facilitates on such occasions to all those who are engaged in regional journalism.

The Inquiry Committee on a careful consideration of the matter opined that the government must follow a fair and objective policy for grant of access to the election booth. The Inquiry Committee reiterates its guidelines that:-

- (a) Rules/orders regulating entry of the media persons to places of election should be notified and the cut-off date for applying for passes should be given due and advance publicity.
- (b) As there is nothing secret or confidential about the electoral process, it is the duty of the authorities to give access to media persons to the polling booth and to the centres where counting process is underway and all other places where they can collect correct information with regard to the different stages of the election. Advance information should be provided to all the media persons as to the cut-off date for filing applications for passes. If all the applications received by the due date, satisfy the criteria laid down, they must be uniformly applied and passes be issued to them by the concerned authorities without any discrimination.

The Inquiry Committee recommends to the Council to dispose off the complaint with an advice to the Government of Haryana to consider the case of the complainant in the category of long and distinguished journalist.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

17) **Shri Kamal Bakshi**
Editor/Publisher
Divya Prabhat, H/W
Muzaffarnagar, U.P.

Versus

The Chief Secretary
Government of Uttar Pradesh
Lucknow

The Chief Election Officer
Lucknow, Uttar Pradesh

The District Election Officer/D.M.
Muzaffarnagar, U.P.

ADJUDICATION

This complaint dated 6.5.2009 has been filed by Shri Kamal Bakshi, Editor/Publisher, Divya Prabhat, Hindi Weekly, Muzaffarnagar, U.P. against the District Election Officer/District Magistrate, Muzaffarnagar for non-issuance of Press Passes to the weekly newspapers of the District during elections. He further alleged that press passes were issued to some of the newspapers but they were not allowed to go inside the polling centers, which is gross violation of the Press Council guidelines on the election coverage. He requested the Council to take action in the matter.

In response to the notice for statement in reply dated 23.9.2009 the respondent Deputy District Election Officer in his comments dated 26.10.2009 stated that District Information Officer enquired into the matter and submitted that at present in Muzaffarnagar 54 accredited journalists who belongs to daily and weekly newspapers and they are enjoying complete freedom and facilities. He further stated that the complainant is not accredited from weekly newspapers so he is not entitled for the facilities. The respondent stated that District Administration had arranged five vehicles for the journalist of the daily/weekly newspapers who publish regularly from the District to cover the election in the district and there was no restriction of the specific person. He further stated that the complainant had not filed his application form till the last date and on the eve of the election. He along with other journalists of the weekly newspapers, which are not published from years, gathered in the office of the DIO and pressurized him to issue press passes and district administration refused to do so.

In his counter comments dated 10.12.2009 the complainant submitted that the inquiry was conducted by non-gazetted officer that had no meaning and he was also not been informed about the inquiry. He further stated that the inquiry report was one sided. The complainant further stated that in the last paragraph of the inquiry report mentioned that total 54 accredited journalists are getting all the facilities from daily and weekly newspapers but the complainant has not given the facility as his newspaper is weekly, which is contradictory. He further

Director, Information & Public Relations Department, Government of Rajasthan, Jaipur but the respondent deliberately deprived him of accreditation and other privileges. The complainant has also alleged that the respondent had misplaced his original documents submitted by him to the I&PRD for grant of accreditation. The complainant requested the Council to take necessary action in the matter.

In response to the Council's letter of statement in reply dated 6.12.2010 the respondent Director, Information and Public Relations Department, Government of Rajasthan, Jaipur in his comments dated 20.12.2010 stated that complainant's case was received in their office for consideration and he was asked to submit the requisite documents namely,

1. सूचना एवं जनसम्पर्क अधिकारी का पूर्णकालिक एवं आजीविका संबंधी प्रमाण पत्र निर्धारित प्रपत्र प्राप्त कर भिजवायें।
2. शपथ पत्र रूपये 10.00 का नॉन ज्यूडिशियल स्टाम्प पर भरकर एवं तस्दीक करवाकर भिजवायें।
3. कलक्टर की अनुशंसा भिजवायें।
4. पूर्णकालिक सवैतनिक पत्रकारिता का 5 वर्ष के अनुभव प्रमाण पत्र भिजवायें।
5. अधिस्वीकरण प्रपत्र भरकर भिजवायें।
6. घोषणा पत्र की प्रतिलिपि संबंधित पत्र के सम्पादक से प्राप्त कर भिजवायें।
7. जन्म तिथि का प्रमाण पत्र भिजवायें।
8. दैनिक समाचार पत्र के छह माह के अंकों का सेट भिजवायें।
9. साप्ताहिक/पाक्षिक पत्र के गत एक वर्ष के अंकों का सेट भिजवायें।
10. पोस्टल रजिस्ट्रेशन नम्बर के लिये प्रमाण पत्र की प्रति भिजवायें।
11. समाचार पत्र की समूल्य प्रसार संख्या का लेखाकार का प्रमाण पत्र भिजवायें।
12. आर.एन.आई. के प्रमाण पत्र की प्रतिलिपि भिजवायें।
13. शैक्षणिक योग्यता प्रमाण पत्र भिजवायें।
14. उपर्युक्त प्रमाण पत्रों की फोटोस्टेट प्रतिलिपियाँ आवेदन के साथ संलग्न कर जनसम्पर्क अधिकारी, बारा द्वारा निदेशालय को भिजवायें ताकि अधिकारीगण के सम्बद्ध कार्यवाही की जा सकें।

The respondent further stated that the complainant does not possess requisite qualification and there was a case pending under Sections 120B, 417,

419 and 420 of the IPC against him according to the District Superintendent of Police, Baran. The respondent furnished copies of the communications with the complainant w.e.f. November 2004 to December 2010 and submitted that the complaint was baseless.

The complainant in his counter comments dated 5.3.2011 submitted that he had sent the required documents for more than a dozen time, to the concerned authorities but to no avail. He further submitted that every time he sends papers through Registered Dak and other modes but the Data Clerk misplaced his papers. He requested the Council to get back his original papers from the office of the Director, Information & Public Relations Department, Jaipur.

The matter came up for hearing before the Inquiry Committee at New Delhi on 18.11.2011. The complainant was not present. Shri P.L. Meghwal, Joint Director, Information and Public Relations Department, Government of Rajasthan appeared for respondent and submitted before the Inquiry Committee that the Department had written as many as 15 letters to the complainant asking him to fulfill all the requirements but he did not comply with the same. The complainant's newspaper was irregular and did not possess the requisite qualification, as prescribed in the rules. Moreover, a case was pending against the complaint under various Sections of IPC.

The Inquiry Committee carefully considered the material available on record and rejected the objections raised by the respondent Government which appeared to be mere technical in nature. The Committee was not convinced with the argument for denial of accreditation to the complainant on one of the grounds that the complainant was facing a case filed under Sections 120 B, 417, 419 and 420-IPC for which he was not convinced. In view of the Committee, it is only when a person is convicted for moral turpitude, the accreditation facility can be denied. As regards allegation the complainant is not a graduate, the Committee is of the opinion that there is no constitutional provision which requires a journalist to be a graduate. If such a requirement is imposed, that would violate Article 19 of the Constitution. If educational qualification had been a pre-requisite for being a journalist, the country would have lost some of its renowned journalist. The Inquiry Committee dealt with third objection of the respondent that the newspaper was not regular that had been contested by the complainant and it was of the opinion that the respondent may ask the complainant to submit issues of last six months. In the event of the complainant satisfying the regular publication, the respondent could be granted accreditation. The Inquiry Committee directed the complainant to apply afresh, satisfying the respondent department about the regularity of the publication and the respondent Joint Director, Information and Public Relations Department, Government of

Rajasthan should thereafter accord accreditation. It recommended to the Council to dispose of the complaint with these directions.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

19) Shri Anurag Shukla		The Director
Journalist	<i>Versus</i>	Information & Public
Satta Express		Relations Department
Kanpur Dehat		Government of Uttar Pradesh
		Lucknow

ADJUDICATION

This complaint dated 10.6.2010 has been filed against District Magistrate, Kanpur Dehat for non issuance of identity cards to the journalists. The complainant has submitted that the meeting of the Standing Committee is not being convened by the District Magistrate. The complainant further submitted that he wrote to the District Magistrate to form the Standing Committee and convene a meeting but received no response. He further submitted that District Information Officer and District Magistrate, Kanpur Dehat has not issued editor card to him despite complaint to the Director, Information and Public Relations Department, Government of Uttar Pradesh. The complainant alleged that there is provision to constitute a Committee at District level to look after the complaints of threats to the journalists but till date no Committee has been constituted.

The District Magistrate, Ramabai Nagar *vide* comments dated 15.9.2010 submitted that the allegations were false. The respondent submitted that Standing Committee is being formed from time to time and meetings are convened and the last meeting of the Standing Committee was held on 31.8.2010 in which the complainant was present. The respondent further submitted that he has not received any complaint regarding harassment of journalist. Regarding non issuance of editor card to the complainant the respondent submitted that they have not received the same from the Office of the Director of Information.

The Inquiry Committee took up the matter on 31.1.2012 at New Delhi. The complainant appearing in person submitted that he is an accredited journalist and his newspaper is regular and thus entitled for Identity card and advertisements. The complainant further stated that no Tender Advertisement was issued, no Standing Committee meeting was called and whereas the newspaper was regular, no receipt was given by the respondent. Shri Banerwar

Dwivedi, appearing for respondent informed the Committee that it is for Directorate, I&PRD at Lucknow to issue Identity card which is distributed through the district office. He accepted the eligibility of the complainant for the same.

The Inquiry Committee heard the parties. The main grievance of the complainant concerns non-issuance of the identity card. The representative of the respondent states that the complainant is entitled to the identity card, but that is issued by the Information Department, Lucknow. Accordingly, directs the State Information Department of Government of Uttar Pradesh, Lucknow, to issue the identity card to the complainant forthwith. Further as per rules of the advertisement policy he should be given by the Department.

The Press Council accepts the report of the Inquiry Committee and decides accordingly.

20) Shri Vinay Gupta		The Director
Chief Secretary	<i>Versus</i>	Information & Public Relations
Indian Newspapers &		Department
Journalist Association		Government of Haryana
New Delhi		Chandigarh

ADJUDICATION

This complaint dated 3.1.2011 has been filed against the Directorate of Information & Public Relations Department, Government of Haryana for alleged discrimination in grant of accreditation to the newspapers published outside the Haryana State. The complainant has submitted that according to the Public Relations Department, Government of Haryana any weekly, fortnightly and monthly newspaper which is published outside Haryana will be empanelled only when the circulation of the said newspaper is more than 10,000 and the newspaper should have 40 pages. According to the complainant, for empanelment of the newspapers which are published from Haryana State in r/o weeklies the circulation should be 2,500 and 4 full pages or 8 Tabloid size; for fortnightly and monthly circulation should be 2000 and 8 tabloid size which is totally discriminatory. The complainant has requested the Council to direct the respondent not to discriminate the newspapers which are published outside Haryana State.

The respondent in the comments dated 5.9.2011 submitted that as per Haryana Media Accreditation Rules, 2008 Rule 4(1) (A) News Organization (Print Media) Schedule 1; S.No. 6 “Periodicals/magazines (weekly/fortnightly/monthly) published from Haryana circulation should not be less than 1,000 copies with a minimum 40 pages per publishing day whereas in case of newspapers with a minimum four full size pages or eight tabloid size pages per publishing day”.

The complainant *vide* his counter comments dated 11.10.2011 submitted that the respondent nowhere mentioned the criteria for empanelment of a correspondent in the state of Haryana of any daily, weekly, fortnightly or monthly. He further submitted that it is also not clarified as to who will issue the accreditation cards and to whom. The complainant concluded that it is a discriminatory policy and suppress the freedom of the press.

The Inquiry Committee took up the matter on 31.1.2012 at New Delhi and heard the complainant (in person) and Shri Ashok Kumar Sharma for the respondent. The Inquiry Committee perused the notifications of the Haryana Government. It felt that from the provisions, as they stand, two interpretations can reasonably be drawn. In our opinion, if there are two views, which are reasonably possible, the benefit should go to the press. Accordingly, the Inquiry Committee directs that accreditation be granted to the complainant forthwith.

The Press Council accepts the report of the Inquiry Committee and decides accordingly.

21) **Shri Madan Verma**
Editor
Good Haryana
Jind (Haryana)

Versus

The Director
Information & Public Relations
and Cultural Affairs Department
Government of Haryana
Chandigarh

ADJUDICATION

This complaint dated 9.10.2009 has been filed by the Editor of 'Good Haryana' Jind against the Information and Public Relations Department, Government of Haryana regarding non issuance of Press Accreditation Card. According to the complainant, the newspaper was accredited when it was published as fortnightly but after conversion to weekly from 1.4.2008, the Government of Haryana has not registered the newspaper as weekly although, applying for accreditation, he fulfilled all the requirements on 7.10.2008. The respondent *vide* letter dated 2.12.2009 directed him to furnish copy of latest circulation certificate issued by ABC/RNI/DAVP or CA Certificate with an affidavit to this effect and its city wise circulation in the month of November 2009 and also to provide the issues of newspaper published in the month of April and May 2009. The complainant has submitted that he provided the information *vide* letters dated 14.7.2009 and 7.12.2009. The accreditation was being denied to him on the wrong ground of not confirming to size specified in the rules.

The respondent in comments dated 26.8.2010 has submitted that the Press Branch never stated on any occasion that the accreditation is only given to the newspapers having a size 52x33 cms. The respondent has further

submitted that the following sizes of newspapers are applicable:- for full papers 52"x33" for tabloid – 11"x17" size paper. According to the respondent, the complainant has misunderstood the statement of the department with regard to the sizes. The tabloid newspaper was under sized and no discrimination was done. The respondent has submitted that accreditation to the reporters of the periodicals and daily newspapers is given only on the basis as notified in the Haryana Media Accreditation Rules.

The complainant in counter dated 15.11.2010 has submitted that the allegations of the respondent that the newspapers Good Haryana is published in tabloid size is totally false as since April 2009, the publication was being brought out in the eligible size.

The Inquiry Committee took up the matter for hearing on 31.1.2012 at New Delhi and noted that the parties did not enter appearance. It thus recommended to the Council to dismiss the complaint.

The Press Council accepts the reasons of the Inquiry Committee and decided accordingly.

22) **Mohd. Abdul Azeem**
Freelance Journalist
Hyderabad *Versus* **The Director**
Information & Public Relations
Department
Hyderabad

ADJUDICATION

This complaint of freelancer, Mohd. Abdul Azeem dated 11.3.2010 is against the Information & Public Relations Department, Government of Hyderabad, Andhra Pradesh regarding non renewal of accreditation card of the complainant. He was holding the Accreditation card issued by the Andhra Pradesh Government in the past but in 2010, the Andhra Pradesh Government refused to renew his press accreditation card. When he enquired about it was informed that freelance journalist should submit full page/half page newspaper articles. The complainant fulfilled all the requirements even then denied accreditation.

In response to the Council's notice for statement in reply dated 11.6.2010 the respondent District Public Relations Officer (FAC), Hyderabad in his comments dated 29.6.2010 has submitted that accreditation cards were issued to the Reporters/Correspondents of various media managements for the year 2010 as approved by the District Media Accreditation Committee. The Chairman/District Collector and members of Media Accreditation Committee verify all applications of media managements/persons. The respondent stated that the application of

the complainant has verified by the DMAC, but the individuals did not submit sufficient (12) big articles published with by line in big/medium papers as per rules mentioned in para 11(b) of G.O. Ms. No.96, dated 8.3.2006. The DMAC thus decided that the Freelance Accreditation Card may be issued when 12 big articles are filed but the complainant failed to submit articles. The respondent further submitted that the complainant had verified all Accreditation files for the year 2010 with applications of the Management of Media/Reporters under Right to Information Act and expressed his satisfaction and did not make any claim.

The Commissioner, Information & Public Relations Department, Government of Andhra Pradesh, Hyderabad *vide* letter dated 4.8.2010 informed that as per rule 11(a & b) of G.O. 2nd cited, (a) a freelance correspondent/photographer/cartoonist who has experience of a minimum of 10 years in a newspaper or news agency or photo news agencies or Government media or private electronic media units may be considered for issue of accreditation on his/her application if his/her principal avocation continuous to be journalism and (b) a freelance correspondent shall submit twelve articles published with by line in big medium dailies/magazines in the year preceding the date of application. He has further informed that the complainant in his letter dated 11.3.2010 stated that he did not work in any newspaper and he is continuing the services of freelance journalist. It is clear evidence that the complainant has not fulfilled the conditions of having 10 years experience as a journalists stipulated in the Rules. The complainant has also not submitted any clipping with byline. In view of the above the complainant is not eligible for accreditation so was not granted by the District Media Accreditation Committee, Hyderabad.

The complainant in his counter comments dated 17.10.2010 informed the Council that the statement of the respondent is completely false and baseless. The complainant submitted that he has applied for the renewal of the Accreditation Card not for the fresh card.

The Inquiry Committee took up the matter on 28.2.2012 at Chennai. Shri Mohammed Abdul Azeem, complainant in person submitted that he had fulfilled all requirements and sent 65 clippings of news articles and was granted accreditation in previous years i.e. 2008-2009.

Shri T.V. Chandhra Shekharaiah, District Public Relations Officer, Hyderabad, Andhra Pradesh appearing on behalf of Information & Public Relations Department submitted that the decision for granting accreditation is taken by a Committee consisting of members nominated by District Collector that includes journalists. In case of a freelancer, the applicant must have 10 years experience and submit 12 articles carrying his by-line. However, the complainant had filed 65 clippings of general news reports that were not

place as a large crowd had gathered at the venue. However, press materials was regularly being sent to the complainant and a memo has been served on the concerned officer directing him to maintain cordial relations with media for smooth conduct of the programme and not leave scope for any complaint from any corner and be more concerned in discharging his official duties.

The complainant in his counter comments dated 17.10.2011 stated that the respondent in his written statement denied the incident at the Zilla Parishad Office and justified the conduct of the respondent DPRO but unwittingly made a self-goal as his statement is inconsistent and an ill-planned after thought. The respondent made an untrue statement before the Council and requested for conduct an inquiry on merits.

The Inquiry Committee took up the matter for hearing on 28.2.2012 at Chennai. The complainant was not present. Shri P. Narasimha Rao, Divisional Public Relation Officer, Guntur appeared for the respondent. On the basis of material available on record the Inquiry Committee did not find merit in the complaint and recommended to the Council to dismiss the case.

The Press Council accepted the report of the Inquiry Committee and decided to dismiss the complaint.

Principles and Publication

24) Shri Amar Kumar Singh	The Editor
Head, Department of English	Prabhat Khabar
S.K.M. University	Devghar, Jharkhand
Dumka, Jharkhand	

ADJUDICATION

Facts

Shri Amar Kumar Singh, Head, Department of English, SKM University, Dumka, Jharkhand has filed this complaint dated 20.11.2007 against the Editor, Prabhat Khabar, Devghar for publication of two articles captioned “न्यायाधीशों की नियुक्ति का विवाद” – “संवैधानिक टकराव के आसार” dated 3.10.2007 and “अधिकार कार्यपालिका का है” dated 4.10.2007 and non publication of his rejoinder. The complainant has submitted that the impugned opinion articles by Sudhanshu Ranjan in Prabhat Khabar allegedly denigrated the Judiciary and advocated the supremacy of Executive. The complainant sent his views in the form of articles opposing the impugned articles but the same were not published. The impugned publication is about confrontation between the government and the judiciary over appointment of judges after implementation of “collegium” by

Apex Court. The complainant has picked up few sentences raising his objections to the impugned publication e.g. (a) the reference to collegium is a direct attack on Supreme Court; (b) the article speaks about devaluation and demerits of judges; (c) praising merits of politicians; (d) criticizing judgments of constitutional Benches of Supreme Court; (e) questioning as to how many judges were appointed from a single family; (f) only few families are possessing judicial posts; (g) judges of liking are appointed.

Report

The Inquiry Committee took up the matter on 28.9.2010 at Kolkata and 23.11.2010 at New Delhi and adjourned the matter to afford an opportunity to respondent to file written statement in response to the show cause notice issued on 24.3.2009. Shri Sanjay Mishra, Resident Editor, Prabhat Khabar in his written statement dated 5.8.2011 submitted that the article was written by a senior journalist. Referring to the non-publication of the complainant's point of view, the newspaper had not invited any objection to the article. However, the objections of the complainant sent as natural reaction to the article was not found fit for publication and raising question over the independence over the newspaper was not proper.

The Inquiry Committee again took up the matter for consideration on 18.8.2011 at New Delhi. There was no appearance on behalf of the complainant, while Shri Sanjay Mishra, Resident Editor appearing for the respondent, reiterated the submissions made in the written statement.

The Inquiry Committee perused the record and opined that the impugned publication has focused over Collegium for appointment of judges and also opinion given by former Chief Justice of India before Parliamentary Committee that the judgment of Supreme Court of 1993 regarding appointment of judges was unconstitutional and it had brought devaluation instead of improvement in judges. The Inquiry Committee was also of the view that the editor enjoys a wide latitude in selection of material and impugned publication was not so controversial that could attract other views to be carried and thus the newspaper was not under obligation to publish the views of the complainant. The Inquiry Committee thus opined that no case was made out and it recommended to the Council to dismiss the case.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

25) **Shri Navdeep Singh Virk**
Superintendent of Police
District Sonipat
Haryana

Versus

The Editor
Amar Ujala
Noida, U.P.

ADJUDICATION

Facts

Shri Navdeep Singh Virk, Superintendent of Police, District Sonipat, Haryana filed this complaint dated 4.11.2008 against the Editor, Amar Ujala for publication of an allegedly false and baseless news item under the caption “*Char Hatyayon Se Tharraya Sonipat Jila*” (Sonipat District shaken by four murders) with sub-headings ‘*48 Ghante Mein Huyi Saat Hatyaon Ne Tyohar Kiya Fika*’, ‘*Ghatnaon Se Halkan Hua Police Ka Bhi Mahakma*’, ‘*Ghar Se Bulakar Nabalik Se Samuhik Duskrum*’ and ‘*Lootpath Ka Virodh Karne Par Tejdhar Hathiyaron Se Hatya*’ in its issue dated 27.10.2008. The complainant had objected to the portion of the news item which reported that while one deceased was brought to the hospital by the people, the other deceased was laid on the road blocking the traffic causing a huge obstruction. He submitted that on receiving the information, he along with the concerned police officials including the Investigating Officer and the Deputy. S.P. (City) reached the spot for inquiry and found that one person each, Monu from the invading group and Meher Singh of the defending group had died in the incident and there was no traffic jam. However, no dead body was laid on the road to block traffic flow causing obstructions and not even their relatives who performed their last rites without creating any road jam. The complainant in his letter dated 30.10.2008 to the respondent editor, Amar Ujala had apprised facts about the incident but neither rejoinder was published nor he received any response.

Written Statement

The respondent in his written statement dated 16.1.2010 while denying the allegations levelled in the complaint had submitted that the impugned news item was objective and fair reporting made in good faith in discharge of public duty devoid of any malice and based upon facts. He stated that the complainant himself did not deny the incidents of murders etc. but admitted that two persons had died in that particular incident. His main grievance was that protesting mob had blocked the road. The report had been published as the reporter was present on the spot and he verified the fact of the road traffic obstruction. He produced a joint written statement regarding the incident issued by the villagers. He also stated that by publishing the impugned news item, the newspaper had performed its obligation and role with fullest sense of responsibility and not violated standards of journalistic ethics and added that the complainant did not like to be criticised for their actions by the citizens.

Srivastav was associated with them as Bureau Chief of Faizabad and in that capacity, he had sent both the impugned articles under the stated captions, which was published in the magazine in the form of reports by their Bureau Chief. Also that, the magazine publishes articles only from the journalists associated with them. The respondent further stated that the same had been communicated to the complainant over telephone.

The complainant in his counter comments dated 3.5.2011 submitted that when he contacted the editor over telephone and protested against the publication of said impugned articles, the editor told him that a corrigendum in this regard will be published in its next issue.

Report

The matter came up for hearing before the Inquiry Committee on 19.8.2011. There was no appearance from either side. The complainant *vide* his letter dated 24.8.2011 had requested to decide the matter on merits, while the respondent editor *vide* his letter dated 12.8.2011 had sent a copy of the magazine, August 2011 edition wherein the regret in bold had been published in box item. The Inquiry Committee perused the record and noted that the complainant's request for publishing regret had been fulfilled by the respondent editor which was in keeping with journalistic ethics norms. It therefore, decided to close the matter and recommended to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

27) Shri Ashok Coomar		The Resident Editor
Major General (Retd.)	Versus	The Hindustan Times
Bhopal		Bhopal
Madhya Pradesh		Madhya Pradesh

ADJUDICATION

Facts

This complaint dated 25.3.2010 has been filed by Major General (Retd.) Ashok Coomar against The Resident Editor, The Hindustan Times, Bhopal for publishing truncated version of his letter on 27th February, 2010. The complainant has stated that during the foundation stone laying function of the proposed War Memorial at Bhopal, the Chief Minister had announced a number of other welfare measures for the ex-servicemen which reminded him of past promises by the CM which had not been honoured. As he apprehended that the entire

exercise may not become publicity gimmicks he had e-mailed a letter dated 24.2.2010 to Resident Editor, The Hindustan Times, Bhopal for publication, objectively praising the event as also expressing his misgivings about the past record of the State Government. But the editor published on 27.2.2010, a truncated version of his said letter so altered/edited that instead of being a mix of praise and criticism of the State Government which it was meant to be, it became unqualified flattery. Being peeved at the same he had expressed his protest to the editor *vide* e-mail. The editor responded *vide* e-mail on 3.2.2010 asking him to send a copy of original letter. Thereafter, neither the editor responded nor carried out further publication.

The complainant has stated that the cause of his complaint being the editor publishing the edited letter in his name which has cast a dark shadow on his standing as he is one of the few retired general officers residing at Bhopal. This has severely tarnished his reputation as an upright crusader of ex-servicemen's right. The complainant has prayed to the Council to direct the respondent to publish an appropriate apology in The Hindustan Times, Bhopal edition at a prominent place at the earliest.

No Written Statement

A show cause notice dated 20.5.2010 was issued to the respondent followed by a reminder dated 22.12.2010, but no reply has been received so far.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. Both the parties were present. The complainant submitted that he is one of the three retired Majors residing in Bhopal and during a function held on 18.2.2010, the Chief Minister of Madhya Pradesh had made tall promises. The complainant submitted that his views critical of the government was published in the form of absolute praise in The Hindustan Times. The complainant submitted that the editor had changed the sense of the matter which was to be a combination of both praise and criticism. The complainant also apprised the Committee that the work promised had not yet been started.

Shri Mansimaran Singh appearing for The Hindustan Times submitted that the publication was mixture of praise and criticism of State Government but there was no malice in editing.

Report

The Inquiry Committee considered the matter and heard the parties. It noted that the complainant had given view point against the State Government

in non implementation of the proposed work committed by the State Government and sent a letter in praise of the Chief Minister for good initiatives taken by government but the letter was more so critical of the promises that were not fulfilled. The Inquiry Committee noted that as evident from the caption 'Thanks' C.M., the purport was for conveying 'Thanks', but according to the complainant it became a flattery when the criticism was omitted by publishing the impugned letter. The Inquiry Committee was of the view that no ill-motives or *malafide* could be attributed to the editor in such editing due to space constraint. It was also of the view that the complainant had good reason to express his concern and the Inquiry Committee, therefore, directed the respondent to consider the publication of concern of the military people and directed the complainant to provide another letter detailing his concern and also giving it in reference of his earlier letter to the respondent editor for publication. It recommended to the Council to dispose off the complaint with these observations and directions.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

**28) Shri M.K. Baniwal
Jangpura – Bhogal
New Delhi**

Versus

**The Editor
Hindustan
New Delhi**

**The Editor
The Hindu
Chennai**

ADJUDICATION

Facts

These complaints have been filed by Shri M. K. Baniwal, New Delhi against the Editors, Hindustan, a Hindi daily newspaper from New Delhi and The Hindu, an English daily newspaper from Chennai for publication of allegedly false news items captioned '*Jatigat Adhar Par Nahin Ruk Sakta Transfer*' and '*High Court dismisses harassment charge*' in their April 1, 2010 issues respectively. It was published in the impugned news items that the Delhi High Court observed that no one can play caste card in the matter of transfer and posting services. The Delhi High Court has dismissed a harassment charge by a Scheduled Caste official against a public sector undertaking observing that 'the petitioner (officer) is using the SC/ST card only to stall his transfer'. The officer, M.K. Baniwal, General Manager at PEC Limited, a government

undertaking had challenged his transfer to Hyderabad and urged the Court to summon record from the National Commission for Scheduled Castes regarding complaints about his harassment by the management, added the news items which went on to quote Justice Agarwal, that the National Commission for Scheduled Castes as well as the police before whom the petitioner (complainant) had made complaints against the management has on inquiry found that there was no substance in the complaint. The judge was also reportedly quite convinced that the complainant was playing SC/ST card against the management for ulterior motive only to stall his transfer.

The complainant has alleged that the respondents published the news story including his name with false connotation to scheduled castes in service matter. He had availed legal remedy and the impugned publications harmed his reputation, career and outcome of the legal remedy alleged the complainant and added that the respondents carried the reports without establishing its authenticity and without verifying from or obtaining his version. The complainant wrote to the respondents on 1.5.2010 and 26.7.2010 seeking clarification and apology.

Show cause notices were issued to the two respondents Hindustan, New Delhi and The Hindu, Chennai on 14.6.2010 and 11.10.2010 respectively.

Written Statements

1. The respondent, Hindustan, New Delhi in its written statement dated 24.6.2010 has stated that after pronouncement of the judgment, it is in public domain and anybody could obtain and utilize the same in accordance with law. The respondent denied that the publication was violative in any manner to fundamental right, respect and dignity of the complainant. The complainant had challenged his transfer on the ground of caste-based atrocities, harassment and not for administrative exigencies, therefore it is incorrect that the respondent sopped the name of the complainant with false connotation to 'SC' stated the respondent and added that the news item in question was nothing but a sincere effort on part of the newspaper to report day to day happening around the society which can affect the conscience of the people and therefore question of tendering any kind of public apology for publishing a true and correct reporting, whether as demanded or otherwise, does not arise as the language of the news article was substantially similar to the language used by the Hon'ble High Court in the judgment.

2. The Associate Editor, The Hindu, Chennai in his written statement dated 26.10.2010 has submitted that the news item was factual report based on the judgment available in the Delhi High Court's own website and it was a mere reproduction of what was stated by the Hon'ble Delhi High Court as available in the public domain. The news item was published in good faith and without

any intention of causing any hurt to any person and the paper did not level any false allegation, negligence, inefficiency and other related charges to give loss to the complainant. When the judgment is in public domain, there was no necessity to establish the authenticity or verify the facts with the complainant, stated the respondent. The newspaper did not publish any report which obstructed the integration of reserved category officers in the community with ulterior motive.

Counter Comments

The complainant in his counter comments dated 23.8.2010 and 7.3.2011 has submitted that the contents of the written statement are misleading and false and requested for giving an opportunity for personal hearing.

Arguments

The matters came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. Both the sides were present. The complainant submitted before the Committee that the news-items were false and distasteful and intended to harm his reputation in the public and his institution. The complainant further submitted that the respondents had made casteist aspersion and not taken his version. The complainant further submitted that he had done good business for the company. The complainant also pointed out that the Court in his writ petition had decided that local newspapers and reporters shall not be allowed to see the judgment but the respondent newspapers published it to harm his reputation.

Shri Mansimaran Singh appearing for the Hindustan and Shri Ramanujam for The Hindu submitted before the Committee that they had obtained the judgment of Shri Justice S.N. Aggarwal from the website and thus matter was in public domain which does not require them to take his version. In the judgment, it was specifically quoted that complainant is playing SC/ST card against the management for ulterior motive only to stall his transfer. There was, therefore no reason to take the view of the complainant. Representatives of both the respondents therefore stated that they were not obliged to take version of the complainant on the Court's judgment. Being a petitioner, they have to name the complainant and the judgment was in prohibitory nature.

Report

The Inquiry Committee on a careful consideration of the matter noted that the complainant had not made out any case of violation of journalistic ethics. In case, the complainant wanted to set right his case, he can, if he so desire, pursue for review of the judgement. The Inquiry Committee did not find any substance in the complaint and recommended to the Council not to take cognizance of the complaint.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

29) **Shri N.B. Mani**
Under Secretary
Technology Development Board
Department of Science & Technology
New Delhi

Versus

The Editor
Rashtriya Sahara
Dehradun

ADJUDICATION

Facts

This complaint dated 31.7.2009 has been filed by Shri N.B. Mani, Under Secretary, Technology Development Board, Department of Science and Technology, Ministry of Science & Technology, New Delhi originally addressed to Rashtriya Sahara, Hindi Dainik (Dehradun) alleging publication of false and baseless news item under the caption 'Payment of Rs. 10 lacs before the query' (English Translation) in its issue dated June 21, 2009. The impugned news item reports that 'These days the Technology Development Board of Government of India is undergoing a deplorable state of anarchy. On one hand the senior officer is busy in putting query of payment of a company, on the other hand only a month before the company had been paid more than Rs. 10 lacs without order of the competent authority'.

A show cause notice was issued to the respondent on 5.10.2009 to file written statement which has not been filed.

Report

The Inquiry Committee took up the matter for hearing on 20.9.2010 at New Delhi. There was no appearance from either side. However, the complainant's department in a letter dated 9.9.2010 informed that they are not interested to pursue the matter. The Inquiry Committee in view of the letter dated 9.9.2010 of complainant's department decided to close the complaint for non-pursuance. It recommended to the Council accordingly.

Held

The Council decided to close the complaint for non-pursuance.

**30) Shri Chandar Bhushan Sharma
Principal
S.S. College
Jehanabad**

**The Editor
Rashtriya Sahara
Patna, Bihar**

Versus

ADJUDICATION

This complaint dated 28.12.2008 has been filed by the Principal, S.S. College, Jehanabad against the Editor, Rashtriya Sahara, Patna for publication of allegedly false and misleading news items with following captions:

Sl. No.	Captions	Date of issue
1.	NSUI Ka Pracharya Ke Virudh Andolan Ka Ailan	24.12.2008
2.	Chhatron Par Se Mukadme Vapas Le College Prabandhan: Ramashankar	25.12.2008

It was alleged in the impugned news item that provocative songs and dances were performed at a farewell party of the BCA students of the college and when the junior students and the nearby villagers opposed the events, they were implicated in false cases. The complainant while denying the allegations submitted that no such dances were performed in the farewell party and no villagers had attended the party. He, however, stated that two students had filed an FIR against a quarrel in the college. The complainant had drawn the attention of the respondent editor *vide* letter dated 20.12.2009 but received no response.

In response to the show cause notice dated 22.4.2009, the respondent Resident Editor, Rashtriya Sahara, Patna in his undated written statement received in the Secretariat of the Council on 11.5.2009 submitted that the news item about the farewell party of the BCA students was published on the basis of a press release issued by the District President of the National Students Union of India. The news items were published for the sake of news and he saw nothing for the complainant Principal to object to it. The respondent further submitted that another Hindi daily; Aaj had published a similar news about tussle between college administration and NSUI on account of the farewell party. The respondent concluded that the Rashtriya Sahara had on occasions published news in praise of the college.

The Inquiry Committee took up the matter for hearing on 18.11.2011 at New Delhi. None of the parties appeared before it. The Inquiry Committee noted that the complainant had filed a complaint but not followed up the same. Further the report was based on a press release of National Students University of India. The Inquiry Committee decided to recommend to the Council to dismiss the complaint and decides accordingly.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

31) Shri V.M. Bedse		1. The Editor
Nasik		Loksatta
Maharashtra	Versus	Mumbai
		2. The Editor
		Maharashtra Times
		Mumbai
		3. The Editor
		Sakal, Pune

ADJUDICATION

These complaints dated 16.9.2008 have been filed by Shri V.M. Bedse, (Retd. Chief Engineer, P.W.D., Maharashtra) Nasik against three local dailies namely (i) Loksatta, (ii) Maharashtra Times, Mumbai and (iii) Sakal, Pune for non-publication of his two-pages note in Marathi relying on his own experience of treatment at Dr. Rohit Sane Hospital so as to alert the heart patients against false and misleading advertisement. The complainant has submitted that one Dr. Rohit Sane of Ghatkopar, Mumbai has been attracting heart patients for his so called Natural Bye Pass Treatment at his hospital through misleading press advertisement. The complainant had the treatment and found nothing as claimed, cheating the patients. The complainant brought these acts to the notice of three local newspapers for publication of the same in order to alert the other heart patients, but none of them were ready to publish the same due to their vested interest. The complainant further submitted that he had requested the respondents to publish his view point in the appropriate columns in their papers so that the said doctor could not cheat heart patients but the respondents did not publish it for the reason to protect their interest of inflow of Advertisements for this doctor.

The complainant filed a copy of the bill dated 28.3.2008 of Rs.13,500/- deposited with Madhav Baug Ayurvedic, Cardiac Rehabilitation Centre.

In response to the Council's show cause notice dated 16.6.2010, the respondent editor, Sakal in his undated written statement received in the Secretariat of the Council on 6.7.2010 denied any negligence on his part. He submitted that with regard to the bill dated 28.3.2008 issued by Madhav Baug Ayurvedic,

Cardiac Rehabilitation Centre to the complainant, the bill discloses that one Dr. Bhide had referred the complainant to the Center. In respect of the copies of two ads and Xerox copy of a write up of Madhav Baug Ayurvedic, Cardiac Rehabilitation Centre, the respondent submitted that he checked the records and found that he had not published the said two advertisements and the write up of Madhav Baug Ayurvedic in his paper or in any of his publications. According to the respondent they carry a supplement along with newspaper called "Family Doctor" which is published for larger public interest to inform public at large about what to do, not only for leading healthy life but as inform people about various treatments, medicines etc. He further submitted that the articles written in the supplement by expert doctors and the following note titled "Important Note" is published stating "although the articles in the said edition are written by expert doctors, still the requirement of treatment's varies with person(s). And that the information published in the supplement is not directly for treatment. And before treatment of any ailment it is necessary to take advice of a doctor". He further submitted that if he had carried out any advertisement similar to the copies of the advertisement sent along with Council's show cause notice, they do not endorse or recommend any treatment whose advertisement appears in his publication(s) and they are subject to the "Important Note", caution published by them. The respondent submitted the he has not offended any standards of journalist's ethics or public taste or the editor or journalist has not committed any professional misconduct. He has requested the Council to dismiss the case.

In response to Council's show cause notice dated 16.6.2010 the respondent Loksatta *vide* his written statement dated 28.6.2010 submitted that the complainant incorrectly and mischievously referred to the advertisement as "Paid News". He has alleged that the complainant has deliberately sought to confuse and mislead the Council. He further stated that they had not carried any "paid news" about Dr. Sane's Madhav Baug as sought to be alleged or at all. He submitted that their newspaper has already carried one letter on the subject and it is not desirous of publishing another. He further submitted that the complaint does not reveal any cause of action and deserves to be dismissed with cost.

In response to Council's letter dated 14.7.2010 the complainant *vide* letter dated 10.8.2010 has filed his counter comments and stated that the respondent Sakal in his written statement mentioned that they are not in receipt of the note in Marathi which was forwarded along with the copy of the letter for their perusal and necessary publication. He submitted that the cautionary note in the publication does not serve any purpose and interested people like Dr. Rohit Sane take advantage of the ancient ayurvedic science to run the spurious

hospitals to misguide the people. The complainant further stated that the newspapers doing service informing the people of the alternative therapies also get the information screened from the experts in the field and guide the people properly so that no one could cheat them.

The complainant in his counter comments in response to the Loksatta's written statement submitted that the papers who survive on the advertisement revenue should not forget that it would not be available to them unless the readers read those advertisements and the newspapers have a duty towards the readers so that they are not misguided.

The matter came up for hearing before the Inquiry Committee on 18.11.2011 at New Delhi. There was no appearance on behalf of the complainant. Ms. Monika Bansal, Company Secretary appeared for Loksatta and Shri Ajay Buwa, Senior Correspondent, New Delhi appeared for the Sakal. Ms. Monika Bansal, Company Secretary submitted in addition to the written submissions that the complaint is not maintainable as the complainant had his grievance against the Ayurvedic Centre. She had perused his personal experience with the medical practitioners and wanted to share his experience by way of publication of his letter in the newspaper. The respondent submitted that they were not bound to publish the letter of the complainant.

The Inquiry Committee perused the record. It noted that the complainant's case was that he had been allegedly cheated by a doctor who was attracting heart patients through advertisements published in the newspaper and Journal. The complainant on experiencing the treatment felt cheated and desired to caution the other patients through publication of his letter in respondent newspapers. The Inquiry Committee noted that while these advertisements/opinions of health facilities were accompanied by cautionary notice and Loksatta had also carried a letter of another person on the issue. It noted that the selection of material for publication of report/article/letters lies within the discretion of the editor and the Press Council cannot be used as a medium or tool to force the editor to carry an information. The Inquiry Committee decided that the facts of the case did not warrant its interference in the functioning of the editor, who enjoy good deal of latitude and discretion in selection of material. The Inquiry Committee decided to reject the complaints and recommended to the Council accordingly.

The Press Council concurred with report of the Inquiry Committee and decided to dismiss the complaints.

32) **Dr. Zora Singh**
Chairman
Desh Bhagat group of Institutes
Chandigarh

The Editor
Versus **The Times of India**
Chandigarh

ADJUDICATION

This complaint dated 5.5.2010 is filed against The Times of India for publication of allegedly vulgar content in the column titled “SMS Joke of the day” under section titled “Leisure” in issues dated 6.1.2010, 30.4.2010, 2.5.2010 and 3.5.2010.

The respondent The Times of India in written statement dated 17.7.2010 denied the allegations and submitted that the newspaper has not offended or violated the professional norms of journalistic conduct in any manner. The impugned column containing jokes is being published for long in the newspaper which has thousands of readers and he has never received any complaint/objection from any of its readers as to the column or its contents which goes to show that it is acceptable and quite popular among its readers. The respondent has clarified that he is not specially creating these jokes for publication in the newspaper(s) but these jokes are quite popular and are already in circulation through SMS between mobile users. The respondent has further submitted that the content/material published in the newspaper has to be judged keeping in mind the present day literary trends and also the popular permissiveness. The published material has to be tested by the current standards of ordinary decent people more so when the newspaper is in English and is likely to be read only by well educated persons. The test of judging should be that of an ordinary man of common sense and prudence and not an “out of the ordinary hypersensitive man”. The respondent has mentioned that in the case of K.A. Abbas, Shri Hidayatullah, Hon’ble Chief Justice of the Supreme Court of India has opined “If the deprave begins to see in three things more than what an average person would, in much the same way, as it is wrongly said, a Frenchman would see a women’s legs in everything, it cannot be helped”.

The complainant in his counter comments dated 5.10.2010 stated that the newspaper has not stopped the publication of cheap and vulgar jokes under the excuse that such jokes are in circulation since long as SMS’s among mobile phone users and they have resorted to the publication of even more filthy jokes in their column titled “SMS joke of the day”. He has submitted that a daily newspaper that is read by millions of people cannot be compared to mobile phone that is a private affair.

The Inquiry Committee considered the matter on 30.1.2012 at New Delhi and heard the complainant. The respondent was not present. Upon hearing the complainant, the Inquiry Committee did not find the matter to warrant action

under Section 14 (1) of the Press Council Act and recommended to the Council to reject the complaint.

The Press Council accepted the report of the Inquiry Committee and decided accordingly.

33) Shri Nungsanglemba AO **The Editor**
JDPR, Directorate of Public Relations *Versus* **Dainik Bhaskar**
Ministry of Defence **Rajasthan**
New Delhi

ADJUDICATION

This complaint dated 12.7.2009 has been filed by JDPR, Directorate of Public Relations, Ministry of Defence, New Delhi against the Editor, Dainik Bhaskar, Jodhpur for publication of an advertisement about change of location in recruitment process by the Army purportedly inserted on behalf of the Government of India. The complainant denied given such advertisement by the Army and submitted that the advertisement mentioned the dates for medical examination and dispatch of candidates with reference to Jaisalmer recruitment rally. This was not true because no recruitment rally was conducted. The complainant has further submitted that the advertisement was given on behalf of Lt. Gen. HQ South Western Comd., Jaipur. Whereas, the Army recruitment is the responsibility of Deputy Director General, Recruiting (Rajasthan) for the State of Rajasthan. According to the complainant, on investigation from Dainik Bhaskar through PRO Jodhpur, it has come to notice that a person claiming to be Bhawani Singh from Alwar forged a letter in the name Indian Army (HQ South Western Comd), Jaipur. The letter was handed over to Dainik Bhaskar office at Bharatpur and the booking amount for advertisement was paid for in cash. The complainant sent rebuttal of the advertisement to Dainik Bhaskar on 11.2.2010 but to no avail.

Dainik Bhaskar in written statement denied the allegations and submitted that the advertisement published on 9.2.2010 was issued by Lt. Gen, South Western Comand on the letter head of the Government of India and duly sealed by the Defence Ministry. The respondent further submitted that they had published the advertisement and bills for the same were issued from their Bharatpur office. The respondent filed copies of the letter heads dated 7.2.2010 of the Defence, DPR, Govt. of India, Jaipur and CRPF, Ajmer to show the bonafide in publication of advertisement on 9.2.2010 and subsequently on 26.2.2010.

The Inquiry Committee took up the matter on 31.1.2012 at New Delhi and the complainant appearing in person submitted before the Committee that the army recruitment letter was fake and forged by a person posing as army

personal. On a query by the Inquiry Committee to the complainant that forging a letter by a person was a criminal conspiracy and whether any police complaint was filed by the Ministry of Defence against the culprit? The complainant informed the Committee that he has no readily available information or document to answer the query.

Shri Sumit Vyas, Sr. Executive (Legal) appearing for the respondent submitted that the release orders were given on the letter head of the Govt. of India. The same person had brought both the letters and asked for publication of the advertisements for which the advt. booking amount was paid by him and the bills were issued. The respondent further submitted that booking of both the advertisements were made by Bureau Chief of Dainik Bhaskar at Bharatpur that was published in Jodhpur Edition.

The Inquiry Committee heard the parties. The complainant stated that some fake advertisement was published in the respondent newspaper. The respondent's representative stated that the said advertisement was given to their small office which is situated in the remote area of Bharatpur, Rajasthan. Obviously, the person stationed there could not know all rules and regulations regarding defence advertisement. The Inquiry Committee, therefore, feels that the advertisement being on the letter head and duly sealed, the onus for the advertisement could not be put on newspapers, more so when the complainant has not been able to inform the Inquiry Committee of the status of the issue of forgery of effected. However, it direct, the newspaper Dainik Bhaskar to be more cautious and careful while accepting such advertisements. With these observations, the complaint be dismissed.

The Press Council accepted the report of the Inquiry Committee and decided to dismiss the complaint.

34) Shri S.V. Mani
Journalist/Writer
Chennai

Versus

The Editor
The Times of India
Bangaluru

ADJUDICATION

This complaint dated 23.3.2009 has been filed by Shri S. V. Mani, Journalist/Writer, Chennai against The Times of India for publication of an article captioned "Want TO CONCEIVE? TRY WILD, ENERGETIC SEX" in its issue dated 23.3.2009 as being vulgar and objectionable.

In response to show cause notice dated 8.7.2009, the respondent The Times of India in its written statement dated 12.8.2009 has strictly denied the allegation levelled in the complaint. The page "Times Trends" features informative articles on science, technology and health and the article published was related to said aspects. The respondent submitted that the article reported the scientific

research on reproductive biology carried out by Professor Allan Pacey, who is a senior lecturer in anthology at Sheffield University and the article was covered by various respected publications including The Guardian and was also featured in a documentary on Channel 4 (a British TV Channel).

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. None appeared before it despite service of notice. The Committee thus recommends to the Council to close of the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

35) Shri S.V. Mani
Journalist/Writer
Chennai

Versus

The Editor
The Times of India
Mumbai

ADJUDICATION

This complaint dated 4.5.2010/10.6.2010 has been filed by Shri S.V. Mani, Journalist/Writer, Chennai against the editor, The Times of India, Mumbai for publication of a vulgar questionnaire under the caption: "Ask the Sexpert" in its issue dated 4.5.2010 and a vulgar news item on 2.6.2010 under the caption: "Spray helps men last six times longer".

Show cause notice to the respondent editor, The Times of India, Mumbai on 16.12.2010, did not elicit any written statement.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. None appeared before it despite service of notice. The Inquiry Committee recommends to the Council to dispose off the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

36) Shri R. Manohar
Head of Programmes
South India Cell for
Human Rights Education
and Monitoring, Bengaluru

Versus

The Editor
The Times of India
Bengaluru

The Editor
Deccan Chronicle
Bengaluru

ADJUDICATION

Shri R. Manohar, Head of Programmes, South India Cell for Human

Rights Education and Monitoring, Bangalore has filed these complaints dated 1.7.2010 against (1) TV9 (2) The Times of India and (3) Deccan Chronicle for telecasting and publishing photographs of a boy consuming liquor in its issues dated 23.4.2010, 26.4.2010 and 29.4.2010 respectively. The complainant has submitted that the print and electronic media telecast and published the pictures of the boy consuming alcohol while the State Excise Minister, Karnataka Government, Shri M.P. Renukacharya was present there and met the boy's family and to give 'gyaan' on the ill-effects of alcohol. The complainant has further submitted that the boy's name including his photographs, his father's name and background, his mother's name and background was also published in the news. The complainant has alleged that the act of the respondents violates the provision of the Convention on the Rights of the Child (CRC) the Guidelines of the PCI, Guidelines of the National Human Rights Commission as well as the provisions of the Juvenile Justice Act, 2000 and amended Act of 2006 and the said provisions in essence bar publication of name etc. of juvenile or child in need of an protection involved in any proceeding under the Act. The complainant submitted that he has sent letters to the respondents on 27.4.2010 and 29.4.2010 respectively but received no response. He has requested the Council to take appropriate action against the respondents. Since electronic media is not covered under the Press Council Act, the complaint against TV9 was not entertained.

In response to Council's show cause notice dated 9.12.2010, the respondent The Times of India *vide* written statement dated 5.1.2011 while denying the allegations of the complainant has submitted that it has not offended or violated the professional norms of journalistic conduct in any manner. According to him, the impugned news item was carried to bring to the knowledge of the general public the plight of the child who because of his parents has become addicted to the alcohol as his father was himself alcoholic and under a wrong impression kept on giving him alcohol to cure his asthma. The respondent has further submitted that the impugned news item is published in good faith. The respondent has also submitted that the impugned news item carried as the Excise Minister, Shri M. Renukacharya was visiting the house of the boy as he wanted to send the message against the alcohol given to the children. Further the impugned article was carried for the information of general public and in public interest so that other people should not try this on their children. According to the respondent, the father and grandfather of the child are also being sent for counselling as it was because of them that the child has become addicted to alcohol. It was also done to highlight the fact that government is taking interest in the welfare of its people as the Excise Minister himself visited the house of the boy and said that all support will be provided by government at its cost for the well-being of the boy. The respondent has further stated that the intention

of his client was to bring to the knowledge of the general public the plight of the young boy and effect of the alcohol on young children.

The other respondent Deccan Chronicle did not file written statement.

The Inquiry Committee took up the matter on 27.2.2012 at Chennai. Shri Krishnaveni appeared on behalf of complainant, Coordinator, Human Rights Advocacy & Research along with Shri P. Selvi, Advocate. Shri R. Manohar and Shri R. Guru Prasad, Shri R. Bhagwan Singh, Consulting Editor/Chief of News Bureau for the Deccan Chronicle. The Times of India was not represented. The complainant reiterated the objection that the photo of juvenile was published with details that clearly identified him in violation of law as well as ethics. Shri R.Guruprasad, AGM(Admn), Deccan Chronicle, admitted the violation.

The Inquiry Committee perused the record and heard the parties. The identification of the minor was clearly in violation of law as well as universally accepted journalistic values. Even though the Committee accepts that there was no mal-intention behind such publication, the error of judgement on the part of the respondents is apparent. The nature of report was such that public awareness could have equally well been carried out while masking the identity of the minor involved. The Inquiry Committee feels that it would, therefore, be in the fitness of things if the two respondents were to publish their regrets, acknowledging the error of judgement, and also issue appropriate instructions to their reporters, so that such incidents do not occur. It recommends to the Council to direct them to do so.

The Press Council, on consideration of the records of the case and report of the Inquiry Committee, accepts the reasons and findings of the Committee and decides to direct the Deccan Chronicle and The Times of India in terms of the above observations.

37) **Ch. V. Suryanarayana** **The Editor**
Secunderabad *Versus* **The New Indian Express**
Andhra Pradesh **Hyderabad**

ADJUDICATION

This complaint dated 20.1.2010 has been filed against publication of allegedly wrong news items under the captions:

1. “Demographic details of Andhra Pradesh (2001)” dated 10.12.2009

It is stated in the article that population is inflated by more than 7% in the Andhra Pradesh. Literacy percentages, irrigation area under various sources Major, medium, minor projects and in the field of education Andhra Pradesh is less than other States.

2. “River water holds the key” dated 28.12.2009.

3	Restaurant Mein Ishq Pharmate Pakre Gaye Premi-Premika	Dainik Shah Times
4	Restaurant Mein Premalap Kar Rahe Jodi Ko Pakra	Royal Bulletin

It was alleged in the impugned news items that the local police raided the complainant's restaurant and arrested a couple who were caught in a compromising position. The complainant, who was charged to have been running a luxurious den for lovers in his restaurant, was also alleged to have absconded.

Denying the allegations, the complainant alleged that the impugned news items were false, misleading and published with the intention to defame him and his family. The complainant stated that he was a social worker and using his residence as an office. His wife is a teacher of Primary School and after school time, she runs a boutique. According to the complainant, three years ago, he opened a family restaurant under the name 'Ujala' and now he converted the restaurant into Aganwadi Kendra – cum – office. At the time of the alleged incident, his office was remained locked. After publication of the impugned news items, he and his family felt depressed and sick and were in a position to commit suicide. The complainant further alleged that the impugned news items were published without pre-publication verification.

The complainant also furnished a copy of an FIR dated 11.1.2008 in connection with which one Anoop Singh was arrested for molesting a girl opposite to his residence. He had issued letters to the respondent newspapers on 19.2.2008 and 25.2.2008 but received no response from any of them.

Show cause notices were issued to the four respondent newspapers on 4.9.2008.

The matters first came up for hearing before the Inquiry Committee on 9.9.2009 at Dehradun. Shri Anil Kumar Kamal, the complainant appeared in person. S/Shri Ramesh Sharma appeared for Bijnor Times and Chingari, Javed Akhtar, Advocate for Shah Times and Rajender Singh for Royal Bulletin and requested time to file written statement. The Inquiry Committee granted conditional adjournment with direction to all the four respondent newspapers to pay Rs.2500/- as cost for next hearing to the complainant. The respondents agreed to it and the Inquiry Committee decided to adjourn the matters with direction to all the respondents to file written statement within a fortnight with copy to the complainant.

The directions of the Inquiry Committee conveyed to parties on 9.10.2009 but received no response.

In the next hearing on 15.12.2009 the complainant appeared in person, Shri Suryamani Raghuvanshi appeared for Bijnor Times and Chingari, and Shri Bobby Kalia represented Royal Bulletin whereas there was no appearance by the Shah Times. While Chingari and Royal Bulletin filed their written statements at the time of hearing, the representative of Bijnor Times stated that the editor was seriously ill and they therefore, could not file their written statement, and prayed for fifteen days for filing their written statement.

The complainant submitted that he was not paid the cost ordered by the Council at its last hearing and the respondents were again delaying the hearing. The Inquiry Committee directed the respondents to pay the cost equally divided into four respondents. The Inquiry Committee also directed the respondent to file their written statements within 15 days and the matters were accordingly adjourned.

The Editors, Bijnor Times and Chingari, Bijnor *vide* letters dated 31.12.2009 informed that complying with the direction of the Inquiry Committee an amount of Rs. 625/- each on behalf of the two newspapers had been paid to the complainant. The Editor, Bijnor Times further submitted that the impugned news item was published as per the information received from the police sources on the spot. According to the respondent, there was no ill will or any malice to publish the news item as they had neither published name of the restaurant or any person.

The matters again came up for hearing before the Inquiry Committee on 23.2.2010 at New Delhi when the complainant appeared in person. Shri Nasir Rana, News Editor appeared for the Shah Times and Shri Bobby Kalia, representative appeared for the Royal Bulletin. The complainant submitted that the newspapers reports about incident were false as his house, was locked on that day. There was no restaurant operating there. The complainant drew attention of the Inquiry Committee to the FIR which was written on 11th January and the time of incident mentioned was 10.30. Then could the newspapers be published on 11th January in the morning even before the incident took place. The complainant submitted that he was not aware why his name was mentioned in the FIR and later deleted by the police. The complainant submitted that the FIR was concocted and the affidavit submitted by respondents claiming the incident of 11th January were also concocted.

The respondents representatives of Royal Bulletin and Shah Times filed their replies as follows:

Shri Anil Royal, Editor, Royal Bulletin, Muzaffarnagar in his reply dated 23.2.2010 requested the Council to reconsider imposition of cost and refund the amount paid to the complainant as they were present on all the occasions.

Shri S.N. Rana, Editor, Shah Times, Muzaffarnagar in his reply dated 23.2.2010 submitted that the news item in question was based on the information gathered by the concerned reporter, who was present at the time of the incident. He also stated that the police searched the premises of the complainant, Ujala Family Restaurant and found a couple in compromising position and when they were taken to the police station, the owner of the restaurant managed to escape. He also stated that at the time of matter going to press, no action was taken in the matter but later on due to some compulsion or political pressure, the place of the incident was changed by the police and the arrested couple was also not made the accused. The respondent submitted that there was no personal vendetta or malice towards the complainant in publishing the news item, but it was published in public interest. The respondents sought time to check and clarify the discrepancy with regard to the date of FIR and the date of reporting.

The Inquiry Committee noted that the impugned news reports and the FIR were of the same date i.e. 11 January. It decided to verify the authenticity of the FIR from the concerned police station. The matter was adjourned.

Accordingly a copy of the FIR was forwarded to the SHO, Noorpur, Bijnor *vide* letter dated 5.4.2010 for necessary action.

The matters came up for hearing before the Inquiry Committee in its meeting held on 26.4.2010 at New Delhi. The complainant appeared in person and filed his counter. He also informed the Inquiry Committee that one of the respondents Shah Times had not paid the cost imposed by the Inquiry Committee. Shri Alok Govil, Advocate appeared for the Bijnor Times and Chingari. The Inquiry Committee noted that the police had not yet confirmed the authenticity of FIR. In order to ascertain police report, the Inquiry Committee decided to adjourn the matter and directed that the matter be listed on receipt of report.

The directions of the Inquiry Committee were conveyed to the parties *vide* letter dated 21.6.2010 for information/compliance.

The matters came up for hearing before the Inquiry Committee on 22.11.2010 at New Delhi. The complainant appearing in person submitted before the Committee that on perusal of the FIR again he found another discrepancy in the place of incident i.e. Gandhinagar which was situated one Kilometer away from his place of residence i.e. Mohall - Kabir Nagar, Noorpur.

The Inquiry Committee noted there was no appearance on behalf of the respondent nor the police confirmed the authenticity of the FIR. The Inquiry Committee directed the Superintendent of Police, Bijnor to file report in the matter within a fortnight.

Reply of Superintendent of Police

In response to the Council's letter dated 1.2.2011 Superintendent of Police, Bijnor *vide* letter dated 29.3.2011 has sent a certified copy of the FIR lodged in the Police Station, Noorpur which was the same as one produced by the complainant.

Final Hearing

The matters came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. The complainant appeared in person. There was no appearance on behalf of the respondents. The complainant reiterated his complaint and submitted that all the newspapers (respondents herein) in a pre-planned manner published the impugned news without verifying the facts from the complainant. There was nothing against him in the FIR, which was also tampered by the police. The complainant drew attention of the Committee that as per directions given on 9.9.2009 by the Inquiry Committee, one of the respondent had not paid cost of adjournment to him. The complainant desired that credentials and qualifications of the journalists attached to these newspapers are to be checked and monitored by any agency/authority. According to the complainant, the respondents were bringing out the newspapers, just to blackmail the people of the locality. The complainant requested that in case these newspapers are found guilty, their advertisement should be stopped.

Report

The Inquiry Committee perused the material on record and upon hearing the complainant noted that none of the respondents had come forward to defend the allegations. The Inquiry Committee deprecated the newspapers for not filing written statements on merits. The Inquiry Committee proceeded to consider the complaints on the basis of material on record and observed that the respondent newspapers had published a totally imaginative story having no nexus with the FIR. The Inquiry Committee perused the impugned news items which *inter-alia* alleged that the local police had raided the restaurant purportedly owned by the complainant and arrested a couple in compromising positions. It was further alleged that the complainant had made the restaurant a den of providing luxury to secluded lovers and when the police raided the restaurant the complainant escaped. However, on perusal of the FIR, the Inquiry Committee noted that the facts were contrary to the impugned publication as it was stated in the FIR that the police had arrested one Shri Anup Singh S/o Shri Babu Singh under Section 294 IPC at about 10.30 on the charge of eve teasing near one Shiv Mandir Chowk. The police had arrested the accused as per information given by police informer that the said accused was teasing the passerby lady in front of the house of the complainant.

The Inquiry Committee on scrutiny of these documents found variation in the impugned publication and the authenticated FIR forwarded by the Superintendent of Police, Bijnor. The norms of ethics requires that on receipt of report or article containing imputations against a person, the editor should cross check its authenticity. In this case the newspaper while relying heavily on FIR, even did not attempt to go through the contents, thus making reckless allegations about the complainant causing defamation and embarrassment to the complainant. It is a laid down guideline that newspaper should not publish anything which is manifestly defamatory unless after due care and verification, there is sufficient reason to believe that it is true and its publication will be for public good. According to the respondents the publication of impugned news items were actuated by public interest, the Inquiry Committee did not find any substance in their contention which was not corroborated by material evidence and the documents that formed the basis of the impugned publication were otherwise.

The Inquiry Committee, therefore, decided to uphold the complaints for breach of the ethics on two counts, viz. absence of proper pre-publication verification and not exercising caution against defamatory writings bringing the complainant's name to disrepute in the society. The Inquiry Committee cautioned the newspapers to be careful in future. It recommended to the Council to uphold the complaint and reprimand the editors of (i) Dainik Bijnor Times, (ii) Chingari Bijnor, Bijnor, (iii) Dainik Shah Times, Muzaffarnagar (iv) Royal Bulletin, Muzaffarnagar.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

39) Shri ATM Rangaramanujam Advocate Delhi	<i>Versus</i>	The Editor Andhra Jyothi Tirupati, Andhra Pradesh
		The Editor Sakshi Daily Kothapalem Village Chitoor District, A.P.

ADJUDICATION

Facts

These two complaints dated 3.11.2008 have been filed by Shri ATM Rangaramanujam, Advocate, Delhi against the Editors, (i) Andhra Jyothi, Tirupati and (ii) Sakshi, Kothapalem Village, Chitoor District, Andhra Pradesh for publication of allegedly false and defamatory news items as follows:

Sl. No.	Captions in English	Newspapers
1.	Notices to two lawyers; Cheated promising to get the lands registered. Allegedly taken Rs.45 lakh.	Andhra Jyothi 12.8.2008
2.	Petition for punishing those lawyers. The matter relating to cheating to ryots (farmers) of Shantipuram.	Andhra Jyothi 13.8.2008
3.	Fine cap on cultivators in lakhs. One senior advocate has put cap to the tune of lakhs on ryots (farmers) who came to seek justice and that fact has come to light.	Sakshi 12.8.2008
4.	Case against lawyer. Allegation that ryots (farmers) have been cheated.	Sakshi 12.8.2008

The complainant has objected to the publication of the impugned news items that being the father of Shri ATM Srinivasan, he co-operated in the criminal misdeed of his son. The complainant has stated that the news items in question were published to the effect that he too jointly received the money from the cultivators and also having met them earlier. According to the complainant, neither in the legal notice nor in the complaint, the said allegations had been made by the lawyer of the cultivators namely, Shri Loknath Reddy, Advocate but it was deliberately published to defame him and to bring down his name and reputation in the society, alleged the complainant. The complainant had issued legal notice to the respondents on 22.8.2008 but received no response.

Show cause notices were issued to the respondents on 1.12.2008.

Written Statement of Sakshi

The Editor, Sakshi in his written statement dated 13.1.2009 has submitted that the impugned publication dated 13.8.2008 was merely a factual report of the fact of the affected victims having lodged a complaint in a court of law about an advocate who had cheated them, with a further allegation that his father and wife co-operated with him. The impugned news report was based on a complaint lodged in a criminal court and the contents of the report did not go beyond the allegations contained in it, stated the respondent. He has added that the report did not contain any opinion expressed by the newspaper to its correspondent and there is nothing, which can be said to be defamatory of the complainant except that he has been named in the case filed before the court. At any rate, the news reports in question were published in good faith without malice, with due care and attention and after verification of facts for public good stated the respondent.

Written Statement of Andhra Jyothi

The Editor, Andhra Jyothi in his written statement dated 24.1.2009 has submitted that the impugned news item dated 12.8.2008 was published on the basis of the contents of the reply of legal notice issued by Advocate Shri V. Loknath Reddy to the complainant's son as is evident from the complaint itself and the other news item in question dated 13.8.2008 was based on criminal complaint No. 610 of 2008, a complaint filed on behalf of 65 farmers against the complainant, his son and his daughter-in-law before the IV Additional District Magistrate, Chitoor on 12.8.2008 wherein the complainant was shown as accused No.2. On 4.10.2008, the Hon'ble Additional Judicial First Class Magistrate, Chitoor gave orders that there is no *prime facie* case against the accused No. 2 (the complainant) while the rejoinder was published on 31.8.2008 much before the said order passed by the Magistrate. The thrust of the news items concerns the plight of the 65 farmers, who were cheated in legal proceeding that had caused magnitude of the problem, as 65 farmers' livelihood are at stake, the news item was published as newspaper was under its duty to reflect public grievance.

Counter Comments

The complainant in his counter comments dated 17.2.2009 has submitted that the comments made in the written statement did not touch the core of the matter and report itself was *per-se* defamatory and there is no good faith exhibited by the respondent editor and also there has been no due care and caution exhibited by them before publishing the impugned news items. He also stated that there has been no verification of the notice issued by him and the subsequent events of dismissal of the complaint against him passed by the Magistrate clearly revealed the *malafide* on the part of editor in having published defamatory matter against him without all proper scrutiny and verification.

Arguments

The Inquiry Committee had taken up the matters on 24.2.2010, 26.4.2010, 28.7.2010 and 22.11.2010 and considering to the request of the parties had granted adjournment. The matters came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. The complainant appeared in person. There was no appearance on behalf of the respondents. The complainant submitted that the respondent newspapers had deliberately published a series of defamatory news against his son that had caused considerable damage to his reputation as these newspapers were widely read in Andhra Pradesh. The report was considerably malicious targeting him as a "cheat" and holding him responsible for his son's actions. According to the complainant, his son also being a lawyer had informed the complainant over the telephone that some

people had entered his house forcibly and obtained his signatures on 13.7.2008. The complainant further submitted that while one of the respondents Andhra Jyoti, Chittoor edition had published his rejoinder on 31.8.2008 under the caption "I have no connection with reference to those affairs" but that did not serve any purpose as the damage had already been done to his reputation by not verifying the correctness of the report. The complainant further submitted that the case filed against him was dismissed by the magistrate.

Report

The Inquiry Committee on consideration of the material on record and submissions made before it by the complainant noted that the newspapers namely, Andhra Jyoti and Sakshi in their news reports appearing on 12-13 August, 2008 voiced the grievance of the cultivators who were allegedly cheated by their lawyer by giving them forged documents. The newspapers reported that the cultivators were cultivating the land on lease hold basis which was ordered to be auctioned by the DRT on the complaint of Indian Bank, as owners of the said land had taken a loan of Rs. 33 lacs and not repaid the loan and went abroad. In order to get back their land, approximately 65 lease holders cultivators approached the lawyer Shri ATM Srinivasan i.e. the son of the complainant who after taking approximately Rs. 45 lacs to get back their land gave them a forged document showing that the Bank had given the land back to the cultivators and that the Tribunal had decided in their favour. However when the Bank Personnel came to take possession of the land in the month of January 2008, the cultivators realized that they were cheated by their lawyer. The cultivators realizing the truth asked the lawyer to return the money and he promised to pay by 5th March, 2008 and executed a Mortgage Deed in respect of his house in their favour. The cultivators then approached another lawyer and filed a case of cheating against the son of the complainant and made the complainant a second accused for having co-operated in the misdeeds of cheating the cultivators.

The Inquiry Committee noted that the complainant was claiming that he was not party to the act of alleged cheating the cultivators and his plea was upheld by the learned magistrate. However, the Inquiry Committee noticed that the newspapers had sufficient basis for publishing the news items and one of the respondent namely, 'Andhra Jyoti' had carried the version of the complainant much before the orders of the learned magistrate, finding no *prima facie* case against the complainant. In the circumstances the Inquiry Committee is not inclined to proceed against Andhra Jyoti for their adherence to the norms of journalistic ethics.

Insofar as, Sakshi Daily, the second respondent herein, the Inquiry Committee is of the opinion that the ends of justice will be met if the editor,

Besides, the complainant and their associates hatched a conspiracy to kill him. A written complaint was given to the Superintendent of Police and the Home Minister in this regard. The impugned publications were in public interest submitted the respondent.

Counter Comments

The complainant in his counter comments dated 3.5.2010 while denying the averments made in the written statement has submitted that the respondent editor by producing irrelevant and false documents and submitting false statement tried to hide his illegal act. The complainant requested to take appropriate legal action against the respondent in the interest of justice.

Report of Inquiry Committee

The matter was called out for hearing by the Inquiry Committee on 29.7.2010 at New Delhi. Shri G.S. Mani, advocate appeared for the complainant while there was no appearance on behalf of the respondent newspaper. The respondent editor, however, *vide* his letter dated 21.7.2010 defended the publication and requested that due to ill-health he was unable to appear before the Committee and the matter may be decided on the basis of written statement already filed.

The respondent editor in another letter dated 14.9.2010 informed that many criminal cases were pending against the complainant at J.M.F.C. Court, Thirthahalli. Filing English translation of the deposition of the complainant in respect of O.S.421/2000 pending in the Court of Addl. Civil Judge (Jr.Div.) and JMFC at Shimoga, the respondent submitted that he had forwarded his reply to the complainant by registered post but he refused to receive the same.

The Inquiry Committee took up the matter on 22.11.2010 and 18.8.2011 at New Delhi for hearing when none of the parties were present. The Inquiry Committee upon perusing the record noted that the complainant had not pursued the matter despite sufficient opportunity given to him. The Inquiry Committee was of the view that the complainant appeared to be not serious to pursue the complaint. It therefore recommended to the Council to dispose off the complaint being not pursued.

Held

The Press Council, on consideration of the records of the case and report of the Inquiry Committee accepts the reasons, findings and the recommendations of the Committee and decides accordingly.

**41) Dr. Padmaja Jayaram
Anuradha Nursing Home
Soppugudde
Shimoga District
Karnataka**

Versus

**The Editor and Publisher
Lakshmeesha Patrike
Kannada Weekly
Shimoga
Karnataka**

ADJUDICATION

Facts

Dr. Padmaja Jayaram, Anuradha Nursing Home, Shimoga District, Karnataka has filed this complaint dated 23.10.2009 against the Editor and Publisher, Lakshmeesha Patrike, Kannada Weekly, Shimoga, Karnataka for publishing allegedly false, frivolous and defamatory news items against her and her nursing home along with her photograph in its issues dated 10.4.2009 and 15.5.2009. It was alleged in the impugned news item captioned : “Poor pregnant’s Assassin due to the negligence of Dr. Padmaja” that “the nursing home is giving good service to rich persons and influential politicians and neglecting the poor and demanding money from the middle class people. Thus, do caesarean unnecessarily to the women who have been admitted for delivery. The nursing home has falsely certified a daughter of a teacher as pregnant and for a pregnant woman after scan it was said that she would be getting a handicapped baby. The pregnant woman who had got admitted to the nursing home of the complainant for confinement was assassinated by Dr. Padmaja (complainant) due to her negligence. The complainant won’t see the poor patients and she gives respect to the rich and if some patient dies she gives money and will see that the case is closed”. In another news item captioned “Continuous smell of corpse at Anuradha Nursing Home....Baby died, the day it was born” it was stated that a baby died due to the negligence of Dr. Padmaja. It was also stated that someone who doesn’t want to disclose his name told the entire story to him.

Denying the allegations the complainant submitted that the impugned news items were baseless, created on his own by the respondent and were published with a sole intention to defame her and her nursing home. The complainant submitted that she is a doctor, hailed from a respectable family and she got MBBS degree from Mysore Medical College, Mysore University, Mysore and DGO (Obstetrics and Gynecology) from Kasturba Medical College, Manipal. Her husband Dr. A.G. Jayaram is an eye specialist. Anuradha Nursing Home has been running by her since 1984. From the day one they are giving their level best service to the patients. Since 25 years there was not even a single complaint from the patients and the general public about the nursing home. The nursing home has a good router reputation in the medical field. Thousands of patients have been enjoying the various kinds of treatments provided by this

nursing home in the Taluk. After publication of the impugned news item the general public are suspecting her.

The complainant alleged that by publishing the impugned news item the respondent failed to maintain the professional standards of the press and misused the media for his illegal acts. By doing so he offended against the standards of journalistic ethics and public taste. The complainant informed that she had issued a notice to the respondent editor on 25.8.2009 besides she also gave representation to the Deputy Commissioner, Shimoga District and to the Superintendent of Police, Shimoga District against the respondent for illegal publication of defamatory articles and also about his criminal activities. The complainant further informed that a suit No. O.S.231/1996 was filed against the respondent in 1996 at Civil Judge Court, Thirthahalli seeking permanent injunction to restrain him from publishing defamatory news and it was decreed in her favour. In spite of the decree restraining the opposite party from publishing defamatory news against her, the respondent continued his version. Therefore, she (Decree Holder in Suit No. O.S.231/1996) filed an Execution petition (No.Ex.11/2009) in the Court of Civil Judge (Jr. Dvn.) at Thirthahalli seeking the order of relief to be executed. In the said execution suit, the defamatory news item published in Lakshmeesha Patrike issue dated 15.5.2009 only has been brought to the notice of the Court for execution purpose. She clarified that no suit or proceedings are pending in any court of law in respect of the defamatory news published by the editor in the issue dated 10.4.2009. She requested the Council to hold an inquiry in the matter.

Written Statement

In response to the show cause notice dated 1.2.2010 the respondent Editor, Lakshmeesha Patrike in his written statement dated 28.2.2010 while denying the allegations submitted that he is a poor journalist and running his newspaper by following all the norms and ethics of journalism. The respondent submitted that prior to filing this complaint, the complainant hatched a conspiracy and organized a group and lodged a false complaint before the Deputy Commissioner/District Magistrate at Shimoga against him. The District Magistrate issued a notice under Press and Registration of Books Act, 1867 and asked him to furnish the explanation with documents and then the complainant came to know that the District Magistrate would come to know the truth regarding her false complaint. She hurriedly knocked the doors of this Council with false complaint. The respondent further submitted that the complainant and her husband running a private Nursing Home at Thirthahalli and not maintained the precaution to destroy the Nursing Home wastages and not followed rules and regulations regarding the management of Hospital waste. Due to this reason the

non-hygienic dirty water stored adjacent to Hospital and without adopting the procedure straight away, the said waste was flown to nearby river. There were certain complaints regarding this matter to City Municipality, Thirthahalli. The hospital was not maintaining the welfare of the patients. The respondent further stated that on 27.3.2009 a poor pregnant lady by name Jyothi was admitted to the complainant hospital and due to negligence of the complainant (Doctor), she died along with her child unnaturally in the hospital. On the complaint of her husband by name Gurumurthy regarding unnatural death of his pregnant wife with child, the Thirthahalli police registered a criminal case against the complainant under Section 304A of IPC I Cr. No. 95/2009. According to the respondent being impartial media person and head of a reputed weekly newspaper he published the true facts impartially. Due to the report of the newspaper, the general public was enlightened regarding the illegal act of the complainant. The complainant not only filed suit for defamation and complaint to the District Magistrate, Shimoga against him but also attempted to attack his wife and in this regard a complaint was lodged in the Thirthahalli police and Thirthahalli police registered a criminal case against her in Cr. No. 147/2009 under Section 506 of IPC. According to the respondent he had not violated the rules, regulation and ethics of Press Council Act but infact only highlighted misdeeds of the complainant. He requested the Council to dismiss the complaint with cost as there are cases pending between the parties in Civil and Criminal Courts.

Counter Comments

The complainant in her counter comments dated 21.4.2010 submitted that the written statement filed by the respondent was not correct and totally false. In fact the District Magistrate, Shimoga had issued show cause notice to the respondent regarding the defamatory and false publication. Regarding the allegation that her Nursing Home failed to maintain the precaution to destroy the wastages, the complainant submitted that it was totally false and concocted. She also filed a copy each of the consent certificate granted under Section 25/26 of Water (Prevention and Control of Pollution) Act, 1979 issued by the Karnataka State Pollution Control Board, which is valid upto 30.6.2010 and a certificate issued by Shushrutha Bio Medical Waste Management Society, Shimoga regarding the collecting of Bio Medical waste and disposing off the same as per the Pollution Control Board guidelines. The complainant further denied the allegation that she attempted to attack the respondent's wife. She submitted that his wife lodged a report at the Police Station and after the investigation police found that the complaint lodged was false. According to the complainant, the respondent is a rowdy sheeter and blackmails the innocent persons for money by publishing false and defamatory articles in his paper. The complainant reiterated that she had not filed any suit or proceedings in any court of law in respect of the

defamatory news published by the editor in the issue dated 10.4.2009, but the respondent editor continued publishing the false and defamatory articles in his newspaper.

The complainant further submitted that the respondent against whom the court had also passed an order restraining him from publishing false news items, tried to hide his illegal act by filing the false statement/documents.

A copy of the counter comments was forwarded to the respondent editor *vide* letter dated 10.5.2010 for information.

Ist Adjournment

This matter was called out for hearing before the Inquiry Committee at New Delhi on 29.7.2010. Shri G.S. Mani appeared for the complainant while there was no appearance on behalf of the respondent. The respondent editor *vide* his letter dated 25.5.2010 reiterated that the complainant had given representation to the District Magistrate and Court and as the representation yielded no fruit they filed the false case with the Council. He requested that the matter be dropped.

As the respondent was not present before the Committee the matter was adjourned.

IInd Adjournment

The matter was again called out for hearing before the Inquiry Committee on 23.11.2010 at New Delhi. Shri Atulesh Kumar, Advocate appeared for the complainant. The respondent editor, Shri K.S. Lakshmeesha in a letter dated 16.11.2010 informed that he was not in a position to attend the proceedings due to health and financial problems and requested to drop all further proceedings for the fact that the husband of Dr. Padmaja Jayaram filed civil and criminal cases against him thus matter became *sub-judice*.

The Inquiry Committee upon perusing the record noted that the respondent had contended that the matter (one of the cases) is pending in the Court. The Inquiry Committee to give a fair opportunity to opposite side, decided to adjourn the matter.

Arguments

The matter came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. There was no appearance on behalf of the respondent. Shri H.K.Naik, Advocate appearing for the complainant submitted that the news

item alleging continuous smell of corpse at Anuradha Nursing Home, was imaginary, false and defamatory. The counsel denied that the baby died due to the negligence of Dr. Padmaja. The articles were baseless and written to tarnish the image of the complainant and her nursing home. The complainant further submitted that the lady doctor is running a nursing home in a rural area and serving the poor people but the newspaper published the impugned news items that there was genocide in the hospital. The counsel further submitted that the husband of the deceased had filed a case against the complainant under Section 304 IPC and the police had filed report as no action was made out against the complainant. Regarding matter being *sub-judice*, the complainant counsel submitted that the court case was on different issue in respect of another defamation matter. In response to a query by the Inquiry Committee that the sole information based for the impugned news item was the complaint before the police, the counsel for the complainant submitted that the objection was to the allegation levelled therein that the Anuradha Nursing Home was indulging in continued genocide.

Report

The Inquiry Committee on careful consideration of the records of the case and oral arguments put forth by the counsel for the complainant noted that the newspaper although brought out two publications against the complainant alongwith her photograph in the first publication and the photograph of her nursing home in the subsequent issue, the respondent published the news report in the form of a story making with offending remarks against the complainant. In the opinion of the Inquiry Committee, the impugned publications were nothing but a tirade to defame the complainant who was serving and giving health services in the rural area. In the impugned publication the respondent had made reckless allegations that officials in the Anuradha Nursing Home misbehaved with the patients, about the inhuman behaviour of the complainant and continuous smell of corpse in the Hospital. The Inquiry Committee was of the view that the respondent offended against the journalistic ethics in not publishing the news report in a manner expected of journalism and it travelled beyond the ethics of journalism by mixing its comments and conjectures and making comments as a statement of facts. The Inquiry Committee deprecated the conduct of the editor, Lakshmeesha Patrike for violating the norms and ethics of journalism and decided to recommend to the Council to caution the respondent. It recommended to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons, findings and the recommendations of the Committee and decides accordingly.

42) **Shri Ashok Nath**
Assistant Library & Information
Officer
National Library
Kolkata

Versus

The Editor
Ananda Bazar Patrika
Kolkata

The Editor
The Telegraph
Kolkata

ADJUDICATION

Facts

These complaints dated 12.7.2008 have been filed by Shri Ashok Nath, Assistant Library and Information Officer, National Library, Kolkata against the Editors, (i) Ananda Bazar Patrika and (ii) The Telegraph, Kolkata for publication of allegedly untrue news reports in their issues dated 17.4.2008 and 23.4.2008 respectively. It was alleged in the impugned news report published by Ananda Bazar Patrika under the caption 'Employee caught pilfering document from National Library Exonerated Delhi-Judgment' that Ashok Nath, was found guilty of pilfering price-less document from the National Library and question had been raised that Ashok Babu might have exercised political influence. It was alleged in the impugned news report published by The Telegraph under the caption 'Clean chit for indicated CPM-linked official raises hackles' "Library Punishes, Delhi Pardons' that the Union Culture Ministry revoked the penalty of an official of the National Library who was caught smuggling out photocopies of rare books and periodicals in December 2005. It was further alleged that dark hints were being dropped that Nath had got away because he belonged to the CPM-backed National Library Employees' Association. The complainant has submitted that the charges were utterly untrue as he was neither caught nor anybody recovered anything from him at any point of time and he did not belong to CPM-backed association.

The complainant has alleged that the allegations levelled against him were fabricated and untrue and defamed him. According to the complainant he was neither caught nor anybody recovered anything from him at any point of time. The complainant clarified that he did not belong to CPM backed National Library Employees Association as per CCS conduct Rules 1964. He alleged that the impugned publication was a breach of recognized ethical canons of journalistic propriety. The complainant submitted that the only purpose of the impugned news item could have been to draw attention of the Ministry of Culture under Government of India in order that the recommendation of the Department Promotion Committee should not be implemented. The complainant issued a rejoinder dated 28.4.2008 to both the respondents but to no avail.

No Written Statement

Show cause notices dated 22.9.2008 were issued to the respondent editors but no reply was received despite confirmation from the postal department that the show cause notices were delivered to them on 27.9.2008.

Ist Adjournment

The matter came up for hearing before the Inquiry Committee on 27.9.2010 at Kolkata. Shri Ashok Kumar Nath, complainant appeared in person and submitted that a series of news were published by the respondent to denigrate him and stall his promotion. Shri Rajarshi Dutta, Senior Executive Legal representing the respondent requested for a copy of the complaint to file written statement. A copy of the complaint was handed over to the respondent during the hearing. The Inquiry Committee in order to afford a fair opportunity to the respondent to defend the cases, decided to adjourn the matter and directed the respondent to file written statement within two weeks. The matters stand adjourned.

The directions of the Inquiry Committee were conveyed to the parties *vide* letter dated 3.11.2010.

IInd Adjournment

The matter again came up for hearing before the Inquiry Committee on 23.11.2010 at New Delhi when both the parties were present. The complainant appearing in person submitted that none of the two newspapers have filed written statement. The complainant submitted that untrue and false allegations of smuggling photo copies had caused humiliation to him. The newspaper alleged that he belonged to CPM - backed association which was totally wrong. The complainant denied that he was caught red-handed for smuggling rare manuscript. The complainant submitted that the documents in question were not in his custody and there was no question of exchanging money. There was also no question of misbehaving with security guard. The complainant submitted that the entire exercise was done to stall his promotion.

Shri Rajarshi Dutta, Senior Executive Legal in ABP Pvt. Ltd. appearing for the respondents apologized for not filing written statement. He submitted that so many journalist had reported the matter and they were in the process of procuring the documents. The respondent representative placed reliance on the following documents:-

1. Memorandum No. ADM/PF/A/83/7008 issued on 1-2 December, 2005 by Prof. S. Mandal, Director, Government of India, National Library, Belvedere, Kolkata to Shri Ashok Kumar Nath, Assistant Library and Information (Micro Photography), National Library, Kolkata.

2. Office Order No. 1159 of 2006-2007 issued on 1st March, 2007 by Prof. S. Mandal, Director, Government of India, No. ADM/PF/A/83/6003, National Library, Belvedere, Kolkata.
3. Dr. R. Ramachandran, Principal Library and Information Officer and Director-in-Charge, Government of India, National Library, Belvedere, Kolkata issued a letter No. ADM/PF/A/83/5614 on 28th January, 2008 to Shri R. Vaidyanathan, Under Secretary to the Government of India, Ministry of Culture, Library Section, Shastri Bhawan, 'C' Wing, New Delhi.
4. An order issued by Shri R.Vaidyanathan, Under Secretary to the Government of India, Shastri Bhawan, New Delhi dated 25th March, 2008 Order No. F. 10-8/2004-Lib, Government of India, Ministry of Culture to Shri Ashok Kumar Nath, Assistant Library and Information Officer (Micro Photography), National Library, Kolkata.
5. M. Kabasi, Senior Administrative Officer and HOO issued a letter no. ADM/PF/A/83/106 dated 1-4 April, 2008 Government of India, National Library, Belvedere, Kolkata to Shri Ahsok Kumar Nath, Assistant Library and Information Officer (Micro Photography), National Library, Kolkata.

The Inquiry Committee upon hearing the parties directed the respondents to file written statement annexing these documents for being forwarded to the complainant to give him fair opportunity to answer the same. The Inquiry Committee directed the respondent to file written statement within three weeks and thereafter the complainant may also file his counter thereon. The matter stands adjourned.

Written Statement

In response to the Council's show cause notices dated 22.9.2008, the Editors of "The Telegraph" and the "Ananda Bazar Patrika" through the Chief Manager, Law of the organisation has submitted that being a reputed publication house it has always been their endeavour to maintain standards of journalistic ethics and public taste. They publish news items in an unbiased and neutral manner and try to carry the views of all concerned who are in some way connected to such news item in order to cater to the public a balanced view of the matter with special care that the facts which are published in the news item is corroborated by evidence. With such a view and in good faith for the interest of the general public the impugned news items have been reported which are neither false nor malicious against the complainant and the specific statements which have been made in the said news items are all corroborated by the following documents.

- (i) Documents obtained from the authorities of the National Library;
- (ii) Complaint lodged against the complainant;
- (iii) Show cause notice issued to the complainant by the concerned authority;
- (iv) Disciplinary proceedings initiated against the complainant;
- (v) Findings of the concerned authority and
- (vi) The order passed and penalty imposed upon the complainant.

It has been stated that every citizen has the right to know and right to access to the information about the controversy and dispute relating to the public property and public institutions. The National Library being a famous library in the country, people at large have every right to know about the sheer wastage, pilferage and destruction of valuable and rare manuscript. Journalists apart from gathering news have social duties and moral obligation to their readers to inform the people about the mismanagement in the oldest library of the country.

Further, it was stated that the complainant has lodged complaint with Council on 12.7.2008 against the impugned articles published on 13.12.2005, 3.1.2006, 5.1.2006 and 14.3.2007 which can be reasonably presumed that the complainant wilfully did not lodge any complaint with Council or any court of law for vindication of his character because of the pendency of the departmental proceedings and the penalty imposed upon him by the appropriate authority. Since being a government employee he was required to obtain prior sanction from the institution for lodging complaint with PCI against impugned news item which he was aware that it would not be accorded to him by the concerned authority. It was only after the Appellate authority reversing the penalty order he had lodged the instant complaint with the PCI. One of the official's statement on reversal order of the appellate authority that 'Ministry might have acted under pressure' would substantiate the comments made about political pressure and also that during those period the complainant was at the helm of affairs of the employees association of the National Library which was affiliated to the CPI (M).

Keeping in view with the request of the complainant, the Editor of 'The Telegraph' had published the views/comments of him in the said letter of 28th April, 2008 in relation to the publication dated 23rd April, 2008 on 30th April, 2008 in the Metro section of 'The Telegraph'. The complainant fully knowing of this fact had acted dishonestly and suppressed it to cause unnecessary harassment, injury and financial loss by lodging this complaint with PCI. Further, keeping in view of the journalistic ethics and stated hereinbefore, they are agreeable to consider any rejoinder that may be forwarded to the editor for publication even at such belated stage provided the said rejoinder should strictly be limited to

extent of the comments made in the newspapers subject to the correspondent's rights to comment thereon.

A copy of the written statement was forwarded to the complainant on 24.3.2011 for information/counter comments, if any.

Counter Comments

Shri Ashok Kumar Nath, L&IO, National Library has submitted his counter comments dated 25.4.2011 stating that he strongly condemns the written statement of the publication placing his serious objection to the tenor, tone and couching of words in it, which is with an ulterior motive and a deliberate intent and object to cause harassment, defamation, injury and financial loss suppressing the material facts. The documentary evidence submitted by them does not qualify the distorted news reporting, as his grievances were very specific against the distorted and fabricated press reporting. He has objected to the contents relating to his being at the helm of Unions and stated that he was neither associated with the Union NLEA during 2005 and 2008 as alleged nor has knowledge of the service association's connection with CPI(M). He has categorically denied and disputed the statement which alleges him of having knowledge of the publication of his rejoinder in the metro section of 'The Telegraph' dated 30th April, 2008 and, dishonestly and wilfully suppressing it with the intention to cause unnecessary harassment, injury and financial loss to the publication by filing the instant complaint to PCI.

He has objected to the distorted press report in the Ananda Bazar Patrika on 3.1.2006 by Bidasha Chakraborty that 'A senior official of National Library was caught red – handed last month while leaving the premises with photocopies of valuable documents'. He has stated that this untrue publication was carried out intending to victimize him unduly and to create unwarranted impediment for his promotion incidentally when the meeting of DPC was held on 3.1.2006. He has pointed out some of the words used in the news reporting in which there was no iota of truth.

- i. ...smuggling out photocopies of rare books and periodicals published in 'The Telegraph' dated 23.4.2008 reported by Imran Ahmed Siddiqui.
- ii. ...belongs to CPM backed National Library Employees Association published in 'The Telegraph' dated 23.4.2008 reported by Imran Ahmed Siddiqui.
- iii. ...pilfering priceless documents from National Library published in the Ananda Bazar Patrika' dated 17.4.2008 reported by Riju Basu.
- iv. ...for carrying rare manuscripts published in 'The Telegraph' dated 14.3.2008 reported by Zeeshan Jawed.

- v. ...caught red handed with photocopy of microfilmed documents published in the 'Ananda Bazar Patrika' dated 3.1.2006 reported by Bidisha Chakraborty.
- vi. ...Hindu patriot and forward are under the custody of Ashok babu published in the 'Ananda Bazar Patrika' dated 17.4.2008 reported by Riju Basu.

He has further alleged that the publication house's response has failed to prove the authenticity of these objectionable and unpardonable languages which is a premeditated plan of action to influence the DPC to stop his promotion. As a result, his promotion was withheld for more than three years and he had lost his seniority in service as well as nearly a sum of three lakh rupees and, also suffered mental agony. He has expressed his grave concern about the unaccountable reply which is not amenable to transparency, fair and journalistic ethics.

A copy of the counter comments was forwarded to the respondent on 31.5.2011 for information.

Argument

The matter came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. The complainant appeared in person. Shri Sanjib Banerjee, Manager - Legal appeared for the Ananda Bazar Patrika. S/Shri Imran Ahmed Siddiqui, Journalist and Sanjib Banerjee, Manager-Legal appeared for The Telegraph. The complainant submitted that both newspapers had published shocking piece with ulterior motive to stall his promotion. The complainant objected to the tone and tenor of the news items alleging smuggling of photocopy of rare books, pilferage of press release documents from National Library, carrying rare manuscripts and that complainant was caught red handed with these documents. The complainant further submitted that the allegations that he was backed by the CPM was also false. The complainant submitted that the impugned publication had caused him mental agony and he had incurred loss of over Rs. 3 lacs due to stalling his promotion.

S/Shri Imran Ahmed Siddiqui and Sanjib Banerjee appeared for The Telegraph submitted that the news report was based on the findings by the National Library and the newspaper had only reported the facts. The respondent further submitted that the rejoinder of the complainant had been published in metro section of The Telegraph and the complainant was suppressing these facts and even he approached the Council after three days of publication of the rejoinder.

The respondent Shri Sanjib Banerjee, Manager - Legal appearing for Ananda Bazar Patrika submitted that the newspaper Ananda Bazar Patrika is ready to publish the rejoinder of the complainant.

In the impugned article it has been stated that the phone calls from Adml. Prakash's residence to Parashar and the series of calls from Shankaran to then Navy Chief's (complainant) residence have never been brought on record or mentioned in any of the four chargesheets the CBI has filed so far. The impugned publication further stated that in an ongoing petition being heard by the armed forces tribunal, one of the dismissed officers, Commander V.K. Jha, has alleged that the then Naval Chief, Arun Prakash had a *malafide* intention in not allowing a general court martial. His lawyer, Commodore Sukjinder Singh, told Outlook that while Jha was "tortured and we have the medical papers to show for it, we also believe that there was *malafide* on part of the then Naval Chief". The impugned article also stated that the complainant never offered to resign as the Navy Chief even when the name of his wife's nephew first surfaced. It was further alleged in the impugned article that the London Police finally caught up Ravi Shankaran, an accused in the Navy war room leak case on April 21. Shankaran, a former navy driver, is also the nephew of the wife of the former Chief of Naval staff Admiral, Arun Prakash. It further alleged that Shankaran spent considerable time at the official residence of Adml. Arun Prakash during his tenure as a Naval Chief. Phone records accessed by the IB show that calls were made from the Navy Chief's personal and direct telephone to the cell phone of arms dealer and co-accused Kulbhushan Parashar. At best, they were made by Shankaran, at worst, by Adml. Prakash. But the CBI ignored this and other acts when it began its investigations a full 10 months after the leak was detected.

The complainant, while referring his earlier complaint which was closed being *sub-judice* on 4.6.2007 and reported on 27.7.2007, submitted that the unethical conduct of the editor and staff of Outlook magazine in which, during a period extending from December 2005 to December 2006, they were guilty of publishing a series of defamatory articles on the basis of fabricated and concocted material with *malafide* intent. The complainant further submitted that the respondent without offering any proof other than hearsay, caused grievous harm to his good name and reputation as a citizen and as a senior officer of the Armed Forces. According to him, he during this period was the Chief of the Naval Staff and Chairman, Chiefs of Staff Committee, and therefore constrained his contact with the press. However, while continuing to mount this vicious campaign of calumny and vilification, the magazine consistently refused to publish any denials, rebuttals or responses offered by him.

The complainant alleged that now the respondent again mounted a vicious personal attack on him by repeating the earlier series of allegations which were completely false and concocted and which he had repeatedly tried to rebut. The complainant submitted that he retired from the Navy in 2006 and many of the issues raised by the respondent magazine are under active examination

by the investigative agencies and courts of law. However, this magazine has taken on the role of judge, jury and hangman, and attempts to forestall and subvert the course of justice and fair play by publicly condemning an individual and destroying his reputation, by the simple expedient of repeatedly publishing false allegations.

The complainant drew the attention of the respondent on 2.6.2010 and 5.6.2010 towards the impugned publication and requested to give adequate space to state his side of the story and defend his good name but no response.

Written Statement

In response to Council's show-cause notice dated 19.7.2010, the respondent Editor-in-Chief, Outlook, New Delhi *vide* his written statement dated 3.8.2010 while denying the allegations levelled in the complaint submitted that the stories were published with the highest tenets of journalism in mind. It was carried out as a piece of investigative journalism after a series of contradictory statement, false assertions and obfuscations emerged from Admiral Arun Prakash, the Publicity Directorate of Naval Headquarters and the Publicity Wing of the Ministry of Defence in relation to the Naval War Room Leak case. The respondent further submitted that the Outlook stories resulted in the government handing over the case to the CBI and CBI investigation was ordered by the Ministry of Defence through a letter dated 18.2.2006 after the third story in this series was published by Outlook. According to him, Outlook released in the market in Delhi on Friday i.e. 17.2.2006 and the Ministry of Defence took the unusual steps of working on a weekend (Saturday, which is a holiday) to write to the Additional Secretary of the DoPT asking them to hand over the case to the CBI. The respondent stated that the Outlook carried out a legitimate journalistic exercise aimed at uncovering the truth. None of its articles was meant to defame or malign the complainant. All these articles mentioned him because his designation as the then Chief of Naval Staff as well as the Chairman, Chief of Staffs Committee, placed him in a position of great power and influence. His actions influenced the flow of events greatly and were perhaps instrumental in helping one of the key accused, Mr. Ravi Shankaran, to escape from India. The respondent submitted that the complainant ensured that the correspondent and a senior editor were threatened by the then Vice Chief of Naval Staff, Vice Admiral Venkat Bharattan at a meeting held in the latter's house. At this meeting, the correspondent and his family had been threatened with dire consequences if he continued to report on the issue. This could have been only done with the full knowledge and approval of the complainant. The respondent has further submitted that during the complainant's tenure, he continued to treat Naval HQs as his personal fiefdom and against all norms of the MoD ensured that the correspondent was not called for any official press conference nor was he allowed to receive any press release. He alleged that the complainant adopted less petty measures to harass the correspondent and his magazine.

The complainant *vide* his further communication dated 29.7.2010 has submitted a copy of the extract of the Judgment pronounced by the Armed Forces Tribunal on 30.6.2010 *vide* TA No. 395/2009. The Judgment upheld the decisions of the Government of India and dismissed the petition of naval officers about whom the impugned news item alleged that they were dismissed by the Board of Inquiry. The complainant stated that this Judgment demolishes many of the magazine's reputation against him. The complainant in his counter comments dated 20.8.2010 submitted that the written statement is obfuscatory and merely reiterates the scurrilous allegations made by him over the past five years and which found the very basis of his complaint. He further submitted that he had been denied his right of defence and the respondent was consistently indulging in rebutting techniques. He has requested the Council to direct the respondent to publish his version.

Matter Adjourned

The matter came up for hearing before the Inquiry Committee on November 23, 2010 at New Delhi when both the parties were present. The complainant, Admiral Shri Arun Prakash (Retd.) appearing in person referred to his original complaint filed on 3.1.2007 for publication of slanderous, defamatory and concocted material by respondent Outlook. The complainant submitted that he could not file declaration last time, since the issues were *sub-judice* and the matter was dropped by the Council. Thus, the respondents should have restrained further slanderous reporting but they continued with their propaganda and published the impugned article on 7.6.2010. The complainant pointed out that the respondents committed three violations namely:-

“(i) Newspapers should eschew suggestive guilt by association: They should not name or identify the family or relatives or associates of a person convicted or accused of a crime, when they are totally innocent and a reference to them is not relevant to the matter being reported.

“(ii) Pre-Publication Verification: On receipt of a report or article of public interest and benefit containing imputations or comments against a citizen, the editor should check with due care and attention its factual accuracy apart from other authentic sources with the person or the organisation concerned to elicit his/her or its version, comments or reaction and publish the same alongside with due correction in the report where necessary. In the event of lack or absence of response, a footnote to that effect may be appended to the report.

“(iii) Right of Reply: The newspaper should promptly and with due prominence, publish either in full or with due editing, free of cost, at the instance of the person affected or feeling aggrieved/or concerned by the impugned publication,

a contradiction/reply/clarification or rejoinder sent to the editor in the form of a letter or note. If the editor doubts the truth or factual accuracy of the contradiction/reply/clarification or rejoinder, he shall be at liberty to add separately at the end, a brief editorial comment doubting its veracity, but only when this doubt is reasonably founded on unimpeachable documentary or other evidential material in his/her possession. This is a concession which has to be availed of sparingly with due discretion and caution in appropriate cases.”

The complainant submitted that the magazine brought out seventeen issues against him and it was clear-cut case of personal vendetta. The complainant alleged that the reporter of Outlook, Shri Saikat Datta had created concocted story and propagated it in seventeen issues of the magazine. The complainant further submitted that he sent two letters to Shri Vinod Mehta, Editor-in-Chief which he described and dismissed as rubbish. The complainant submitted that the three officers dismissed from the services had gone to the High Court and that matter was *sub-judice*. Moreover, the complainant being in uniform could not speak to the media. However, after the retirement, he sent four letters to Outlook but he was denied his right of reply. The complainant requested that the respondents should be restrained from publication of series.

Shri Saikat Datta, Editor (reporter of the impugned article) Outlook raised preliminary objection that the Council was barred under Section 14 (3) of the Act to consider the complaint as the matter was *sub-judice*. He pointed out that 10-12 cases are pending in different Courts including at London. He submitted that any findings by the Council would prejudice the courts. On inquiry as to what prompted the magazine to continue publish the impugned allegation when matters are *sub-judice*, even while denying the complainant his right of reply, the respondent submitted that he visited the office of the Naval Chief twice and sent seven-eight fax but none were replied by Public Relations Officer. The respondent further submitted that on the first report about telephone call to Arm Dealers, the complainant refused to talk to the magazine and rushed to the electronic media and gave interview in full dress. The respondent reporter submitted that leakage of information had bearing over billions of dollars in international market. The accused Shri Ravi Shankaran, the nephew of the complainant was declared proclaimed offender and caught by London Police in extradition process. The exposure by the Outlook played a major role in this. The reporter further submitted that all the conspirators of war room leak are now languishing in jail. The reporter submitted that the magazine followed the journalistic ethics by giving various chances to evoke complainant's response. There were no personal allegations nor it commented on his personal behaviour. The issue related to office of Naval Staff and being head of the Navy, his role was being examined. The reporter informed the Inquiry Committee that they had

carried the rejoinder of the Ministry of Defence and the points raised by him were covered therein an affidavit on this was accepted by the Delhi High Court.

The Inquiry Committee upon hearing the parties directed the respondent to file a copy of rejoinder that was claimed to have covered the points raised by the complainant.

The matter was adjourned.

Respondent's Rejoinder

In response to the Council's direction, the respondent *vide* reply dated 7.3.2011 has submitted the details of the attempts made by them to get response from Admiral Arun Prakash in his capacity as Chief of Naval Staff, Naval Headquarters through their PRO (Navy and the Ministry of Defence). On both occasions the Chief declined to offer his comment/views and perspectives on the issue contrary to his appearance on television offering interviews/clarifications while denying Outlook the same opportunity.

Besides, the attempts to elicit a response from Navy, their views and versions including specifically those of Admiral Arun Prakash have been carried out in various monthly issues with prominence in January 27, 2006 and April 10, 2006 issues. It has further been stated that five suits had been filed by various persons named in the said articles of which three are still pending. The Union of India is also prosecuting the accused in the Naval War Room Leak case which is currently under trial. Similarly, a PIL filed in the Delhi High Court is also pending. Therefore, Outlook's defence in the said suits will be severely prejudiced if the magazine is asked to disclose further details in these proceedings.

Arguments

The matter came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. Both the parties were present. The complainant in an e-mail dated 16.8.2011 in response to the reply dated 7.3.2011 of the respondent submitted that he had been repeatedly sending his view point which was not reflected in the material published by Outlook. Further, the dates on which the journalist from the magazine sought meetings with CNS/Raksha Mantri or letters written to Naval Head Quarter/Ministry of Defence some of the responses were given but it was not feasible or necessary to respond to each and every request for information. During the meeting on two occasions with the respondent i.e. official residence on an invitation of the complainant, the editor in chief of the magazine heard his views and re-assured that the magazine would stop this campaign of vilification and each time the respondent renege on his word. The complainant submitted that the magazine continued to deny him the right to respond to its campaign of slander and vilification.

The complainant in his oral arguments before the Inquiry Committee reiterated that despite his meeting with the editor-in-chief, the whole campaign was revived and even after his retirement, the personal vendetta was on. None of the magazines other than the respondent had published 17 issues. The complainant also reiterated that he had given only one interview on TV and thereafter he desisted from interacting with the TV media. The complainant has submitted that two issues are matter of his complaint before the Council, namely;

- (a) Denial of Right to Response.
- (b) Repeatedly mention of his name in the news reports by the magazine.

Shri Saikat Datta, former Assistant Editor, Outlook respondent submitted that he had on as many as on eight occasions sought response of the complainant in a 18000 crore deal signed by the government and the complainant version was also carried with equal prominence. The respondent reiterated that the complainant spoke to the TV media on prime time in full uniform and how it was possible that TV crew suddenly walked into his house while seeking appointment and faxes to the complainant, the complainant declined to talk to the magazine. The respondent further submitted that the complainant is now heading the Maritime Foundation and he was using his position to vilify the magazine. According to the respondent, many other reputed newspapers had published similar reports and the accused was absconding. However, that respondent magazine had not raked up the names of other relatives. The respondent concluded that many cases in respect of War Room Leak were pending in the Court of Law.

Report

The Inquiry Committee heard the parties and on consideration of the record noted that the complainant appeared to be aggrieved over identifying him in every report carried by the magazine Outlook that had no relevance with the crime allegedly committed by a family person. The complainant also appeared to be aggrieved by not allowing his version to be carried by the respondent and thus denying him right of reply. In the opinion of the Committee, journalistic ethics demands that the version of an affected party should be published. However, the respondents had contended that many cases are pending in court of law and for this very reason, the Council had to drop the proceedings. The Inquiry Committee is of the opinion that ethics must be equally complied for the parties inasmuch as the respondent magazine despite the matter being *sub-judice*, kept on publishing news reports on one issue and at the same time denied carrying other side of the story.

The Inquiry Committee took note of the fact that extradition proceedings of Shri Ravi Shankar are still in progress and the court cases will take its own time but in the interest of justice, the newspaper may consider publication of the version of the complainant. The Inquiry Committee therefore, directed the complainant to send his version to the editor, Outlook and send its copy to the Council and upon examining objections, if any, of the editor, will consider giving directions to the respondents for publication of such version. It recommended to the Council to dispose off the complaint with the directions to the parties and authorizing the Hon'ble Chairman, Press Council of India for vetting the version to be published.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

44) Ms. Rita Sen		The Editor
Principal	Versus	The Economic Times
Delhi Public School		(Hindi edition)
Rohini, Delhi		New Delhi

ADJUDICATION

Facts

This complaint dated 19.6.2008 has been filed by Ms. Rita Sen, Principal, Delhi Public School, Rohini, Delhi against the Economic Times, (Hindi Edition), New Delhi for publication of allegedly false, fabricated and malicious news item under the caption '*DPS under controversies in trying to get back their golden days*' in its issue dated 16.5.2008. Allegations were levelled in the impugned news item that the school had misappropriated crores of rupees in the name of developmental works and it was also alleged that the school had collected Rs. 11 lacs from 3000 students in the name of 'tour & travels', which in fact could not be done. Denying the charges, the complainant has alleged that the impugned news item was totally false, baseless, malicious and unfounded and expressed her surprise over how the correspondent Shri Moinak Mitra could fabricate such a story without even checking the facts from the school authorities. There must be some vested interest working against the goodwill and reputation enjoyed by the school, stated the complainant. The complainant issued a letter dated 19.6.2008 to the respondent editor with a request to carry her rejoinder as damage control measures but received neither a reply nor her contradiction was published.

No Written Statement

A show cause notice was issued to the respondent Editor, The Economic Times on 9.7.2008 followed by a reminder dated 26.10.2009.

The Deputy Chief Manager – Legal, Bennett, Coleman & Co. Ltd. *vide* letter dated 3.11.2009 requested for a copy of the complaint which was forwarded to the respondent on 10.11.2009 with a request to file their written statement but no response.

Argument

The matter came up for hearing before the Inquiry Committee on 18.8.2011 at New Delhi. The complainant Ms. Rita Sen, Principal, Delhi Public School, Rohini reiterated in her oral submissions that the impugned news item about the school had alleged that the school collected Rs. 11 lacs from 3,000 students in the name of 'Tour & Travels'. Denying the charges, the complainant submitted that the impugned news item was totally false, baseless, malicious and unfounded and expressed her surprise over how the correspondent could fabricate such a story without even checking the facts from the school authorities. The complainant stated that she was very upset after reading the news report. She further submitted that they organized tours many times and collected the money according to tour schedule. There were only 2,500 students in the school and it never happened that all the students go on tour. She concluded that the news was published without verifying the facts.

Report

The Inquiry Committee on perusing the record and hearing the complainant noted that the respondent had not defended the allegation made in the complaint nor deputed any representative for oral arguments. The Inquiry Committee deprecated the callous attitude of the editor, Economic Times (Hindi edition) in reporting the matter without proper verification from the school authority. In the opinion of the Committee, the newspaper had tarnished the image of the school and correct state of affairs ought to be given. The Inquiry Committee, therefore, decided to admonish the respondent for unverified report and directed the Editor, The Economic Times to publish the rejoinder of the complainant. It recommended to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

45) **Shri Devi Ram**
Rohtak, Haryana

Versus

The Editor
Dainik Jagran
Rohtak

ADJUDICATION

Facts

This complaint dated 29.10.2007 has been filed by Shri Devi Ram, Chamaria, Rohtak against Dainik Jagran, Rohtak for alleged distortion of facts published in news items captioned '*SP Se Mile Chamariavasi*' and '*Gram Panchayat Ne Kiya Bahishkrit Parivar Ko Bahal*' published in its issues dated 4.6.2007 and 4.9.2007 respectively. According to the complainant, a civil dispute arose between his father and a neighbour and a suit of encroachment was filed in a court which decided the case in favour of his father. Out of jealousy, the Sarpanch of the village Chamaria instigated some people to attack/assault him and his family members. In this regard, an FIR No. 144 dated 31.5.2007 was lodged at Police Station Sadar, Rohtak and the Chief Judicial Magistrate took eight people into judicial custody for one day and a criminal case was pending against the eight people.

The complainant has objected to the publication of the news item dated 4.6.2007 as it distorted facts which described him as DADA, meaning 'Goonda' of the village. He also objected to the allegation that he has always obstructed to developmental works of the village. The complainant also alleged that the respondent published the second news item dated 4.9.2007 in collusion with the Sarpanch, only to malign him and hurt his feelings. He also alleged that the respondent published the impugned news items without verifying before publication with the intention to defame him and to denigrate his reputation. The complainant served a legal notice dated 29.10.2007 to the respondent but received no response and he wrote a letter dated 24.12.2007 requesting him to publish a contradiction and to tender apology but received no response.

No Written Statement

A show cause notice dated 27.2.2008 was issued to the respondent at its Rohtak address but received back undelivered from the postal authorities with remark, that there was no office of Dainik Jagran at the given address. The notice was then redirected to the Noida office of Dainik Jagran on 16.9.2009, however, neither the written statement nor the Acknowledgement Card has been received. A letter dated 23.10.2009 was issued to the postal authorities, requesting them to confirm the service of the notice but no response has been received. A reminder dated 7.10.2010 has been issued to the Noida address of the respondent newspaper, Dainik Jagran.

The matter came up for hearing before the Inquiry Committee on 29.10.2010 at New Delhi. There was no appearance from either side. In order to afford one more opportunity to the parties, the Inquiry Committee decided to adjourn the matter accordingly.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.8.2011 at New Delhi. Both the parties were present. The complainant appearing in person reiterated his complaint and stated that in a civil dispute which arose between his father and a neighbour, a suit for encroachment was filed in a court and it was decided in favour of his father. Out of jealousy, the Sarpanch of the village Chamaria instigated some people and around eight people attacked his entire family including him but the newspaper reported contrary to it that the complainant was a goonda element. The complainant further submitted that an FIR No.144 dated 31.5.2007 was lodged at Police Station, Sadar, Rohtak and the Chief Judicial Magistrate took those eight people in judicial custody for one day and a criminal case is pending against them. However, the respondent newspaper without going into the facts of the case and pre-publication verification, published photograph and news items against him and his family. The complainant handed over a copy of the press note dated 7.9.2007, where-in the village Panchayat on 7.9.2007 after due inquiry into the matter had found Shri Devi Ram and his family to be innocent and rescinded the sanctions imposed on them. He further informed that the newspapers like Hari Bhoomi and Dainik Bhaskar, who had initially reported the news against him and his family, subsequently carried out true, correct and impartial news based on facts mentioned in the Press Note in their editions dated 8th September, 2007. Whereas, the respondent Dainik Jagran completely ignored these facts and news thus revealing its ill intentions against the complainant. The complainant reiterated that the Village Sarpanch in connivance with Dainik Jagran had carried out the impugned report projecting the complainant as hooligan which was contrary to the facts.

The complainant further stated that enough damage had been caused to his reputation as he is a reputed person in the village and being a school teacher in Education Department, Haryana, Block President, Haryana Rajkiya Adhyapak Sangh, affiliated to S.K.S. and S.T.F.I. and member of the People's All India Anti Corruption and Crime Prevention Society and also a student of LLB course in MDU, Rohtak. Also his entire family's name has been denigrated by the impugned news reports which were published in 2007 and since then four years have lapsed without any action against the newspaper by the Council. The respondent newspaper had chosen not to listen or respond to his side of the story rather true story and neglected his request to publish the rejoinder.

The respondent admitted that the other newspapers Hari Bhoomi and Dainik Bhaskar published news report which was in favour of the complainant. However, he insisted that the news report was based on the police report and that even the complainant has now not denied the crux of the complaint. He categorically stated that no letter was sent by the complainant to the Editor or Managing Director of the respondent newspaper. Though a letter of rejoinder was addressed to and received by Mr. Acharya, the concerned reporter who had left the organisation, the letter which was placed in the file has now been traced by the organisation when it received notice from the Council.

Report

The Inquiry Committee upon hearing the parties and careful consideration of the matter noted that the respondent Dainik Jagran had not cared to file written statement and raised trivial objection of non receipt of rejoinder. The claim of the respondent newspaper that no letter was sent by the complainant to the Editor or Managing Director of the respondent newspaper and the rejoinder addressed to and received by Mr. Acharya, the concerned reporter who had left the organisation because of which they could not consider it was untenable. It opined that the respondent newspaper having received notice for hearing from the PCI should have been magnanimous and taken action of their own, whereas it has failed to even take timely cognizance of complainant's request left an impression that the newspaper is taking advantage of their credibility.

On merits it noted that no pre-publication verification was done by the respondent and the whole news report appears to be carried under instigation of the concerned Sarpanch just to please him. The Committee thus felt that the respondent newspaper was guilty of abdication of its journalistic responsibility of ensuring accuracy of its reports; bringing to disrepute, the fair image of the complainant. For these reasons, it deemed fit to recommend to the Council to admonish the respondent newspaper and direct the editor, Dainik Jagran to publish rejoinder of the complainant at the same place where the impugned news reports were published and also take necessary action against the reporter responsible for writing without verifying the facts.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

46) **Shri Ashutosh Pandey**
Advocate
Rajdhani Nagar Sahakari Bank Ltd.
Lucknow

Versus

The Editor
Lokdrishti
Lucknow

ADJUDICATION

Facts

This complaint dated 17.5.2008 has been filed by Shri Ashutosh Pandey, Advocate for and on behalf of Rajdhani Nagar Sahakari Bank Limited, Lucknow against Lokdrishti, a monthly Hindi magazine published from Lucknow for publication of a series of allegedly fake interview of Secretary of the Bank and fabricated, false and baseless news items against the Bank and its officials w.e.f. September 2007 to March 2008 issue.

According to the complainant, Shri Rajesh Pandey, Editor and Shri Ritesh Pandey, News Editor of the respondent Hindi monthly magazine, Lokdrishti made illegal demand for loan on fake properties, which was refused by the Bank authorities. Annoyed with the refusal, the duo started their hate campaign by publishing a series of false, defamatory news items purported to be based on fake interviews with the Bank Secretary. The Secretary wrote to the respondent on 4.10.2007 through a registered post denying the allegations and the existence of the interview, but instead of publishing the contradiction, they continued to publish series of false and baseless news items without any proof or evidence. The complainant further submitted that the respondent distributed the newspapers to the employees and customers of the Bank to mislead them that the Rajdhani Sahakari Bank was soon to be closed down and investors were going to lose their money. He has alleged that the action and conduct of the respondents were against the provision of the journalistic ethics.

Written Statement

The respondent Shri Rajesh Pandey, Editor, Lokdrishti, Lucknow in his written statement dated 1.8.2008 has denied that the allegation of illegal demand of loan on fake properties is totally wrong. In order to mislead the Press Council, the complainant made up a story of fake properties alleged the respondent. With regard to the allegation of non-existence interview being published, the respondent has stated that whatever they have published was true. The Secretary of the Bank issued his contradiction with regard to some point he had mentioned in the said interview only because of pressure from the concerned authorities. The respondent also denied the allegations that he has always been publishing false and wrong news items and stated that whatever they have published were based on concrete evidence.

The complainants have submitted that the impugned news article is blasphemous, ridiculous, insulting, vile, and abusive and was published with a view to attain cheap popularity. According to him, the respondents deliberately published the news article in question against the Dharamchakravarti Jagadguru Rama Nandacharya Swami Rambhadrachrya Ji Maharaj with the intention to harm and defame him by making filthy remarks. It was further submitted that the respondent deliberately published such a bad taste article by using insulting and derogatory remarks with the intention to harm and defame his Excellency the Chancellor and knowingly made an attempt to insult religious belief and intended to hurt the feelings of large number of followers of Swamiji including the complainants. Registered letters were sent to the respondent but the same were returned undelivered with noting that the address was wrong, stated the complainant. An FIR was lodged against the respondent on 8.4.2008 and on 11.4.2008 a writ petition No. 3115 (MB) of 2008 was filed before the Hon'ble Allahabad High Court, Lucknow Bench, Lucknow and the Hon'ble High Court directed the SSP, Lucknow to look into the matter with instruction that no inconvenience is caused to the petitioner. The writ petition was finally disposed off stated the complainant.

Written Statement

The respondent Shri Shiv Aasrey Asthana, Editor, Prakhar Vichar/Prakhar Aastha in his written statement dated 11.4.2009 has submitted that their news magazine has been engaged in free and fair journalism and till date they had not published a single article which can be termed as derogatory and disgusting to any individual but the complainants are vehemently involved in a lot of actions which can be termed as unconstitutional and illegal in the eyes of the law. He has alleged that the Patron of the U.P. Jagatguru Rambhadracharya Viklang Vishwavidyalaya, Chitrakoot Dham, Shri Jagatguru Rambhadracharya had not only committed a lot of illegalities in the University by hook or by crook but also dared to change and amended the Sacred book of the Hindus "Ram Charit Manas" for which he was remotely not entrusted. The respondent further submitted that the followers, the Sanatan Dharma or Vedic Dharma and saints and saintly order, believing in incarnation of Lord Vishnu have been badly hurt and crushed, trampled and the constitutional rights guaranteed under the Constitution of India have been violated by the publications of Ram Charit Manas Mool Gutka, which was edited and published by Jagat Guru Ram Bhadracharya Charya, which has not only hurt the religious conscience and feelings of crores of Hindus who have tremendous faith in Vedic Dharma. The entire staff of the Ram Bhadracharya Viklang Vishwavidyalaya was involved in the publication and printing of the cryptic Ram Charit Manas. Thus they have committed gross illegalities in the management and misappropriation of the government funds alleged the respondent and added that book is shattering,

causing casteism, hatred and derogatory feeling among the Hindus and it is expedient in the interest of justice to seize all its copies and ban from the public. While being aggrieved by such an act of Shri Ram Badhracharya patron of Shri Ram Bahdracharya Viklang Vishwavidyalaya, he filed a writ petition No. 8023 (M/B) of 2008 before the Hon'ble High Court of Lucknow Bench, Lucknow and the matter is still pending, stated the respondent. He added that the complainant engaged Ms. Ranjana Agnihotri for pleading the case on his behalf in the writ petition the fact of which was vehemently concealed by Shri Ram Bhadracharya Viklang Vishwavidyalaya Chitrakoot Dham while approaching the Press Council of India. The respondent further stated that the entire allegations charged in the complaint are vague in the eyes of law and alleged solely in the willingness to frustrate and humiliate the respondent.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.8.2011 at New Delhi. Both the parties were present. The complainants submitted that the language used in the impugned articles was highly derogatory, objectionable and blasphemous. The impugned article at pages 21 and 31 in its March 2008 edition carried the photograph of Jagadguru Rambhadracharya with the caption filled with very vile language, viz., 'Blind since birth, blind extortionist, kalyugi, person without eyes, dhritrastra, saffron impostor etc. The complainants also alleged that the respondent had refused to receive their letters.

The complainant Ms. Ranjana Agnihotri, advocate informed that the matter is not *sub-judice*. She clarified that the writ petition filed by the respondent before the Hon'ble High Court of Lucknow is for arrest of the complainant, being writer of amended version of Ram Charit Manas that has no relevance with impugned publication.

The representative of the respondent, Shri Devendra Kumar, Advocate sought adjournment pleading that Mr. Asthana, the editor who was supposed to present the case in the right perspective and intends to adduce evidence had fallen ill. The Inquiry Committee declined the request that no amount of evidence will change the course of defence as the publication was *prima-facie* in bad taste. He, however, pleaded that the matter is *sub-judice*.

Report

The Inquiry Committee dealt with the preliminary objection of the respondent and noted that the issue of editing "Mool Gutka" of Ram Charit Manas by Shri Rambhadracharya, which is stated to be *sub-judice* had no bearing on the present complaint. The Committee proceeded to consider the second plea of the respondent for grant of adjournment for adducing evidence

that the impugned news item was totally false, fabricated, defamatory and baseless to malign him and lower his image in the public as well as in the department. The complainant has submitted that the trainee IPS Officers get a posting in the District and hold the post of C.O. Line which is an important post to learn co-ordination between officers and staff. The complainant, who is posted at present as Superintendent of Police, Railways, Agra has submitted that he was posted as Assistant Superintendent of Police/Circle Officer, Allahabad from 12.9.2007 to 30.8.2008 thereafter Shri Akash Kulkarni, IPS took over the charge. The respondent without mentioning his name tried to malign him, as no other IPS officer had taken over the charge for the last two years. The complainant submitted that the respondent never contacted him before publishing the impugned news item. Immediately after publication of the impugned news item he wrote a letter dated 18.1.2009 to the editor of the newspaper but received no reply.

Written Statement

In response to Council's show cause notice dated 7.7.2009 the respondent Resident Editor, Aj, Allahabad in his undated written statement, received on 23.7.2009, has submitted that the entire allegations in the impugned news item were made against the clerks posted in Police Lines, Allahabad and entrusted with the duty to receive applications for allotment of official residential accommodations. There was no allegation against the C.O. Lines, Allahabad or any other Senior Officer, including SP, Allahabad. Nowhere the complainant's name was mentioned. The complainant further submitted that the complainant was posted as C.O. Lines, Allahabad from 12.9.2007 to 30.8.2008 and the impugned news item was published on 18.1.2009. No charges were levelled against the complainant and the entire allegations to that effect were confined to the clerks of the office of the C.O. Lines. The respondent clarified that a detailed inquiry and verification had been done by the concerned reporter before publication of the news item. According to the respondent the impugned news item was published with a view to create awareness in the mind of Senior Police Officials. The respondent stated that the newspaper was ready to publish the complainant's reply/version.

A copy of the written statement was forwarded to the complainant *vide* Council's letter dated 27.7.2009 for counter comments, if any but no response.

Report

The matter came up for hearing before the Inquiry Committee on 19.8.2011 at New Delhi. There was no appearance on behalf of the complainant while Shri Zaigham Khan, Sub-Editor, Aj Hindi Daily appeared for the respondent. The Inquiry Committee noted that the complainant was not keen to pursue the

complaint as there was no response from him against the written statement of the respondent, which was forwarded to him by the Secretariat in 2009. It also noted that the notice for hearing sent to the complainant had been received back in the office with postal remarks “office refused to receive”. Thus, it decided to close the matter for non pursuance and recommended to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

49) Shri Jagdish Prasad		The Editor
Kanpur	<i>Versus</i>	Amar Ujala
Uttar Pradesh		Kanpur
		Uttar Pradesh

ADJUDICATION

Facts

This complaint dated 8.9.2008 has been filed by Shri Jagdish Prasad, Kanpur, Uttar Pradesh against Amar Ujala, Kanpur for publication of allegedly false and defamatory news item captioned ‘*Pita-Puter Par Barkhast Judge Ne Tejab Dala*’ in its issue dated 23.6.2008. According to the complainant, his next door neighbour Shri Munnu Lal had lodged a false FIR at P.S. Kotwali, Kanpur with fabricated and concocted story that on his abetting, his son namely, Shri Sanjay Kumar threw acid on one Padam, son of Shri Babu Prasad. Even though his name was not mentioned in the FIR, the impugned news item charged the complainant of throwing acid, and terming him as a dismissed judge thus portraying him as a person of criminal mentality. He has not only denied throwing of acid but also objected to the way he had been projected as a dismissed employee of judicial service since the matter is pending in a court. The complainant issued a legal notice dated 14.8.2008 to the respondent to pay for damages or express and publish regrets highlighting the correct facts failing which he would be compelled to take legal proceedings that evoked no response.

Written Statement

The respondent editor, Amar Ujala in his written statement dated 17.11.2008 admitted that the news item in question was published but denied that it was either objectionable or the newspaper and its editor offended against the standards of journalistic ethics or public taste. The news item in question was published with due care and caution, after due verification of facts and on the basis of

an FIR No. 334/08 under Section 326 IPC, lodged on 22.6.2008 in the Police Station Kotwali, Kanpur by one Munnu Lal Verma against the complainant and his son. The respondent further submitted that the projection of the complainant being a former judge was just for reference only because the gravity of the offence becomes more serious when a former judge was involved in such a heinous crime as he is presumed to be protector of the law in the society. It was not a *malafide* reporting and the entire news item was published in a very objective manner on the basis of documents, asserted the respondent.

A copy of the written statement was forwarded to the complainant on 26.11.2008 for information and counter comments, if any.

Report

The matter came up for hearing before the Inquiry Committee on 19.8.2011. The complainant did not appear. S/Shri Sunil Awasthi, Chief Manager, Amit Chowdhary, Senior Officer, P.R.Rajhans, Advocate appeared for respondent. The Inquiry Committee noted that the complainant was not keen to pursue the matter as there was no response from him against the written statement of the respondent, which was forwarded to him by the Secretariat in 2008. Thus, it recommended to the Council to close the matter for non-pursuance.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

50) Shri Riyaz Ahmed Khan		The Editor
District President	Versus	Dainik Jagran
Congress Committee		Kanpur, Uttar Pradesh
Fatehpur, Uttar Pradesh		

ADJUDICATION

Facts

Shri Riyaz Ahmed Khan, District President, Congress Committee, Fatehpur, Uttar Pradesh filed a complaint dated 2.6.2008 against the Editor, Dainik Jagran, Kanpur for publication of an allegedly false, fabricated and defamatory news item under the caption "*Rita Ke Samne Karyakartaon Ne Congress Sangthan Ki Pol Kholi*" in its issue dated 30.4.2008. The complainant objected to the words 'Nagnath' (King Cobra attributed to the President of Congress Committee) used for District President and "Chatukar" (Sycophant) used for the members of the Congress Committee. The complainant alleged that the correspondent and staff reporter of the respondent newspaper were habitual of demanding money

was false, incorrect and published with ill-motive to damage his reputation. According to the complainant, being a Rural Surgeon he gives treatment to poor patients at concessional rate as well as free of cost. The complainant submitted that the victim's family had taken the boy to home and then to another hospital (Quacks) where boy's leg was amputated. The complainant submitted that, had the operation been done within 48-72 hours by expert surgeons like him, the boy could have recovered. The complainant drew the attention of the respondent editor towards the impugned news article, apprising his side of the story countering the allegations *vide* letter dated 10.9.2009, but received no response nor his clarification was published.

Written Statement

The respondent Dr. (Mrs.) Mansa Pandey, Editor, Namantar in her written statement dated 21.7.2009 denied the allegations and submitted that the impugned news article was based on information collected from the victim's family and the local residents and published in the interest of the public after proper verification made by the concerned district correspondent. The victim's family also filed application to the Directorate of Health and Medical, and also before the Human Rights Commission, stated the respondent and denied the allegation that the impugned news article was published with a motive to defame the complainant. She asserted that the complainant filed the instant complaint in order to cover-up his wrong treatments. The respondent also intimated that a Committee was constituted by the Chief Medical Officer to inquire into the allegation, but whether it was really inquired into by the CMO or not was not known to the respondent. The respondent submitted that the boy Suraj was taken to another hospital due to misbehaviour of the complainant doctor and only due to the complainant's negligence, the leg of Suraj was amputated. The respondent produced documents in support of her publication and one of them was a complaint dated 4.6.2008 of grandmother of the victim to the CMO, Sonbhadra bringing to the notice the negligence on the part of the complainant.

Arguments

The matter came up for hearing before the Inquiry Committee on August 19, 2011. Shri Ajay Kumar Rai, younger brother of the complainant Dr. Vinod Kumar Rai appeared, though there was no appearance from the respondent. However a letter dated 16.8.2011 was received from the respondent editor, Namantar seeking exemption from her presence before the Committee for hearing due to medical reasons and also requesting to decide the matter on merits. It was argued that medical expert opined that it was difficult to say that amputation of leg of the patient Shri Suraj occurred due to medical negligence, however the report to this regard was still pending. He further stated that the hospital is based in a rural area, which was a dream of his father, who was a

simple clerk. He emphasized that the hospital was being run with the motive to serve people who also being their customer services are provided at a very nominal rate. He denied the theory of harassing the patient by questioning why their own people being customer would be harassed. He informed that in the instant case the bandage has been done at a nominal rate of Rs. 1400/-. He further alleged that the reporter visited their hospital and demanded money and threatened to blackmail by publishing adverse report in the magazine. He also alleged that the family of the patient lodged case with the police under Section 156 IPC which was prompted by respondent only after Dr. Vinod Kumar Rai lodging complaint with PCI.

Report

The Inquiry Committee on perusal of the documents and careful consideration of the submissions made by the representative of the complainant noted that there was no charge of blackmailing made by the complainant in his initial complaint which appeared to be an afterthought only to attach some degree of serious allegation against the respondent. It observed the allegation to be frivolous and baseless. It opined that the respondent newspaper had carried the news item based on the complaint dated 4.6.2008 of the grandmother of the victim to the Chief Medical Officer, Sonbhadra alleging the negligence on the part of the complainant. On the basis of facts and circumstances of the case, the complaint was not upheld as the respondent magazine had sufficient basis to publish the report based on the complaint lodged by the victim's family and nothing was found to be false and defamatory. It recommended to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

52) Maulana Amir Rashadi Madani		The Editor
Nazim	Versus	Aaj
Jameat-ur-Rashad Madarsa		Varanasi
Azamgarh, Uttar Pradesh		Uttar Pradesh

ADJUDICATION

Facts

This complaint dated 28.2.2009 has been filed by Maulana Amir Rashadi Madani, Nazim, Jameat-ur-Rashad Madarsa, Azamgarh against the Editor, Aaj, Hindi Dainik, Varanasi for publishing allegedly false, baseless, misleading and defamatory news item captioned "मदरसे में पुलिस ने दी दस्तक, मामला पेंचीदा"

in its issue dated 24.2.2009. It was stated in the impugned news item that police entered into the complainant's educational institute and returned with modern arms including A.K.47 rifles. Denying the statement made in the impugned publication, the complainant has alleged that the respondent had deliberately published it to defame their institution. The complainant submitted that their world renowned Religious Educational Institute provides free education to the students. At present more than one thousand students are getting education. The institute works on the basis of donation. But, after publication of the impugned news item, the donors have stopped paying, with the result they are facing financial crunch. The complainant has further submitted that after publication of the objectionable news item, one of the students of the Institute wrote a letter to the local police administration under RTI Act, 2005 and inquired about the details of the incident. In a reply received from the Police Station, Azamgarh he was informed that no such incident had happened, thus the question of recovering arms from the premises did not arise. The complainant drew the attention of the respondent Editor, Aaj *vide* letter dated 28.2.2009 with the request to publish the contradiction but to no avail. The complainant requested the Council to initiate action against the respondent editor for publishing misleading and defamatory news item.

No Written Statement

A show cause notice was issued to the respondent editor, Dainik Aaj, Varanasi on 5.6.2009 but received no written statement despite issuance of reminder dated 17.8.2009.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.8.2011 at New Delhi. Shri Asran Ahmed appeared for the complainant and stated that the complainant wanted to attend the hearing personally but he could not come due to Ramzan. The complainant's representative submitted that the impugned news item was far from facts and written in such a way that an AK-47 was recovered from Madarsa. The representative further submitted that the complainant enjoys high prestige in the society and the impugned publication caused a lot of damage to the reputation of the complainant, with a result the donation on which free education was impaired had also been badly affected. The complainant brought it to the notice of the editor, who did not take cognizance of the matter and their repeated request to the editor for contradiction did not yield any response. The complainant representative further submitted that an application under RTI was given to SSP /DM and it was informed in the reply that no raid or search was conducted by the police and there was no question of recovery of any item. The complainant's representative submitted that the impugned news item was totally false, baseless and sensational and that

had hurt the sentiments and caused monetary loss of inflow of funds and donation to the Madarsa.

Report

The Inquiry Committee carefully perused the record and upon hearing the complainant representative opined that the respondent newspaper Aaj neither filed written statement nor entered appearance to defend the allegation made in the complaint and thus it proceeded to consider the complaint on the basis of material on record. The Inquiry Committee on perusal of the news item dated 24.2.2009 published by Aaj noted that the respondent rushed the publication without proper verification of facts either from the police authorities or the complainant. In the opinion of the Committee, the unrestrained publication not only caused damage to the reputation of the complainant's institution but also aimed at threatening the fabric, peace and tranquillity of the area. The Inquiry Committee was of the view that it was not desirable to report unsubstantiated report which was, in fact, claimed to be denied by the police itself as per contents of the impugned report. The Inquiry Committee finds that the Editor, Aaj had published a concocted story in gross violation of all norms of journalistic ethics to harm the reputation of the complainant's institution. It was incumbent on the part of the editor to publish a retraction with regret on receipt of contradiction supported by RTI reply denying the story, the Inquiry Committee finds that the conduct of the respondent editor deserves warning under Section 14 of the Press Council Act, 1978. It recommends to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

53) Mohd. Mateen Khan		The Editor
Additional Session Judge	Versus	Dainik Hindustan
Fast Track Court-II, Bhinga		Lucknow (Uttar Pradesh)
Shrawasti, Uttar Pradesh		

ADJUDICATION

Facts

Mohd. Mateen Khan, Additional Session Judge, Fast Track Court, Shrawasti, Bhinga, District Shrawasti, U.P. in a notice dated 10.12.2009 addressed to the Editor, Hindustan, Hindi daily, Lucknow through his advocate with a copy endorsed to Press Council of India has objected to publication of allegedly false news item captioned "श्रावस्ती के जज की भूमि पर कब्जा, मंदिर बनाया"

(Shrawasti Judge's land grabbed, temple built) in its issue dated 23.9.2009. It was stated in the news item that the "Land belonging to a judge at Shrawasti was grabbed overnight and a temple was built. District Magistrate Mr. Ajay Chauhan had given directions to the S.P. Pilibhit for action on the complaint of the concerned judge. It was further reported therein that Mr. Mohd. Mateen Khan, a resident of Mohalla Madina Shah, who is in Judicial Service, presently posted in Shrawasti holds one acre land near the Bank of Dehwa river. There is also a (Samadhi) Grave in a corner of that land. He told that when he visited Pilibhit on the eve of Eid festival, he came to know that some people belonging to village Navkood had taken possession of his land and got a temple constructed illegally. On reaching the village he noticed that a boundary wall had been erected and an idol of Hindu deity was laid. He also told that when he opposed it, people became furious. He brought it to the notice of District Magistrate and presented his side of version upon which District Magistrate directed S.P., Pilibhit to take action.

The complainant *vide* his formal complaint dated 26.2.2010 while objecting to the impugned publication, submitted that it was false and defamatory. According to the complainant, the impugned news item gave an impression that the land in Pilibhit belonged to the complainant and the same was seized and a temple was built overnight. It also appeared from the news item that the Judge himself had narrated the story/incident to the reporter, as there was usage of the word 'He told'. The complainant contradicted the statement and submitted that he was not a resident of Mohalla Madeen Shah or having any personal or parental residence in that Mohalla. He also denied having narrated any story/incident to the respondent reporter. The complainant also denied that he had ever met District Magistrate of Pilibhit as alleged in the news nor the District Magistrate gave any order to S.P. to enquire into the matter. The complainant further submitted that the impugned news item was published in the local column/page of Shrawasti for the readers of Shrawasti, where he was posted and not in the column/page meant for readers of Pilibhit which itself showed clear intention of the respondent to unnecessarily drag his name into controversy and to malign his image, as a judicial member. The complainant stated that he drew the attention of the respondent editor *vide* letter dated 10.12.2009 but received no response.

Written Statement

In response to the show cause notice dated 12.5.2010, the respondent Executive Editor, Hindustan, Lucknow in his written statement dated 20.5.2010 submitted that as per the information received from their Pilibhit correspondent on 22.9.2009, the correspondent went to District Magistrate, Pilibhit where the complainant Mohd. Mateen Khan was present and was discussing his problems with District Magistrate. There, the complainant himself narrated problem of his land to the reporter and when he published the story in Shrawasti edition, he

objected and sent his complaint to the Lucknow office. The complainant clarified that he had objected to the publication of the news item in the Shrawasti edition since it was only for Pilibhit and instead of his name, his father's name should have been published. The complainant agreed for the same but later he filed the complaint.

The respondent editor further submitted that the impugned news item was published in public interest without any malice towards Mohd. Khan. According to the respondent, the incident relating to acquiring anybody's land and building temple overnight could not be ignored by the newspaper. The news item was published in good faith and public interest without any intention to defame any one but to help the complainant.

Report

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. There was no appearance from the complainant side. However, Shri Mansimran Singh appeared on behalf of the Legal Department, HT Media Limited, New Delhi. The Inquiry Committee noted that the notice for hearing sent to the complainant was received back with postal remarks "Transferred"

The Inquiry Committee on perusal of the records of the case noted that the news item published by the respondent newspaper had some basis. It also noted that the complainant neither responded to the written statement of the respondent newspaper nor appeared before the Inquiry Committee. Therefore, the Inquiry Committee decided to recommend to the Council to close the matter for non-pursuance.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

54) Shri Brahm Kumar Trimurti	The Editor
Manager	Janmorcha
Khadi Employees/Labour Welfare	Uttar Pradesh
Committee, Akbarpur	Ambedkar Nagar, U.P.

ADJUDICATION

Facts

Shri Brahm Kumar Trimurti, Manager, Khadi/Employees/Labour Welfare Committee, Akbarpur, Ambedkarnagar, U.P. has filed this complaint dated 21.6.2009 against the Editor, Janmorcha, Hindi Dainik for publication of allegedly

false, misleading, motivated, one sided and defamatory news items captioned “संकट के दौर से गुजर रही है बापू की विश्राम स्थली” (Bapu’s ashram is going through a difficult phase) and “क्या गांधी आश्रम भी होगा बंद” (will Gandhi Ashram also be closed?) in its issues dated 20.6.2009 and 21.6.2009 respectively. It was alleged in the impugned news items that the Khadi Ashram lost over Rs.50 crore due to labour strike. The complainant was also charged with financial irregularities and corruption. It was also alleged that the complainant, who was neither the member of the Association nor related to labour union tried to damage heritage of Bapu.

Denying the allegations, the complainant has submitted that the respondent had deliberately published the impugned news items to defame him and lower his image before the society. Regarding the allegation of loss of Rs. 50 crore due to strike, the complainant clarified that the Institute had total property of Rs. five crore only and more than this amount is due to be paid to the Banks. Thus a loss of Rs. 50 crore could not occur. According to the complainant, the respondent never contacted him before publishing the news items. He alleged that one sided, false and baseless facts had been included being prejudice towards him which had not only defamed him but also hurt sentiments of the employees/labour of the Ashram. The complainant drew the attention of the respondent editor and correspondent *vide* letter dated 21.6.2009 but received no response.

Written Statement

A show cause notice dated 26.5.2010 was issued to the respondent Editor, Janmorcha. In response Shri Subodh Khatri, the District Correspondent, Janmorcha in his reply received on 2.7.2010, while denying the allegations submitted that the complainant was neither related to the Management of Khadi Ashram nor registered with any trade union. The respondent clarified that a settlement was made between the Management and the Employees of the Ashram after 10 days of the strike and the complainant was not a party to the settlement which showed itself that even the employees did not consider him their leader. According to the respondent, the complainant was arrested on a complaint filed by the Management of the Khadi Ashram and remained in jail for 10 days under Sections 143, 384, 504, 506 and 427 TC Act and later released on bail. The respondent submitted that neither the management nor the employees had objected to the news items. However, he would publish version of the complainant, if received.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. Both the parties were present. The complainant

submitted before the Inquiry Committee that the process of registration of their organisation was under way, at that point of time and has now been registered and their grievance being that their version should have been published as said impugned publication appears to be with ill motives.

Shri Ramesh Tripathi, News Editor appearing for the Janmorcha submitted that the newspaper had not received any contradiction and in case the complainant sends his version, they will publish it.

Report

The Inquiry Committee upon hearing the parties noted that the complainant was contending that the newspaper has not published his version and on the other hand the respondent however, denied having received any letters from the complainant. During the course of arguments, both the parties agreed to the view point of the Inquiry Committee for publication of the version of the complainant that will be suffice. The Inquiry Committee therefore, directed the complainant to send his contradiction to the respondent editor and further directed the editor, Janmorcha to publish the same within a fortnight. The Inquiry Committee recommended to the Council to dispose off the complaint with these directions.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

55) Shri Suman Dhagda		The Editor
Chairman	Versus	Dictator
Shri Digambar Jain Panchayat Mandir		Beawar
Beawar, Rajasthan		Rajasthan

ADJUDICATION

Facts

This complaint dated 19.4.2010 has been lodged by Shri Suman Dhagda, Chairman, Shri Digambar Jain Panchayat Mandir, Beawar, Rajasthan against the Editor, Dictator fortnightly alleging publication of series of objectionable articles from 15.2.2007 to 30.1.2010, which are imaginative and false based on notions of some selfish people against Shri Digambar Jain Panchayat Mandir, Beawar and its Parsvnath idol temple's agricultural land.

The complainant has stated that Shri Digambar Jain Panchayat Mandir, Beawar is a registered body of Jain community under the Public Trust Act. It has its own constitution and all the activities of the Panchayat and temple are

governed by it. Only their members are involved in its functioning and any outsider's involvement is not legally permitted. The publication of series of news items about the elections within the Panchayat and the division of land are contrary to the facts. Proceedings of the General Meeting of the Digambar Jain Panchayat dated 21.2.2005 and 6.2.2005 justify that the temple land outside the Changgate, Beawar was under possession of Gardener (Mali) for nearly 80-100 years who mortgaged it to a prominent person of Beawar. A Committee of the Trust with its full powers took loan from the open market and demortgaged the land and got its possession. Further, years of legal battle at Rajasthan High Court was got settled and after obtaining permission from State Government to sell or lease it for 99 years, only three bigha land was leased for 29 years and the proceeds obtained from the lease was used to repay the loan and the rest was deposited with the Trust. Therefore, the fortnightly appears to be published only for the sole purpose of carrying such false, baseless news against the Trust and being circulated free to all its members with the motive to defame it. A letter dated 10.2.2010 on this issue was written to the respondent newspaper, but no response received.

The complainant has further alleged that the newspaper had again carried impugned news article in its edition dated 30.4.2010, whereas, no other newspapers published from Beawar or Ajmer, Rajasthan carried any false or incorrect news about the Panchayat. The newspaper has been publishing series of impugned articles for the last two-three years and also repeating the allegations by lodging an FIR with the local police station which has been dismissed by the police with a Final Report.

Written Statement

In response to the show cause notice dated 26.6.2010, Shri Bhanwar Sharma, Editor, Dictator has denied the allegations made by Shri Suman Dhagda in his complaints dated 19.4.2010 & 15.6.2010, terming as false, baseless and the facts being twisted to mislead the Council with the motive to curb the press freedom.

The respondent has stated that when the newspaper gets authentic information about the incidents/activities taking place in the society from the reliable sources, the facts are verified from their end and published in the public interest and social responsibilities vested with the press and not intended to target or defame any individual or group. In the instant case, the news reports have been published with the information provided by the members of the Panchayat itself. Further the officials of the Panchayat, never lodged objection to these series of news articles nor issued any press release/contradiction stating their view point to be covered either by their newspaper or any other newspapers, proves their silent endorsement. However, their fortnightly is open

to publish any such written objection from the Trust. However, the fact of the matter is that the Panchayat has no powers to sell or lease the land or make divisions of it as there is neither Government's approval nor there is provision in the Constitution of the Panchayat. It is an admitted fact by the complainant himself that three bigha lands had been leased out for 28 years and money received against it. As per the Sale & Registration Act any lease deed over a period of 20 years shall be considered as sale, and registration fee applicable towards sale deed is charged. Thus the claim that it is not sold particularly when there is no permission from Government or provisions in the Panchayat is false. As per the records of the Panchayat it has not conducted election every year and their own registered member taking objection to it had moved to court of law and the matter had become *sub-judice*. The newspaper had carried only these facts and thus charging the newspaper for blackmailing without any basis is strongly refuted and rejected.

The respondent has further stated that the 'Declaration' subscribed by the complainant is false as the subject matter of the news published being *sub-judice* in the civil judge, court of Beawar and also that a criminal case for forgery had been registered with the local police under Sections 420, 406, 408, 467, 468, 471,120 by Shri Sarsamal Jhanjhari, Member of the Panchayat against the complainant and 16 other members for which inquiry is on, the complaint is liable to be rejected.

Counter Comments

The complainant *vide* his counter comments dated 11.1.2011 has stated that Shri Mahavir Prasad, Member of the Panchayat had made petition before the Civil Judge, Deewani, Beawar to grant stay against the election of the Panchayat in order to use ballot paper during the election. But the Civil Judge had dismissed the petition and the election was held as per its schedule on 27.6.2009 and Shri Suman Dhagda was elected as Chairman with the powers to select the other office bearers. The membership of Shri Mahavir Prasad along with other members was cancelled for disobedience and criticising the policies of the Panchayat in its meeting held on 22.6.2009. In the case of FIR lodged by Shri Sarasmal Jhanjhari on 17.2.2010 against 16 members of the Panchayat, the local police had investigated the case by inspecting all the necessary documents of the Panchayat and submitted a Final Report stating that the complaint lodged found to be false and baseless. The newspaper had based its report on the FIR of 17.2.2010 which after being declared as false and baseless by the local police also qualifies to be false and baseless. After this, the respondent did not publish any news item for four months. But on 15.12.2010 & 30.12.2010 he had again published news reports stating that Shri Suman Dhagda had registered false case with the PCI against the newspaper with the motive to close it down and the Press Council had dismissed it by not replying

to it. The election of the office bearers of the Panchayat had again held on 29.8.2010 and Shri Sushil Kumar Bharjatiya had been elected as its Chairman. Also, the respondent newspaper had published report in its editions dated 15.12.2010 and 30.12.2010 based on the order passed by the Commissioner, Devasthan. Whereas, the fact of the matter being that the Assistant Commissioner, Devasthan, Ajmer had passed orders in favour of the Panchayat, which had been appealed against with the Commissioner, Devasthan who had passed orders on 13.12.2010 against the Panchayat while referring to the Section 38 of the Public Trust Act. According to the said provision, the power rests with the Assistant Commissioner and there is no legal provision to appeal with the Commissioner, Devasthan. An appeal for stay is being proposed to be filed against the said order in the Rajasthan High Court.

The complainant has further stated that the respondent newspaper does not have any readership and is being published only eight to ten times in a year with the motive to defame their Panchayat with false and baseless reports and, thus requested the Council to send someone to investigate into the false, baseless news reporting campaign being done by the newspaper against their Panchayat and render justice.

The complainant *vide* letter dated 20.1.2010 intimated that the respondent newspaper had again published news items under the captions “Bhagwan Parshvnath ki khetihar ko Atikraman se mukt karane ki yachika satra nayalaye mein pesh’, Aayukt Dev sthaan vibhag dwara ghoshit faisale mein khetihar jamin ki avedh bikri mani’, and ‘Aayukt dev sthaan vibhag ne khetihar jamin par avedh kabza mana’, in its issues dated 15.1.2011, 30.12.2010 and 15.12.2010 respectively referring to the incidents that took place two years back under the erstwhile Chairmen with the intention to blackmail them. Whereas, the ailing editor, Shri Bhanwar Singh is being treated at home, his son Shri Brajesh Sharma runs an acupressure treatment centre at market and gives treatment by visiting at home. The newspaper is being published with the financial aid being provided by the members who have been removed by the Trust.

Arguments

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. The respondent editor submitted that facts were verified on the basis of documents before publishing these articles in the newspaper in the public interest and social responsibilities lying with the press and not intended to target or defame any individual or Shri Digambar Jain Panchayat, Beawar. Moreover, news items have been published with documentary information delivered by the members of the Panchayat itself. He further submitted that Panchayat has never lodged any objection on these series of news items nor issued any press release/contradiction/rebuttal stating their view point to cover either by their newspaper, it proves their silent endorsement.

Report

The Inquiry Committee noted that the complainant was not present and asked for adjournment. The Inquiry Committee proceeded on the basis of the material on record and submissions made by the respondent offering to publish yet another version of the complainant despite the fact that the newspaper, Dictator had already published in *toto* three contradictions of the complainant. The Inquiry Committee, therefore, directed the complainant to send the version for publication to the respondent editor and the editor, Dictator to publish the same with liberty to append his comments. It recommended to the Council to dispose off the complaint with these directions.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

56) Shri P.P. Kapoor	<i>Versus</i>	The Editor
Haryana State Convenor		Dainik Bhaskar
Labour Union (IFTU)		Panipat, Haryana
Panipat, Haryana		

ADJUDICATION

Facts

This complaint dated 31.3.2009 has been made by Shri P.P.Kapoor, Haryana State Convenor, Labour Union (IFTU), Panipat, Haryana against Editor, Dainik Bhaskar, Panipat edition alleging publication of false, defamatory and one sided news report under the caption “मामला दबाने को दिए 16 लाख” [16 lakhs paid to conceal the issue] in its main page on 18.3.2009. The complainant sought action against the editor, Dainik Bhaskar, Panipat edition and direction to publish his rejoinder along with apology.

A show cause notice dated 19.11.2010 was issued to the editor, Dainik Bhaskar but no written statement was filed.

Report

The matter came up for hearing on 20.9.2011 at New Delhi. None of the parties were present. The complainant *vide* an e-mail dated September 20, 2011 has requested for withdrawal of the case. The Inquiry Committee considered the request of the complainant and decided to close the complaint being withdrawn.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

57) **Shri R.D. Rahi** **The Editor**
Executive Engineer *Versus* **Aaj**
Public Works Department **Kanpur**
Hardoi, U.P.

ADJUDICATION

Facts

Shri R.D. Rahi, Executive Engineer, Public Works Department, Block-2 (Bilgram) Hardoi, U.P. *vide* his letter dated 27.4.2009 addressed to the Editor, Aaj, Hindi daily, Kanpur with a copy endorsed to Press Council of India objected to publication of series of allegedly false, misleading and defamatory news items which read as follows:

Sl. No.	Caption	Issue dated
1.	चर्चा में आज भी रहा कांग्रेस नेता अल्वी के हेलीकाप्टर का न उतरना (Non landing of helicopter of Congress leader Alvi – still a hot topic)	7.4.2009
2.	लेनिवि द्वारा गलत कोऑर्डिनेट भेजने से भटका था हेलीकाप्टर (Choice of wrong coordinate by PWD deviated the Helicopter)	8.4.2009
3.	लेनिवि निर्माण खंड-दो बिलग्राम का एक और कारनामा (One more incidence of PWD (Div.-II), Bilgram negligence)	15.4.2009
4.	लापरवाही के आदी हैं अधिशाषी अभियन्ता राही (Mr. Rahi, E.E. prone to carelessness)	17.4.2009
5.	लापरवाही-दर-लापरवाही, उड़न खटोलों की शामत आई (Due to carelessness and more carelessness - Helicopters are in danger)	19.4.2009
6.	उड़नखटोले के हादसों को दावत देने वाले अधिशाषी अभियन्ता राही पर नहीं हुई कार्रवाई (E.E. Rahi responsible for helicopter mishaps, escapes action)	21.4.2009

7.	फिर हुई चूक: दिग्गी राजा उड़न खटोले हादसे में बाल-बाल बचे (Another mishap – Diggi Raja's chopper's narrow escape.)	22.4.2009
8.	हैलीपैड से काफी दूर उतरा हैलीकाप्टर (Helicopter landed far away from helipad)	27.4.2009

The impugned news items highlighted the inefficient working of the Executive Engineer, PWD and his Department. It was alleged that the Executive Engineer was allowed to work in arbitrary and unabated manner and Sr. Officials were posing to be ignorant of the whole situation. The administration was ignoring the situation and apparently awaiting for a big mishap as corruption and muscle power was rampant.

The complainant *vide* his formal complaint dated 26.10.2009 while denying the allegations, submitted that, infact, the respondent reporter was pressurizing him to award contract to one of his relatives and on refusal he conspired to defame and tarnish his image in the society and deliberately published the impugned news items without any basis in a pre-planned manner. The complainant further alleged that the respondent reporter had demanded a wooden door and a generator for his home which were also not provided. As a result he faced the false allegations by way of news items. The complainant submitted that he had been discharging his duties faithfully and no other newspaper had ever published anything against him. The complainant alleged that by publishing the distorted facts the respondent newspaper indulged in yellow journalism. No politician or officer had ever made any complaint as alleged in the news items except the respondent, who alleged that the administration had not initiated any action against him. The complainant submitted that no reply was filed by the respondent in response to his letters dated 27.4.2009, 5.5.2009, 14.5.2009 written to the respondent editor for publishing misleading news items in series.

Written Statement

In response to the show cause notice dated 13.11.2009, the respondent editor in his written statement dated 10.12.2009 while denying the allegations made in the complaint, submitted that by publishing the news items in question, they had not violated any norm of journalistic conduct. According to the respondent the news items were based on the facts and published in the public interest without being *prejudiced* towards anyone. In fact, the newspaper had done its duty by highlighting the inefficiency of the department. Regarding the allegation of not awarding contract to the reporter's relative and not providing him wooden door and generator, the respondent denied these in *toto* and submitted that infact the complainant was involved in illegally procuring the 'sheesham wood' and sold it to his favourites at a throw away price. He also provided generator to

a contractor flouting the norms. The respondent alleged that there was rampant corruption coupled with enormous use of muscle power in the Department and the reporter only highlighted these corrupt activities.

The newspaper further clarified that during the Lok Sabha elections, 2009, a Congress Leader's helicopter could not be landed at Bilgram due to wrong coordination of the Executive Engineer and, many other newspapers, Dainik Hindustan, Swatantra Bharat, Amar Ujala, Dainik Jagran, Samta Raj Patrika and Maya Awadh published the news items besides Dainik Aaj. He also filed clippings of the related news items published by the other newspapers. According to the respondent, the District Administration had demanded clarification on the issue and the Administrative officers of PWD also got annoyed on the complainant's careless attitude but he somehow tried to hush up the matter. In fact his style of working was always controversial. The respondent requested the Council to dismiss the complaint for hiding the facts and levelling false allegations.

In continuation of his written statement, the respondent editor, Aaj *vide* his letter dated 25.1.2010 forwarded a copy of the order of the Lucknow High Court in which District Magistrate, Hardoi and Executive Engineer, Shri R.D. Rahi were summoned to appear in person before it in a writ petition no. 10894/MIB of 2009 filed by Nawab Singh and others against the State Government of Uttar Pradesh. The petition was related to construction of the road on the petitioner's land without acquiring the same in accordance with law. According to the respondent, this itself showed the conduct and working of Shri Rahi, the complainant. The related news item was published by Dainik Hindustan and Aaj, Kanpur edition on 12.1.2010, he added.

Complainant's Letter

The complainant in his another letter dated 18.6.2010 addressed to the respondent editor, Aaj, Kanpur with a copy endorsed to Press Council of India, alleged that the respondent reporter had been continuously publishing defamatory news items being *prejudiced* towards him. Recently he published a news item captioned "अपने साले का मोह नहीं छोड़ पा रहे अधिशाषी अभियन्ता" (E.E. unable to detach with his brother-in-law) in its issue dated 11.5.2010. Reiterating his original grievance, the complainant requested the Council to take necessary action against the respondent reporter for deliberately publishing misleading and defamatory news items against him.

Report

The matter came up for hearing on 20.9.2011 before the Inquiry Committee at New Delhi. None of the parties appeared despite completion of service of the notice. The Inquiry Committee noted that the newspaper had published

critical reports and as per contention of the respondent the news reports were based on facts and published in public interest. The Inquiry Committee did not find any substance in the complaint and decided to dispose off the complaint as no action was warranted in the matter. It recommended to the Council accordingly.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

58) Shri Satyendra Veer Singh
Superintendent of Police
Sultanpur, Uttar Pradesh *Versus* **The Editor**
Dainik Jagran
Uttar Pradesh

ADJUDICATION

Facts

This complaint dated 24.2.2010 has been filed by Shri Satyendra Veer Singh, Superintendent of Police, Sultanpur, Uttar Pradesh against the Editor, Dainik Jagran, Sultanpur, Uttar Pradesh for publication of allegedly false, baseless and defamatory news items under the caption:-

Sl. No.	Caption	Dated
1	घंटाघर में निर्वस्त्र मिली किशोरी	25-2-2010
2	अपराधी को बचाने वाले दण्डित हों	27-2-2010
3	राजनेताओं ने कहा किशोरी के साथ हुई घटना घृणित	28-2-2010

It was stated in the impugned news items that some people had forcibly taken a girl in an isolated place and raped her. The girl was found undressed at the Charbagh Railway Station and local people had handed her over to the police. The police had taken her to the hospital for medico legal examination but the girl refused to do so and the police sent the girl back to her home. The complainant while denying all the allegations levelled against the police department submitted that he himself inquired about the incident and found that the girl was from Sewan District of Bihar and came to Lucknow after some dispute with her parents. The complainant submitted that it was also revealed from the inquiry that local people had seen her for past two-three months near the railway station with different persons. The complainant also submitted that the girl was not found undressed and was also not complaining about any immoral behaviour with her. The complainant also stated that the girl was sent back to her parents

with police protection on 24.2.2010. It also came to the knowledge of the police from the records of the local police station that earlier also the girl had left her house twice, once Kolkata Police and again Orissa Police had brought the girl to her home.

The complainant has submitted that the respondent has published defamatory and baseless news items to malign the image of the police in the eyes of the public which was also derogatory to the honour of a young girl. The complainant issued a letter dated 28.2.2010 to the respondent editor but received no response. He requested the Council to take necessary action against the respondent newspaper, Dainik Jagran.

Written Statement

In response to the show cause notice dated 15.4.2010 the respondent Editor, Dainik Jagran in his written statement dated 3.7.2010, categorically denied the allegations levelled by the complainant. The respondent stated that the complaint was completely false and without any basis. The news items published in the newspaper were true and local people appreciated the effort of the newspaper. The respondent further stated that the version of the police department was also published with the news item dated 25.2.2010. The local residents and President, Kamgar Mahila Sewa Samiti also gave written letter of appreciation. The respondent further stated that the statement of the complainant that other newspapers had not published the impugned news item was totally wrong. The newspapers like Rashtriya Sahara, Amar Ujala, Dainik Hindustan, Nishpaksh Pratidin, Rahat Times and Mahamedha also published the same news. The complainant stated that the last news item in this regrd was published on 1.3.2010 under the caption “पुलिस की पोल खोल रहे उसके ही कागजात” Dainik Jagran and “अपने ही जाल में फंसती जा रही पुलिस” Hindustan, Lucknow but the complainant did not give any clarification or comment on these news as both the news are related to the working of the police department and it shows that the news items published earlier were true.

The respondent further submitted that the news items published by Dainik Jagran were appreciated by every section of the society, but the police was unable to control the crime and to hide his inability the police decided to file false cases against the newspapers. The respondent further submitted that after publication of the impugned news items by the respondent newspaper and other newspapers the Superintendent of Police neither called them to any press conference nor provided them any information. The respondent prayed that the complaint is liable to be rejected.

Report

The Inquiry Committee took up the matter for consideration on 20.9.2011 at New Delhi. Shri B.K. Mishra, Advocate appeared for Dainik Jagran. The Inquiry Committee noted that the complainant in a letter dated September 10, 2011 informed that he is not keen to pursue the matter. The Inquiry Committee, therefore, allowed the matter to be withdrawn and recommended to the Council to close the complaint.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

59) Shri G.N.K. Tomar		The Editor
Chief General Director	<i>Versus</i>	Dainik Jagran
All India Bank Recovery		New Delhi
Rapid Action Force		
Noida		The Editor
		Amar Ujala
		New Delhi

ADJUDICATION

Facts

Shri G.N.K. Tomar, Chief General Director, All India Bank Recovery Rapid Action Force, Noida has filed this complaint dated 25.2.2010 against 'Dainik Jagran' and 'Amar Ujala', Hindi dailies for publication of allegedly defamatory news items captioned “**फर्जी आईजी परिवार समेत पहुँचा हवालात, दैनिक जागरण**” and “**माता – पिता – बेटा निकले फर्जी अफसर, अमर उजाला**” along with photographs in their issues dated 9.12.2009. It was reported therein that the police arrested a fake I.G. (complainant) and also his wife and son in a police Gypsy fitted with blue beacon light and siren. They allegedly used to recover the bank loans from defaulters after taking information from various banks. It was further stated in the news item that on an inquiry by the City Magistrate, Greater Noida, the complainant introduced himself as I.G. of All India Bank Recovery Rapid Action Force while his wife, who was in police uniform with 'three stars' introduced herself as Chief Circle Officer and his son as Circle officer. As the information was factually incorrect, the police registered a case against them.

The complainant while denying the allegation of fraud, alleged that the police had registered a false FIR against them and sent him, his wife and his son to jail. The complainant submitted that the respondents had published the impugned news item with his and his spouse's photographs and also used unparliamentary language for his wife. The complainant submitted that All India Bank Recovery Rapid Action Force is duly authorized by the SBI and RBI and by using the powers under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the All India Bank Recovery Rapid Action Force is playing an important role to recover the NPA accounts for improving the economy of the country. The respondent did not publish his version or statement when he drew the attention of the respondent editors *vide* letter dated 4.3.2010. The complainant further stated that as the arrest and the impugned news items were of the same date and thereafter there was delay in grant of bail due to summer vacation of Court and also strike of the advocates of High Court Bench, he could not file the complaint within the stipulated time before the Press Council of India. The minor delay of about 26 days in filing the complaint was condoned by the Hon'ble Chairman *vide* Order dated 22.4.2010.

Written Statement- Amar Ujala

In response to the show cause notices dated 26.4.2010 issued to the Editors, 'Amar Ujala' and 'Dainik Jagran', one of the respondent Chief Manager, Legal, 'Amar Ujala' in his written statement dated 5.5.2010 while denying the allegations submitted that neither newspaper had offended against the journalistic ethics or public taste nor committed any professional misconduct. According to the respondent, the complaint was baseless, misconceived and filed to stop the pen of the press. The respondent submitted that the publication of the news item was neither objectionable nor made with a view to defame the complainant or his family. It was published in ordinary course and in objective manner to report an event based on the police FIR. It was a fair reporting made in good faith in discharge of public duty devoid of any malice. The impugned news item was published on the basis of FIR and arresting memo. The police of Surajpur Police Station arrested the complainant, his son and wife under Sections 170/171/420/468/470/471 IPC and 3/181/177 M.V. Act. On the basis of aforesaid arrest, the news item was published in the newspaper on 9.12.2009 in routine manner and in ordinary course of business. It is not the business of newspaper to adjudicate the matter. It is the duty of court to decide whether the arresting was right or wrong or FIR was false or true. They had published the facts on the basis of police record. Publication of the news on the basis of police record was the matter of right of newspaper. The respondent further submitted that the similar news was also published by a contemporary prominent Hindi daily *viz.* Dainik

Jagran, this shows that substantially truthfulness of the matter. According to the respondent, the complaint was nothing but an attempt to restrain the fundamental right to freedom of press implicit in the right to freedom of speech and expression, which is essential for political, social liberty and proper functioning of democracy. It is the duty of fourth estate to survey the news and Press is supposed to guard public interest by bringing to fore misdeeds, failings and lapses on part of public men and other bodies including government. The purpose of a newspaper is to advance the public interest by publishing the facts and in the present case also it merely performed duty incumbent on them by publishing the facts only. Thus the complaint was liable to be dismissed.

A copy of the written statement was forwarded to the complainant *vide* letter dated 17.5.2010 for information/counter comments, if any.

Dainik Jagran did not file written statement despite issuance of the reminder dated 22.9.2010.

Arguments

The matter came up for hearing before the Inquiry Committee on 20.9.2011 at New Delhi. Both the parties were present. The complainant reiterated his complaint and denied the charge of using beacon lights on his vehicle. The complainant submitted that the police had failed to prove the charges and the Hon'ble High Court of Allahabad had discharged him. Shri B.K. Mishra, Advocate appeared for the Dainik Jagran and S/Shri Sunil Kumar Awasthi, Chief Manager Legal along with P.R. Rajhans, Advocate appeared for the Amar Ujala and submitted that the publication was based on FIR.

Report

The Inquiry Committee perused the records and noted that the newspaper had sufficient basis for publication of the news and the respondent had not violated any norms of journalistic conduct. The Inquiry Committee did not find any merit in the complaint and no action was warranted in the matter. It recommended to the Council to close the complaint.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

60) Shri Sandeep Kumar Verma Versus The Editor
Chief Train Tickets Examiner Dainik Jagran
Haridwar Railway Station Moradabad
Haridwar, Uttrakhand Uttar Pradesh

ADJUDICATION

Facts

This complaint dated 23.1.2010 has been filed by Shri Sandeep Kumar Verma, Chief Train Tickets Examiner, Haridwar Railway Station, Haridwar, Uttrakhand against the Editor, Dainik Jagran, Moradabad for publication of allegedly false and defamatory news item under the caption '*Train Se Yatri Ko Dhakka Dene Ki Koshish, TTE Nilambit*' (Attempt to push the passenger from the train: TTE Suspended) in its issue dated 7.1.2010. Narrating the story behind the publication of the impugned news item, the complainant has submitted that on 5.1.2010 while on duty at Haridwar Railway Station, in a routine checking, he came across with a ticketless traveller. When encountered, he claimed to be an employee of the railways but failed to show his identity. The offender asked the complainant to talk to one Shri Chaurasia, a journalist at Moradabad on his mobile phone but the complainant declined. When confronted by imposing fine for travelling without ticket, the traveller declared that he was a journalist and he need not to buy any ticket nor he could be fined being a journalist having assigned work related to the railways department. The complainant went on to state that he gave a receipt for Rs. 350/- (Rs.100/- for ticket and Rs.250/- as fine for travelling without ticket) and the traveller wrote his name on it as Rohit Kumar and after completing his duty, he got off at Rishikesh Railway Station. The next day, on 6.1.2010 the complainant visited Moradabad office when Shri Chaurasia met him and enquired about the incident and the fine imposed on the tickelless traveller. The journalist demanded Rs. 5000/- for publishing an advertisement on 26.1.2010 on the occasion of Republic Day and when refused to oblige, threatened that he would ruin his life with journalistic power.

The complainant has alleged that the next day i.e. 7.1.2010, the respondent carried the impugned news item with heading which reads that TTE suspended for trying to push a passenger. He has alleged that the news item was totally wrong and the publication damaged his reputation amongst his relatives, friends and in the society. The complainant issued a letter dated 9.1.2009 to the respondent but received no response.

No Written Statement

A show cause notice dated 20.5.2010 was issued to the respondent Editor, Dainik Jagran, Moradabad but no written statement was filed despite reminder dated 11.8.2010.

Arguments

The matter came up for hearing before the Inquiry Committee on 20.9.2011. The complainant appeared in person and submitted that the news item was totally false and he was never suspended. The complainant further submitted that DRM and ADRM are not authorized to give any statement to the press. The respondent had published concocted story.

Shri Mrigank Pandey appearing for the respondent submitted that the news was based on a complaint of a passenger to the Railway Control Room and a statement was issued by DRM who is the governing authority of T.T.. The respondent further submitted that the concerned officer had not denied his statement or objected to the news report. However, the respondent regretted for not filing the written statement in the matter.

Report

The Inquiry Committee at the very outset noted that the respondent had not filed written statement and relied on unsubstantiated statements. The ethics of journalism demands that an editor or a journalist before causing any publication that may harm the reputation of an officer must cross check the facts from the person concerned and also the department to which he is serving. In this case, the newspaper transgressed the norms of journalistic ethics and it would be in fitness of things if the newspaper publishes an apology to the complainant. The Inquiry Committee therefore, recommended to the Council to direct the editor to publish apology in Dainik Jagran and send clipping to the Council as well as the complainant for record.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

61) **Dr. Ram Sharma**
Lecturer
Meerut

Versus

The Editor
Amar Ujala
Meerut

ADJUDICATION

Facts

Dr. Ram Sharma, Lecturer, (Meerut) in a letter dated 4.5.2009 addressed to the Editor, Amar Ujala, Meerut with an endorsement to the Press Council of India has objected to publication of allegedly false, misleading and defamatory news items with malicious captions “Barot Ke Guruji Ne Churaya Patna Ki Teacher Ka Lekh” and “Guruji Ko Research Article Churane Ka Chaska” in the issues dated 19.4.2009 and 1.5.2010 respectively. The complainant filed a formal complaint dated 30.5.2009, and objected to the impugned publication charging him of copying the article of Dr. Subhashini Sinha that was published in Cyber Literature in 2005. The complainant was also charged of publishing his paper entitled “Empowerment of women through the character of Rose in R.K. Narayan’s The Guide.”

Denying the allegation, the complainant has submitted that he had written this article in his book Viva- Voice from Archana Publication but this chapter was returned with MSS in 2003. Besides this paper is also available on internet. The complainant has alleged that the respondent editor had neither consulted him before publishing these humiliating and insulting news items nor published the corrigendum/apology.

Editor’s Response

In response to the letter to the editor, written by the complainant, the respondent editor submitted that the news items were neither defamatory nor intended to defame the complainant. In fact, these were published in public interest maintaining the spirit of journalistic ethics and based on the information received from the aggrieved person whose articles were allegedly stolen/ copied and published by the complainant. According to the respondent, the complainant had written an article captioned “Empowerment of Women Through The Character of Rose in R.K. Narayanan’s The Guide” and got it published in September 2008 issue of a journal namely, ‘A Modern Progressive English Poetry Quarterly-Replica’ at page no. 49-54. Maximum parts of the aforesaid article were *verbatim* copy of the original article written by Dr. Subhashini Sinha, a teacher of Ganga Devi Mahila College of Patna, which was published in January-December 2005 issue of ‘Cyber Literature’ at page no. 53-62. Since the article written by Dr. Subhashini Sinha was published much earlier than the complainant’s article there was clear violation of Copyright Acts. Again he crossed the barrier by copying the writings of others and got

published his another article in January-March 2008 issue of 'Contemporary Vibes' with the caption "Writings from the Margins: A study of Shashi Deshpande's The Dark Holds No Terror". Except two paras, the entire article was word-to-word copy of a research article written by Dr. Nirmala Pant of Kumayun Univeristy, Almora with the caption "Feminism in Shashi Deshpande's The Dark Hold No Terror" which was published at page no. 15-22 in 2006 issue of a journal 'Helicon Views'. Thus both the news items in question were published in objective manner and in routine course without a straw of *malafide* intention and in good faith in discharge of public duty devoid of any malice against the complainant and without an iota of intention to harm his reputation. Nothing personal or defamatory was published against him. Whatever published was based on records and information. Therefore, no question of publishing the corrigendum and tender apology arises.

Not satisfied with the reply, the complainant submitted that the respondent had given his verdict without affording him an opportunity and rejected his explanation. He requested the Council to take necessary action against the respondent editor for publishing the defamatory news items with malicious titles.

Comments

In response to the notice for statement dated 21.10.2009, the respondent Editor, Amar Ujala in his comments dated 14.11.2009 while denying the allegations submitted that the complaint was misconceived and not maintainable. Reiterating the statement filed in his reply sent by him to the complainant and submitting the relevant documents, the respondent stated that the news items were factually true and on the basis of complaint of whose copyright were violated and other material which were on record. According to the respondent neither the newspaper had offended against the journalistic ethics or public taste nor the editor had committed any professional misconduct. The news items were objective and fair reporting made in good faith in discharge of public duty and devoid of any malice. According to the respondent editor the impugned news items were published in public interest without an iota of intention to defame the complainant. By publishing the impugned news items the newspaper had only performed its duty.

Counter Comments

The complainant in his counter comments dated 5.1.2010 submitted that the allegations that he had stolen the articles as published in Amar Ujala dated 19.4.2009, 28.4.2009 and 1.5.2009 were totally false. He was in possession of the said article much earlier than the publication of impugned news items. According to the complainant, he had sent the publication titled 'Empowerment of women through the character of Rose' and "The Dark Holds No Terror" to the newspaper namely, 'The world to world' dated 7.7.2001, which was published

much earlier than the publication of impugned news items. The complainant alleged that some jealous teachers might have conspired with the reporter of the Amar Ujala to defame him. No notice from any court had been received by him regarding any case as claimed/alleged in the publication of the Amar Ujala and no letter of ban from the editor of the journal 'Replica' was received by him. The complainant further clarified that no such action had been taken by the V.C., Prof. S.K. Kak against him as stated in the impugned publication. The complainant submitted that the respondent had never approached him nor made any query before publishing the allegations. The complainant requested the Council to call upon the editor and the reporter of Amar Ujala, to submit their defence in detail along with the letters issued by the so called aggrieved teachers and the report as alleged if any case filed by the teachers and in case the newspaper failed to prove their defence then stern steps against editor and reporter of the newspaper be taken to defame him in the eyes of the general public by publishing misleading news items not only in Meerut edition but also in the edition of Dehradun, Muradabad, Kanpur, Agra etc.

Respondent's Reply

A show cause notice dated 10.5.2010 was issued to the respondent Editor, Amar Ujala, Meerut. In its response the respondent editor in his letter dated 9.6.2010 submitted that the newspaper reporter met the complainant and explained all the circumstances in which news items were published. The complainant was convinced and no more interested in prosecuting his complaint. According to the respondent the complainant had given in writing that the matter was settled and not interested in prosecution of the complaint thereby appending photocopy of the letter dated 7.6.2010 written by the complainant requesting the Council to treat the complaint as decided in view of compromise.

Complainant's Reply

The complainant *vide* his e-mail dated 9.6.2010 informed that he was being pressurized by Amar Ujala to compromise regarding his case. The complainant requested to take his clarification before any decision.

A copy of the respondent's letter dated 9.6.2010 was forwarded to the complainant *vide* letter dated 30.6.2010 to intimate whether he was satisfied but no reply is received so far.

Report

The matter came up for hearing before the Inquiry Committee on 20.9.2011 at New Delhi. The complainant did not appear before the Inquiry Committee. Shri Sunil Kumar Awasthi, Legal Manager appeared for the Amar Ujala and reiterated the arguments made in written statement.

The Inquiry Committee perused the record of the case and noted that the complainant had brought to the notice of the Council a very trivial issue warranting no action by the Council. It recommended to the Council to drop further proceedings in the matter as no case of violation of journalistic ethics was made out.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

62) Shri Abhiram Das	<i>Versus</i>	The Editor
Balasore		Odisha Khabar
Orissa		Balasore, Orissa

ADJUDICATION

Facts

This complaint dated 14.6.2010 has been filed by Shri Abhiram Das, Balasore, Orissa against Odisha Khabar, Balasore for publication of allegedly baseless, disgusting, frivolous and defamatory news item under the caption “Man is in Heaven, dues are pending on Earth” (English rendering) along with his father’s photograph in its issue dated 30.3.2010. It was alleged in the impugned news item that the complainant’s late father, Ajat Satru Das, while serving as a Public Relations Officer at Azimanbad had left dues towards rent and electricity bill to the tune of Rs.75,000.00 unpaid and a Special Audit Team brought the amount down to Rs.14,085.00. It was also alleged that due to the unpaid dues, the family has not been getting pension.

The complainant has objected to the allegations and submitted that his father was staying at government provided rented house only and they are getting their family pension also. He has stated that the matter related to family pension, amount pending or to be deducted from his deceased father’s account is required to be done as per the government’s procedure and it will take its own course and time to settle the matter. Thus the publication of the impugned news item by showing the government correspondence number and details without the family consent, has defamed them in public, alleged the complainant. He has added that the impugned news item with such caption as this published along with the photograph of his father was published with an intention to scandalize them among the public and defame their family reputation in the estimation of the general public and well wishers. He issued a letter dated 18.5.2010 to the respondent for publication of his contradiction but received no response.

A show cause notice was issued to the respondent editor, Odisha Khabar on 21.7.2010.

Written Statement

The respondent editor, Odisha Khabar in his written statement dated 31.7.2010 has submitted that the news item in question was corroborated by the complainant himself. With regard to the details of the government correspondence, the respondent submitted that the official documents speaks volume of its authenticity of the news item, thus they found it not necessary to obtain permission from the complainant to publish the news item. He stood firm on the correctness of the news item in question. The respondent further stated that he had worked with the deceased father of the complainant for nearly 20 years and has all regards and respect for him as well as his works for the department. He denied having any mal intention to malign him or to hurt the feelings of the family members.

Counter Comments

The complainant in his counter comments dated 23.9.2010 submitted that had the respondent paid his regards and respect to his deceased father and his contribution to the department, he could not have published such a demeaning news item by using such abusive languages like 'Don't shame by lending and borrowing, Ga...Mar' under such an objectionable caption.

Arguments

The matter came up for hearing before the Inquiry Committee on 20.9.2011 at New Delhi. Both the parties were present. Shri Abhiram Das, the complainant at the very outset objected to the use of the words for his deceased father in the impugned publication and stated that the use of words with photograph of his father badly tarnished their image in the society. Insofar as the settlement of dues, whatever was the amount pending; it was to be done at the government level.

Shri Samarendra Kumar, Advocate appearing for the respondent filed additional reply dated 20.9.2011 and submitted that the publication of photograph was evitable since Banks were also recovering dues from the defaulters by publishing their photographs. The counsel submitted that the language was colloquial as every shop in the town display these words on the boards "Give loan and get bashed up with shoes".

Report

The Inquiry Committee carefully perused the record and *prima facie* was of the view that the deceased had not been superannuated nor absconded but unfortunately died during service and dues in respect of rent etc. were

recoverable as per procedure laid down by the government. In the opinion of the Committee, the publication of the photograph of the deceased was undesirable and use of the word was couched in foul language and thus the entire publication was highly offensive. The Inquiry Committee finds it a case of worst kind of journalism that deserve severe penalty under the Press Council Act, 1978. The Inquiry Committee recommends to the Council to censure the editor, Odisha Khabar for gross violation of norms of journalistic ethics and direct the editor to publish apology with prominence. A copy of the decision may be sent to DAVP, RNI, and Government of Orissa for necessary action as they deem fit in the matter.

Held

The Council on consideration of the records of the case and report of the Inquiry Committee decided to censure the Editor, Odisha Khabar, Balasore, Orissa. It also decided to forward a copy of the Council's adjudication to the DAVP, RNI and I&PRD, Government of Orissa for such action as they deem fit in the matter.

63) Shri Vinod Kumar Sharma **The Editor**
Deputy Superintendent **Hindustan**
Education-cum-Regional Education Officer **Muzaffarpur**
Benipur, Darbhanga
Bihar

ADJUDICATION

This complaint dated 16.8.2008 has been filed by Shri Vinod Kumar Sharma, Deputy Superintendent, Education-cum-Regional Education Officer, Benipur, Darbhanga, Bihar against the Editor, Hindustan, Muzaffarpur for publication of allegedly defamatory and baseless news items as follows:

S. No.	Caption	Dated
1.Aur Khud Se Ban Gaye Kshetra Shiksha Adhikari-DSE Ne Kaha, Manmani Par Lagegi Rok.	12.8.2008
2.	Kshetra Shiksha Karyalaya Ka Prabhar Chhina.	3.9.2008
3.	Benipur Ka Asli B E O Kaun-Asmanjas Mein Rahey Pradhanadhyapak va Shikshak.	7.12.2008

The complainant has objected to the allegations made in the impugned news items that he himself assumed the post of Deputy Superintendent of Education, Benipur. The complainant has submitted that the District Education Superintendent *vide* order dated 18.1.2006 had given him additional charge of Area Education Officer. The complainant has submitted that the correspondent

of Hindustan had published the baseless news items doubting his integrity without obtaining his version. The complainant *vide* letters dated 16.8.2008, 13.9.2008 and 8.12.2008 requested the respondent editor to publish his contradiction but no response was received. The complainant had also intimated the editor that he had not received any order relieving him from the post of AEO. The complainant thus requested to take stern action against the respondent editor, Hindustan and its reporter.

The Inquiry Committee took up the matter for hearing on 18.11.2011 at New Delhi. None of the parties appeared before it. The Inquiry Committee noted that the respondent had published the report of the complainant unauthorisedly assuming the designation of the Regional Education Officer, whereas he had only been asked to look after the duties of the officer in his absence in addition to his own duties. The reporter had confirmed the report from his seniors, therefore, the newspaper had not published the reports in violation of norms. The complainant himself had also not followed up the complaint. The Inquiry Committee decided to recommend to the Council to dismiss the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

64) Shri S. Kamaraju		The Editor
Perambalur Taluk	Versus	Vilmurasu Monthly
and District		Magazine
Tamil Nadu		Chennai

ADJUDICATION

This complaint dated 4.10.2008 has been filed by Shri S. Kamaraju, (M. Sc., M.A., B.Ed., M. Phil.) Perambalur Taluk and District, Tamilnadu against the Editor and Reporter of Vilmurasu magazine for publishing of objectionable and defamatory articles in their monthly issues of June, July and August, 2008. The complainant has alleged that the editor had published an article in May, 2008 issue praising him and thereafter demanded an amount of Rs.25,000/- through his reporter towards the publication. Since the article was published by the editor on his own and neither it being an advertisement, he refused to pay any money. Upon this, the reporter threatened him with filthy words and he had lodged a complaint with the police against them. The respondent then carried defamatory articles against him in the issues of the months of June, July and August, 2008, translation of which provided by the complainant are as follows:

In June, 2008

Is Kamaraj Senate Member? Is he follower of women (for sex)? – “Fight for life, there may be way” Kamaraj follows this statement. After becoming teacher he moves around majestically when once he used to be raced due to untouchability from village peralli. He conducted special classes for additional income and started having sex with girls. He joined as Director in Eden Garden School and continued his sexual game with girls there also. He was expelled from there for this reason. He could not produce good result in govt. school where he was a teacher because of his poor attendance. By paying bribe of Rs.5000/- he got Ambedkar Fellowship award and pasted posters by himself for his publicity. He then became broker for getting admission in Annamalai University. On pretext of getting B.Ed admission to women he used them for money and sex. He became senate member and spoiled image of the university. He had revenge against Mr. Murugesan of Eden Garden. He had beaten up a bus conductor and became rowdy. When contacted by the reporter to have his version he told that Minister Raja is jealous of him and he had made false complaint against him with the police. He asserted that he would become richer than Mr. Raja.

In July 2008

Teacher Kamaraj who filed the false case against the reporter should be expelled or removed from the post held.

He was a dull student at early stage and struggled to pass SSLC examination. With the help of Reddiyar in his village and an IAS officer in Chennai he studied and passed. He obtained M.Sc and M.Phil degree with low percentage. He became senate member in Annamalai University and did brokerage in acquiring seats for different courses M.B.B.S/Engineering/MBA/B.Ed/M.Phil. He bargains with women for seats. The news reporter who had gone for investigation about the same has been forced to face false case. May the university conduct necessary Departmental enquiry on him and cancel the senate membership?

In August 2008

Sex Raja donated many thing for senate membership

The senate member of Annamalai University is selected region wise and by votes of old graduates students. Do you know, How Kamaraj is selected? With the help of co-teachers and assurance to the SC community students that he would help them after becoming senate member. After that he became ingratitude and fraud. For becoming senate member for second time he approached the postmen in and around Trichy for covering postal votes. He gave a grand party to them with non vegetarian, beer and brandy.

The complainant further *vide* his letter dated 4.3.2010 has informed that the editor of the magazine has changed his name to Panneer Selvam Udaiyar by adding his surname.

The Inquiry Committee took up the matter for hearing on 18.11.2011 at New Delhi when respondent editor remained absent. The complainant appearing in person submitted before the Inquiry Committee that he is a Post Graduate Teacher and Senate Member of Annamalai University. The respondent had approached him demanding huge amount for publication of report in his praise in May 2008 issue of the magazine without his consent. On his refusal, the respondent published derogatory and false material in series against the complainant and also published wall posters.

The Inquiry Committee on a careful consideration of the matter at the very outset noted that the respondent editor had neither filed written statement nor appeared before it. The Inquiry Committee expressed its displeasure over the conduct of the respondent editor in failing to respond to the Council's notices leading to the inference that the editor was unable to defend the charges. The Inquiry Committee, therefore, proceeded to consider the complaint on the basis of material available on record. The Inquiry Committee upon perusing the impugned articles appearing in June, July, and August 2008 issues of Vilmurasu monthly magazine, was of the view that the respondent editor had published highly objectionable charges against the complainant and the language used therein was not in keeping with journalistic standards. The Inquiry Committee observed that the Editor, Vilmurasu monthly magazine had made imputations against the complainant in the impugned articles with an apparent intent to harm the reputation of the complainant and thus the act of the editor squarely falls within the definitions of defamation. The fact that these reports immediately followed a report praising the complainant lends credence to the charges of *malafide*. The Inquiry Committee reminds the media that the ethical standards on caution against defamatory writings requires that the newspapers and journals should not publish anything which is manifestly defamatory or libelous against any individual unless after due care and verification, there is reason/evidence to believe that it is true and its publication will be for public good. In the instant case, the respondent had no defense to offer and therefore the charge of demanding money was also remained undefended establishing a case of blackmailing tactics. The Inquiry Committee recommends to the Council to censure the Editor, Vilmurasu monthly magazine for violation of norms of journalistic ethics and publishing manifestly defamatory articles against the complainant. It also recommended the Council to forward a copy of the decision to the DAVP, RNI, Information and Public Relations Department, Government of Tamil Nadu, Chennai for action as they deem fit in the matter.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee decided to **censure** the Editor, Vilmurasu monthly magazine, Chennai for gross violation of the journalistic ethics. A copy of the decision be sent to the DAVP, RNI, Information and Public Relations Department, Government of Tamil Nadu, Chennai for action as they deem fit in the matter.

65) Kumari Neelam Gupta		The Editor
Aligarh		Akinchan Bharat
Uttar Pradesh	Versus	Agra, Uttar Pradesh
		The Editor
		Dainik Hindustan
		Aligarh, Uttar Pradesh

ADJUDICATION

These complaints dated 6.6.2009 have been filed by Kumari Neelam Gupta, D/o Shri Shankar Lal, Aligarh, Uttar Pradesh against two Hindi daily newspapers (i) Akinchan Bharat, Agra and (ii) Dainik Hindustan, New Delhi for publication of allegedly objectionable news items with photographs under the captions '*Manik Chowk Ke Logon Ne Ki Yuvti Ki Shikayat*' and '*Mandir Ka Vivad Thane Mein Pahuncha*' in their March 9, 2009 issues. It was alleged in the impugned news items that the complainant, Kumari Neelam Gupta was causing trouble to residents of Manik Chowk locality. She started dispute after an idol of God was destroyed in the temple and someone had installed 'Shiv' Idol. She was alleged to have claimed ownership of the Mandir and accusing each and every one of the locality for attempting to replace the 'Shiv' and 'Hanuman' idols installed by her grandfather with new ones. It was also reported in the impugned news item that the annoyed local people reported the matter to the concerned police officials who met the complainant and cautioned her to behave. The complainant has alleged that the impugned news items were published with a motive to assassinate her character by questioning her mental state.

The complainant issued legal notices dated 6.4.2009 to the two respondents; 'Ankinchan Bharat' and 'Dainik Hindustan'. The respondent Hindustan in its reply dated 30.4.2009 denied the allegations and informed that the news item was published with due and adequate verification of facts. The other respondent, Ankinchan Bharat did not give any reply.

One of the respondents, Dainik Hindustan in its written statement dated 20.7.2010 has submitted that the news item in question was published in ordinary course reporting an incident and was never intended to hurt the sentiment of any individual. The respondent also stated that they had published the version of the

complainant Ms. Neelam Gupta as well as the residents of the area, who lodged complaints against the complainant before the police. The news item in question was thus published with due and adequate verification of facts without any intention to malign or blackmail as they have sufficient evidence in their possession gathered from the spot by the reporter of the article.

No written statement has been received from the other respondent, Akinchan Bharat despite service of notice.

The complainant in her counter comments dated 1.6.2011 submitted that the reply of Dainik Hindustan is false, misleading and unsubstantiated. She has further submitted that Shri Dharmender Ghotewal, journalist is her neighbour and has planted some trees near her wall. These plants are damaging her wall. In this regard, she has filed a complaint in the police station against Shri Dharmender Ghotewal. A copy of the FIR has been attached. Shri Dharmender Ghotewal who is associated with Rajasthan Patrika and some other newspapers of Aligarh, is also a good friend of Shri Bhanu Pratap Singh, Bureau Chief, Dainik Hindustan. Thus Shri Bhanu Pratap Singh deliberately published the news item without verifying the facts. The respondent has adopted a malafide and biased attitude towards her. She has denied all the allegations levelled by the respondent.

The matter came up for hearing before the Inquiry Committee on 18.11.2011 at New Delhi. There was no appearance on behalf of the respondent Akinchan Bharat. The complainant appearing in person submitted that a reporter who was her neighbour was having animosity had given this news to other reporter. The complainant submitted that no such incident had happened but the said paper in connivance with the said reporter caused defamatory publication against her.

Shri Jahirul Islam Laskar, appearing for Hindustan submitted that the Hindustan had published a very brief and balanced report incorporating the version of the complainant in the impugned publication. The photograph accompanying the report established the occurrence dispute and the incident reported.

The Inquiry Committee carefully perused the record and upon hearing the parties noted that the claim of the complainant of non-occurrence of incident of dispute over temple was not established as the complainant herself had stated about dispute after change in idols of gods. The accompanying photograph of locals and the complainant assembled in the presence of the police also established it. The Inquiry Committee noted that the Hindustan had given the version of the complainant in the news item itself and therefore no action was warranted.

Insofar as Akinchan Bharat, the Inquiry Committee expressed displeasure over the conduct of the Editor of Akinchan Bharat in not filing written statement

and non-appearance before it. The Inquiry Committee noted that the Akinchan Bharat while publishing report about dispute over temple had questioned the character and mental state of the complainant. The Inquiry Committee also noted that the Akinchan Bharat had denied right of reply to the complainant and thus it directed the Editor, Akinchan Bharat to publish the version of the complainant under intimation to the complainant as well as the Council. It recommended to dispose of the complaints with these observations and directions.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

66) Shri M.S. Bitta
Chairman
All India Anti-Terrorists Front
New Delhi

Versus

Shri Viresh Shandilya
Chief Editor
Dainik Jyotikan
Ambala

ADJUDICATION

Shri M.S. Bitta, Chairman, All India Anti-Terrorist Front, New Delhi and former President, Indian Youth Congress has filed this complaint dated 23.8.2011 against Shri Viresh Shandilya, Chief Editor, Dainik Jyotikan, Ambala for publication of series of allegedly defamatory and objectionable news-items. The caption and date of the publication of impugned news-items are as follows:

S. No.	Caption	Date
1.	अगर एम.एस. बिट्टा में दम है तो अंबाला पुलिस को लिखित शिकायत दे कि दीपक शंडिल्य नहीं है उनका पदाधिकारी मैबर –वीरेश शंडिल्य	18.7.2011
2.	साइकिल चोर एम.एस. बिट्टा में अगर दम है तो 72 घंटे में बड़ी से बड़ी अदालत में याचिका दायर करें कि वीरेश शंडिल्य क्रिमिनल है	20.7.2011
3.	जैड प्लस सुरक्षा के दम पर भू-माफिया बना हुआ है साइकिल चोर बिट्टा –वीरेश शंडिल्य	22.7.2011
4.	साइकिल चोर तुझे यही नहीं पता तूने मुझे कौन से सन में बनाया अपने फ्रन्ट का प्रदेशाध्यक्ष –वीरेश शंडिल्य	26.7.2011
5.	नकली देशभक्त, फ्रॉड व साइकिल चोर बिट्टा ने दस महीने बाद तो हरियाणा के प्रधान के साथ जम्मू कश्मीर का प्रभारी लगाया था, वीरेश शंडिल्य	27.7.2011

6.	साईकिल चोर बिट्टा मरना चाहते हैं तो मरे प्रधानमंत्री मनमोहन सिंह से इच्छा मृत्यु की अनुमति क्यों मांग रहे हैं?	2.8.2011
7.	साईकिल चोर व भू-माफिया बिट्टा लोगों को यह भी बताएं कि वीरेश शंडिल्य से उलझ कर क्रिमिनल केस में उसे जमानत करवाकर जान छुड़ानी पड़ी थी।	5.8.2011

While denying the allegations levelled against him in the impugned news-items, the complainant has alleged that the respondent has used derogatory language in the impugned items with the sole intention to defame him which has damaged his reputation. According to the complainant, he is in social and political field for about last 35 to 40 years and formed a NGO named All India Anti-Terrorist Front (AIATF). During the process of appointing office bearers of AIATF, Shri Viresh Shandilya (Respondent) was also appointed an office bearer of NGO. But after the appointment of the respondent, the complainant received complaints that Shri Viresh Shandilya is misusing the name of his NGO for personal and unlawful gains. It was also come in his notice that the NGO which was formed for the noble cause of elimination of terrorism and to promote the feelings of nationalism and patriotism among the masses, was also being defamed. Due to this reason, the respondent was removed from the presidentship of Haryana State of the said NGO. The complainant has alleged that due to removal of the respondent, he began nurturing personal grudge against him. He has submitted that to create confusion in the minds of people, the respondent formed NGO entitled Anti Terrorist Front of India bearing resemblance to his NGO and started publishing a daily newspaper entitled 'Dainik Jyotikan' as its Chief Editor from Ambala. The complainant has alleged that the respondent due to personal animosity used his newspaper as a tool to cause damage to his reputation.

Show-cause notice was issued to respondent on 9.9.2011. The respondent in his written statement dated 4.10.2011 raised preliminary technical objection and on merits submitted that all the allegations levelled on him are false, baseless and without substance. The complainant is prone-mind to make false allegations and to malign the image of others. The respondent has further submitted that he was not removed from complainant's front but the respondent himself resigned in September 2002 after observing that the complainant's organization is engaged in baseless and anti-national activities as lot of activities of NGO were unwarranted and illegal.

The matter came up for hearing before the Inquiry Committee on 18.11.2011 at New Delhi. Both the sides were represented. S/Shri Murari

Kumar and Yogesh Dewan, Advocates appearing for the complainant submitted that the complainant is a renowned person and the respondent is regularly carrying derogatory remarks against the complainant. The respondent had been publishing imputations continuously without substantiating the allegations. The complainant counsel pointed out the derogatory references made in the impugned publications and requested for strict action against the respondent newspaper. The complainant counsel further alleged that the respondent was involved in various criminal cases.

Shri Viresh Shandilya, Editor-in-Chief, daily Hindi Jyotikan submitted that the complainant had made false allegations against him of misusing the name of NGO and the impugned reports were his opinion.

The Inquiry Committee upon perusing the record and hearing the parties and noting the proceedings before Inquiry Committee which had turned not only acrimonious but also violent and the refusal of the parties to give undertaking that the complainant and the respondent will not make any allegation or counter allegation against each other and shall maintain peace, decided not to dwell on the complaint.

The Inquiry Committee recommended to the Council to dispose of the complaint as per above.

The Press Council on consideration of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

67) Shir Om Prakash		The Editor
Under Secretary	<i>Versus</i>	Medicare News Fortnightly
Ministry of Chemicals &		Rohtak, Haryana
Fertilizers, Government of India		
National Pharmaceutical Pricing		
Authority (NPPA) Department of		
Pharmaceuticals, New Delhi		

ADJUDICATION

This complaint dated 15.2.2009 has been filed by the National Pharmaceutical Pricing Authority, New Delhi through the Department of Pharmaceuticals, Ministry of Chemicals & Fertilizers, Government of India, against the Editor, Medicare News, Bi-monthly, published from Rohtak alleging publication of erroneous, baseless and misleading articles in its issues under the following captions:

S. No.	Caption	Date
1.	NPPA and Ceiling Prices-New Chairman's message a rejoinder	30.11.2009
2.	Price of MDROL and Solu Medrol Revised by NPPA	30.12.2009
3.	Mismanagement in NPPA or NPPA and its Management-Chairman National Pharmaceutical Pricing Authority shows his colour	30.12.2009
4.	Mismanagement in NPPA or NPPA and its Mismnagement-Chairman National Pharmaceutical Pricing Authority shows his colour	15.1.2010
5.	NPPA Management or Mismanagement-Ethics or Morality-Liars or Lawyers	30.1.2010

The complainant has submitted that the respondent has published these erroneous, baseless and misleading news-items to defame the authority. The matter was taken up with the publisher to satisfy the authenticity before publishing any such article. He has drawn the attention of the respondent *vide* letter dated 7.1.2010 but no one has cared to cross check with National Pharmaceutical Pricing Authority (NPPA) before publishing the contents in article and also received no response. According to the complainant, the NPPA is empowered to fix and notify the prices of essential commodities and has been exercising such powers by fixing and notifying fair, reasonable and affordable prices of drugs and formulations in larger public interest. The notifications on price fixation have in several cases have been scrutinized by law and Hon'ble High Court of Delhi and Hon'ble Supreme Court of India has found them to be just, proper and legal. However, the respondent in the article published on 30.12.2009 about judgement of Delhi High Court made unethical, unpleasant and contemptuous references that, 'What Delhi High Court did in Glaxo's case just demonstrates not only the above applies to NPPA but Delhi High Court as well, Judges without applying their mind or knowing what they stand for and what is the effect of their judgment on the larger objections sought to be achieved. They end up in doing lip service to the Govt.' Further objectionable observations/comments contained in the article published on 30.12.2009 were far from truth and are mischievous and malicious in nature. Paragraph 13(i) (a) at Column (4) – With reference to a notification S.O. No. 685 (E) dated 25.8.1999, it had been stated that the present Chairman of NPPA was Member Secretary of NPPA and this notification led to large scale corruption. The complainant has taken serious objection to these comments/observations and clarified that present

Chairman had demitted the office of Member Secretary, NPPA on April 16, 1999 and thus he had not at all dealt with the said notification. It was done with *malafide* intention to malign the Secretary's image by such misinformation. The contents of paragraph 2 at Column 1 of the aforesaid article are highly objectionable wherein sweeping statement has been made about, '.....continuing the open loot by the officers of NPPA including the top brass like The Economic Times and The Hindustan Times being in their pockets.....'. In the same paragraph 2 at column 2 it has been stated, '.....sadly the Courts also do not want to see the facts as judges have no time to devote on real aspects.....'. The complainant has also taken serious objection to the statement in paragraph 5 at Column 2 of the aforesaid article wherein it has been stated that, 'continuation of ex-Chairman of NPPA as Secretary (Pharma), alongwith present Chairman are the main architects of corruption.' The complainant has submitted that an unfounded aspersion has been cast on the integrity and functioning of several persons engaged in NPPA work. He has requested the Press Council to take appropriate necessary action against the respondent Editor, Medicare News.

Show cause notice was issued to respondent on 14.7.2010. The respondent in his written statement dated 26.7.2010, has submitted on merits that the complaint is of general nature giving no evidence as to what is erroneous, baseless and misleading. Mere statement without supporting documents may be deemed as unnecessary interference in the freedom of the press and may not be entertained. He has further submitted that as soon as he received letter dated 7.1.2010 of the complainant, the same was published in the next issue dated 15.1.2010. According to him, there is no complaint from the complainant alleging that any issues raised by him are not true. He has alleged that the entire complaint is motivated. He has published the article in public interest after verifying and checking the information provided to him by various sources. Even he published the complainant letter/rejoinder on 15.1.2010.

The complainant in his counter comments dated 21.9.2010 has submitted that the respondent editor had not replied to their basic objections raised on erroneous, malafide, unfounded and misinterpreted facts. The complainant had requested the editor to cross check the authenticity of the relevant material published on 30.11.2009 and 30.12.2009. Unfortunately, the concerned reporter or editor has not come to NPPA to cross check the facts. The said articles have unduly and unreasonably caused irreparable damage to the reputation and integrity of the organization which is earnestly working in the larger public interest.

He is not satisfied with the way the letter has been published in too small font which cannot be read and the rejoinder is again in the same objectionable tenor without any basis.

The respondent editor in his further reply dated 10.11.2010 has submitted that he had published the counter comments of the complainant in his newspaper. Regarding allegation of publishing erroneous, baseless and misleading articles, the respondent has reiterated that whatever had been published in the newspaper is with full responsibility. He has submitted that 70% of notifications of ceiling prices of drug formulations are fake and fake prices have been fixed. The complainant's organization is behaving in most brazen manner ignoring its own guidelines. The Government would realize that what the complainant's organization is doing, is totally wrong and against the public interest. Vested interest in the organizations are making fool of the public under the guise of public interest to hide their own interest. The complainant's justification is totally wrong and unjustifiable and the facts can be verified. The company is looting the public left and right but the NPPA is looking on.

The matter came up for hearing before the Inquiry Committee on 18.11.2011 at New Delhi. While the complainant was not present, the respondent editor requested to decide the matter on the basis of facts given by them.

The Inquiry Committee on perusal of the record noted that the parameter of the right of the press to comment on the acts and conduct of the public officials, local authority or any other organ/institution, allow the press to make fair criticism. Therefore, such bodies cannot bring charge of defamation for reports critical of their act. The Inquiry Committee did not find substance in the complaint and decided to dismiss the complaint. It recommended to the Council accordingly.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

68) Shri Laxmi Vardhan Sharma		The Editor
Moradabad	<i>Versus</i>	Amar Ujala
Uttar Pradesh		(Moradabad Edition)
		Uttar Pradesh

ADJUDICATION

In this complaint dated 30.3.2010 the complainant has objected to the publication of allegedly objectionable, fabricated and defamatory news items captioned "High profile sex racket at restaurant exposed; Restaurant or bhool Bhulaiyan" and "Obscene clippings of couples made in restaurant" in the issue dated 12.3.2010. The impugned news items reported the existence of a high profile sex racket running in the restaurant, hidden passages created in the restaurant leading to the bedrooms, installation of CCTV Cameras in the cabins

and management. In the past, the company had filed a petition against its shareholder (the complainant) before the Company Law Board and relief was granted to the company. According to the complainant, it was published with intention to create enmity, ill-will and hatred against him for exposing mismanagement and unfair labour practices in M&M Ltd.

The respondent submitted in written statement that the impugned statement was attributed to the spokesperson of the company with which the complainant was in litigation. The respondent denied that the references to the complainant were malicious or written to create enmity or ill will against him.

The Inquiry Committee took up the matter twice on 20.9.2011 and 30.1.2012 at New Delhi. None of the parties were present. The Inquiry Committee noted that the complaint deserved to be dismissed in default and reported thus to the Council.

The Press Council accepted the report of the Inquiry Committee and decided accordingly.

70) Shri Deoraj Singh Patel		The Editor
M.P. (Lok Sabha)	Versus	Praja Taj
Rewa (Madhya Pradesh)		Rewa (Madhya Pradesh)

ADJUDICATION

This complaint dated 20.5.2010 has been filed by Shri Deoraj Singh Patel, M.P. (Lok Sabha) Rewa regarding publication of an allegedly false, baseless, malicious and defamatory news item under the caption “*Bina Ticket Yatra Karte Sansad Deoraj Giraftar*” in Praja Taj issue dated 4.5.2010. It is stated in the impugned news item that the complainant along with his wife and daughter was caught travelling without ticket in Vindhya Express on his way from Rewa to Delhi. It is also stated in the impugned news item that the TTE with the help of the GRP officials charged Rs.2,883/- as ticket and Rs.1,019/- as fine for travelling without ticket and train moved towards Delhi. Denying the allegations, the complainant stated that the news item was totally false, baseless, malicious and defamatory. The complainant submitted that on 4.5.2010 he along with his wife and daughter travelled from Rewa to Delhi and at Satna the brother of his wife along with his wife and daughter were there to meet them and their daughter accompanied them. Due to paucity of time they purchased a half ticket. The TTE came to check the ticket, they asked the TTE to make a full ticket but instead of making a ticket, he told them to give Rs.500/- which they refused. Annoyed with the refusal the TTE argued with them and made full ticket of both the children and a sum of Rs.3,202/- was collected from them.

The respondent editor in the written statement has stated that the news was telecast on the national and regional news channels as well as on Internet. As the news was related to Rewa, the Uttar Pradesh GRP was consulted before publishing the same. The respondent further submitted that the said news item was also published in various newspapers of Rewa and Satna. In the circumstances the complainant cannot claim that the impugned publication was wrong and published just to malign the complainant.

The complainant in his counter comments submitted that the respondent has not mentioned who had certified that he was arrested travelling without ticket.

The Inquiry Committee took up the matter on 30.1.2012 at New Delhi and heard Shri Abhishek Tripathi, PA to the complainant. None appeared for the respondent. Upon hearing the representative of the complainant, the Inquiry Committee did not find substance in the complaint warranting action under Section 14 (1) of the Press Council Act. It recommended to the Council to dismiss the complaint.

The Press Council accepted the report of the Inquiry Committee and decided to dismiss the complaint.

71) Shri Nilotpal Basu		The Editor
Member, CPI(M)	<i>Versus</i>	The Economic Times
New Delhi		New Delhi

ADJUDICATION

This complaint dated 29.1.2009 is filed against The Economic Times for publishing allegedly malicious and defamatory news items captioned “Now we know why ISI loves Comrades” and “Ex ISI quotes left, wants government to listen to Karat” in its issues dated December 4-5, 2008 respectively. The complainant has alleged that the impugned reports conveyed the impression that the CPI(M)’s stand has the approval of the ISI and the reportage is such as to malign the party’s stand in the aftermath of the Mumbai Terrorist Attack. The complainant further submitted that the respondent newspaper is free to criticize the CPI(M)’s position against military action directed at Pakistan, but to twist the editorial written in the People’s Democracy in a manner to link up with ISI as stated in the headline is malicious and defamatory. The complainant has further submitted that he had written a letter to the editor on December 10, 2008 but neither received any reply nor any retraction had been made.

The respondent did not file written statement.

The Inquiry Committee took up the matter for hearing on 31.1.2012 at New Delhi and noted that the parties did not enter appearance. It thus recommended to the Council to dismiss the complaint.

The Press Council accepts the reasons of the Inquiry Committee and decided accordingly.

72) **Shri Diwan Singh**
Election Agent
Haryana *Versus* **The Editor**
Abhi-Abhi
Hisar

ADJUDICATION

In a complaint dated 5.10.2009 the complainant (election agent of Shri J. P. Dalal) has alleged that the respondent Editor, Abhi-Abhi in order to blackmail the candidate Shri J.P. Dalal from Lohru Assembly Constituency, Haryana to extort money, had published motivated news. The complainant has stated that after the declaration of Election to the Haryana State Legislative Assembly, Shri Kuldeep Singh Sheoran (Editor) and Shri Ashok Sheoran (Correspondent), Abhi-Abhi approached him and demanded a sum of Rs.5,00,000/-. The complainant being election agent of Sh. J.P. Dalal refused to succumb to the illegal demand. Therefore, both the respondents started writing a spate of motivated, false news articles against Shri J.P. Dalal to harm his prospects in the election, which are as follows:

1.	Siyasat – Election campaign of J.P. Dalal not picking up – Election campaign of J.P. Dalal not impressive for the reason of being surrounded by sycophant.	(Issue dated) 29.9.2009
2.	Authority of Congress nothing before Kiran.	(Issue dated) 3.10.2009
3.	Kiran Chaudhary lost her cool due to fear of her deeds coming out – Attempt to gag ‘Abhi-Abhi by sending legal notice.	(Issue dated) 4.10.2009
4.	Read in next issue about Kiran Chaudhary J.P. Dalal having hand in glove/pact.	(Issue dated) 5.10.2009

The respondent in his written statement dated 28.10.2009 denied the allegation of demanding Rs.5,00,000/- as an election package of advertisement and submitted that they had published a large number of news in favour of complainant and no other newspaper had published as many news as they had published.

The Inquiry Committee took up the matter for hearing on 31.1.2012 at New Delhi and noted that the parties did not enter appearance. It thus recommended to the Council to dismiss the complaint.

The Press Council accepted the reasons of the Inquiry Committee and decided accordingly.

73) **Shri Jagdish Verma**
Private Secretary to the
Minister of Education
Government of Himachal Pradesh
Shimla

Versus

The Editor
Dainik Bhaskar
Shimla

ADJUDICATION

This undated complaint, received from the Private Secretary to the Minister of Education, Government of Himachal Pradesh against Shimla Bhaskar (Dainik Bhaskar) for publication of an allegedly false and defamatory news items under the captions “सचिव की मर्जी से चलती है बस” and “बार-बार समय बदलने पर भड़के यात्री-7.5 पर नहीं चलने दी बस” in its issues dated 26.3.2009 and 27.3.2009 respectively. It has been reported in the impugned news items that certain local persons complained about the change in the timings of the bus due to interference and exertion of pressure on the management of HRTC by the complainant by misusing his position as Private Secretary to the Hon’ble Minister of Education, Government of Himanchal Pradesh. It has been further alleged that such tactics of the complainant caused resentment among the people of the area.

The respondent *vide* written statement dated 18.1.2010 while denying the allegations has submitted that the impugned news items based on the true facts and information given by the local residents of that vicinity. The respondent has further submitted that the impugned news items are based on true facts as it revealed in the duly signed press note issued by the local residents of the vicinity with regard to change in the timing of the bus due to interference and pressure by the complainant on the HRTC. The respondent has stated that the impugned news items were published in good faith and there was no *malafide* to defame the complainant in any manner. The respondent has also specifically denied that the report was biased and scandalous.

The complainant in his comments dated 18.2.2010 submitted that no efforts were made by the respondent to collect information available with the Himachal Road Transport Corporation and the news item was not on true facts.

The Inquiry Committee took up the matter on 31.1.2012 at New Delhi. None of the parties entered appearance. However, the complainant requested to decide the matter on the basis of documents. The Inquiry Committee noted that the report was based on local inputs and there was no *malafide* apparent to warrant action under Section 14 (1) of the Press Council Act. The Inquiry Committee opined that the case deserved to be dismissed.

The Press Council accepted the report of the Inquiry Committee and decided to dismiss the complaint.

“Democratic Youth Federation of India”, who demonstrated with their demand in the front of the office of Chief Educational Officer, Karur. It has been further stated that when the reporter tried to seek explanation from the Head Mistress Rajalakshmi, she refused to meet him. It has also been stated that three years ago similarly a girl student was compelled to clean school bathroom, who was made to stand on her knees in front of boy students. Unable to bear the insult, she tried to commit suicide.

The complainant is aggrieved that the respondent has damaged her good reputation at the fag end of her career at the behest of people who were not happy at her being posted in the school. Her rejoinder was ignored by the respondent.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. The complainant appeared in person with Shri K. Loganathna. K.Jayalakshmi stated that the respondent had created the story even without visiting the school. The intention was either to remove her from service or get her transferred. The Inquiry Committee noted that the Group Editor, Kumudam vide written statement dated 6.2.2012 averred that the report was based on the dharna staged in the school and the views of Chief Education Officer had been covered. Since complainant’s rejoinder carried allegation against a fellow teacher, it was not carried.

The Inquiry Committee has considered the matter. This is a complaint regarding publication of news under caption “Asks to clean toilets-Head Master-Agonized Government School students” in Kumudam Reporter Magazine, Chennai. It was charged therein that the complainant, who is Headmistress of the School had asked the students to clean the toilets etc. without establishing into correctness or otherwise of the charge. The Inquiry Committee also finds that the version of the complainant as the directly affected party was not taken before the news was published or ever thereafter, journalistic ethics requires that before publication of any item, the version of concerned should be obtained before publishing editing out parts that may not be substantiated. This was not done in the present case. The Inquiry Committee, therefore, recommended to the Council to uphold the plaint and, censure or admonish the respondent editor, as journalistic ethics are violated.

The Press Council accepted the Report of the Inquiry Committee and decided to award censure Editor, Kumudam Reporter Magazine, Chennai for one sided reporting and denial of right of reply to the complainant, violating norms of journalistic ethics.

77) **Shri H.N. Krishnamurthy** **The Editor**
Shimoga, Karnataka *Versus* **Varadi Weekly**
Shimoga, Karnataka

ADJUDICATION

This complaint has been filed by Shri H.N. Krishnamurthy, a State Awardee, Shimoga, Karnataka against local Kannada weekly Varadi for publication of an allegedly false, baseless and defamatory news item in its issue dated 6.8.2009 along with his photograph under the caption “Near Tunga College Rape, Murder....? Mystery at the Guest House”.

The respondent *vide* written statement dated 16.7.2010 submitted that the impugned article was based on the information given by the villagers of Tudki of Thirthahalli Taluk. According to the respondent, he has published an article on 14.6.2008 with respect to the complainant’s son regarding filing of an FIR against him by the Range Forest Officer, Thirthahalli and annoyed with the article the complainant has come forward by making false, baseless and bogus allegations against him.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. None appeared before it despite service of notice. The Inquiry Committee thus recommend to the Council to close of the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

78) **Shri H.M. Mahabala Bhatt** **The Editor**
President **Vidhatha**
Kasaba Vyavasaya Seva *Versus* **Shimoga**
Sahakara Bank Ltd. **Karnataka**
Shimoga, Karnataka

ADJUDICATION

This complaint dated 7.9.2009 has been filed by Shri H.M. Mahabala Bhatt, President, Kasaba Vyavasaya Seva Sahakara Bank Ltd., Thirthahalli, Shimoga District, Karnataka against Vidhatha, a Kannada weekly newspaper, Thirthahalli, Shimoga District, Karnataka for publication of allegedly false and defamatory news item under the caption ‘Golmal in Kasaba Society’ in its issue dated 24.6.2009. It was stated in the impugned news item that the complainant’s Society has been acting as a private financier and its office bearers of the Society do not know the meaning of service and co-operative.

No written statement by the editor, Vidhatha.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. None appeared before it despite service of notice. The Inquiry Committee thus recommends to the Council to close of the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

79) **Shri M.G. Yathish**
General Secretary
Karnataka State Pollution
Control Board Officer's Association
Bengaluru

Versus

The Editor
Parisara Malinya
Bengaluru

ADJUDICATION

This complaint dated 6.9.2010 filed by Shri M.G.Yathish, General Secretary, Karnataka State Pollution, Control Board Officer's Association, Bengaluru against the Editor, Parisara Malinya, Bengaluru for publication of false, derogatory and defamatory news articles with photographs in its issues of July 2010, August 2010, September 2010.

According to the news report the complainant came as a Member Secretary two years back and now became a king of corruption and harassing Junior Officers, threatening them of transfers. Further it has been alleged that amassed wealth in crores by making transfers.

The respondent has not filed written statement in respect of the show cause notice dated 9.12.2010.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. None appeared before it despite service of notice. The Inquiry Committee thus recommends to the Council to dismiss the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

80) **Shri M. Lakshmana**
Convenor, Association of Concerned
And Informed Citizen of Mysore
Mysore

Versus

The Editor
Srinath Patrike
Bangaluru

ADJUDICATION

This complaint dated 5.11.2010 has been filed against publication of a defamatory news item under the caption "Who is this Lakshman?" in its issue

dated October 16-31, 2010 mocking at him for contesting elections and charging him with corrupt practices.

The respondent has not filed written statement in response to the show cause notice dated 28.12.2010.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. None appeared before it despite service of notice. The Inquiry Committee thus recommends to the Council to dispose of the complaint.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

81) Shri Abdul Kalam Azad **The Editor**
Shimoga District *Versus* **Lakshmeesha Patrike**
Karnataka **Karnataka**

ADJUDICATION

This complaint dated 29.9.2009 has been filed by Shri Abdul Kalam Azad, National Gold Palace, Shimoga District, Karnataka against the editor, Lakshmeesha Patrike, Kannada Weekly published from Shimoga District, Karnataka alleging publication of false, frivolous and defamatory news items charging him with cheating of the public through his gold ornament shop as under:

S. No.	Captions	Dated
1.	Is National Gold Pure....?	5.6.2009
2.	At the cost of the customers "Swarna Sampath" is ready to adorn the flower to the ears of the customers.	14.8.2009

The respondent editor in his written statement dated 28.2.2010 while denying the allegations submitted that there is no cause of action for filing this complaint. The respondent submitted that when the complainant started advertisement regarding the gold lottery/chit scheme by name of Swarna Sampath, they apprised the complainant that there is a bar to run such illegal scheme and they have to obtain prior permission from government agencies to run such schemes, but the complainant without obtaining such permissions started illegal lottery/chit scheme.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. None appeared before it despite service of notice. The Inquiry Committee thus recommends to the Council to close the complaint.

documentary evidence. According to the respondent, he had taken utmost care and caution before publishing the impugned news item. The respondent has denied the allegations of the complainant that Roshani Mahabaleshwar Chendelkar is relative of his press reporter. The respondent has alleged that the complainant has violated rules and regulations at the time of selection of the candidates and on 2.6.2011, the Chief Secretary of Zilla Panchayat, Karwar given stay to the least selected by the complainant and also appointed one Deputy Secretary of Zilla Panchayat to conduct inquiry against the complainant. The Deputy Secretary also submitted a report that the selection process of the candidates was not carried out as per law. The respondent has informed that he is intending to take necessary legal steps against the complainant for the defamatory allegations against this newspaper. He has requested the Council to drop further proceedings against his newspaper.

The Inquiry Committee considered the matter on 27.2.2012 at Chennai when both the parties were present. The complainant appearing in person submits that he had done selection as per Roster but the newspaper published false news to defame him. He also informed that he had received threats for selection of some candidates but he did not succumb and thus the impugned report.

Shri Nagaraj V. Nayak, Advocate appearing for respondent submitted that they had received a written complaint and investigated subsequent stay order showed that there was violation. He, however, admitted that the complainant was not contacted.

The Inquiry Committee heard Shri Reddy, the complainant as well as Shri Nagaraj, Advocate for respondent. The complaint is filed against news about irregularity in selection of ANM by the complainant as Chairman of Selection Committee. The Inquiry Committee without going into the correctness or otherwise of what is published, is of the opinion that journalistic ethics requires that before any matter is required to published, the concerned person should be confronted with the charges and his views should be obtained. If the paper still proposes to publish it, the version of the concerned party should also be published. This is not done in this case and the respondent's contention of written complaint has not been substantiated. Therefore, the respondent violated the norms of journalistic ethics. The Inquiry Committee recommends to the Council to admonish/censure the Editor, Karavali Manjavu, Karwar.

The Press Council, on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the committee and decides to censure the Karavali Munjavu for impugned report published in contravention of the journalistic ethics.

83) **The Nithyananda Dhyanapectam
Nithyanandapuri
Bengaluru, Karnataka** *Versus*

The Editors
1. The New Indian Express
2. Mid Day
3. Daily News & Analysis
4. Deccan Herald
Bengaluru, Karnataka
5. Dainik Jagran
Kanpur, Uttar Pradesh

ADJUDICATION

These complaints dated 12.1.2011, 22.1.2011, 12.3.2011, 8.1.2011, and 12.3.2011 have been filed by the Nithyananda Dhyanapectam, Bengaluru against various newspapers namely The New Indian Express, Mid-Day, Daily News & Analysis, Deccan Herald, Bengaluru, Karnataka and Dainik Jagran, Kanpur, Uttar Pradesh for publication of series of false and malicious news items under the captions as follows:

The New Indian Express:

S. No.	Caption	Dated
1.	Chargesheet against Nithya	30.11.2010
2.	Swamiji forced me to get intimate to attain Nirvana	7.12.2010
3.	Nithyananda had condoms, liquor in Bidadi ashram	8.12.2010
4.	Nithya sodomised his disciples	10.12.2010
5.	I challenged to undergo Narco test	14.12.2010
6.	Nithya calls himself Ramakrishna	16.12.2010
7.	Nithya's disciple attacks media persons	17.12.2010
8.	Nithya called himself 'go of boons'	17.12.2010
9.	Patel's movie on Nithyananda	22.12.2010

Mid -Day

S. No.	Captions	Dated
1.	Swami asked her to buy sexy clothes, condoms	8.12.2010
2.	Swami tortured his devotees	9.12.2010
3.	Swami sodomised and threatened disciple	10.12.2010
4.	Oral sex brought his soul back to his body	16.12.2010

Daily News & Analysis

S. No.	Captions	Dated
1.	Swamis and Demons	27.2.2011

Deccan Herald

1.	Deccan Herald published a series of false and defamatory news items from 3.3.2010 to 2.1.2011	
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Dainik Jagran

S. No.	Captions	Dated
1.	Yes, I had sex with several women: Nithyananda	11.3.2011

The complainant on behalf of the Nithyananda Dhyanapeetam has alleged that the respondent newspapers have been publishing false and malicious allegations related to the recent charge sheet against Nithyananda. The complainant has stated that the charge sheet is not a document of public speculation and only presents the opinion of the police and cannot be taken as the actual facts of the case. Filing of the charge sheet is only a presentation of charges and is not a proof of guilt, as is being projected in the media, nor does it amount to the conviction of the accused, added the complainant. The complainant has submitted that Paramahansa Nithyananda is being treated in the media as if 'guilty until proven innocent' and the respondent has been publishing number of false and highly defamatory articles that are being published continuously in his newspaper with no concern either for the truth, or for journalistic responsibilities. The complainant added that same articles have also appeared in the online edition of the newspaper, causing further widespread damage to the reputation of Nithyananda and the organization. The complainant has alleged that the same reporter is writing all these offensive articles and they have reason to suspect that he is receiving some monetary benefit for the same. The complainant *vide* legal notice dated 12.12.2010 drew the attention of the respondent editor, but the newspaper management ignored the same and defamatory articles are continuing to be published till date.

In response to the Council's show cause notice dated 12.5.2011 the counsel of the respondent Mid-Day *vide* his written statement dated 17.6.2011 has denied the allegations levelled by the complainant and submitted that the articles published are based on true facts and information received from authentic sources and they are neither baseless, malicious or false. The respondent further stated that the contents of the articles published are not with an intention to defame Swami Nithyananda. The articles purely based on proper facts and only a summary of the contents of the Charge Sheet filed by investigating authorities. The respondent submitted that they have no vested interest in publishing any article which will tarnish the reputation of the Ashram and Swami Nithyananda.

In response to Council's show cause notice dated 31.5.2011 the respondent editor Dainik Jagran, Kanpur in his written statement dated 20.1.2012 stated that each and every allegations, averments, contentions and submissions made by the complainant as being false, frivolous, concocted, incorrect and wrong. The respondent submitted that the complaint is not maintainable as it is not filed by a person aggrieved but it is a sponsored complaint filed for some oblique purposes. The respondent submitted that he has taken all the pre-publication precautions before publishing the news item. He further submitted that the facts published in the news item in question are admittedly part of the charge sheet filed by the investigating agency and its correctness is not disputed by the complainant. The respondent further stated that he has no grudge or malice against the complainant hence the allegations of the complainant are baseless and frivolous. He concluded that there is no denial of the facts stated in the news article by the complainant.

The Inquiry Committee took up the matter for hearing on 27.2.2012 at Chennai. As the complainant has filed as many as five complaints against The New Indian Express, Mid-Day, Deccan Herald, Daily News Analysis and Dainik Jagran, the Inquiry Committee heard the matter collectively contested by complainant through counsel Ms. Nirmala and Shri Deewakar for The New Indian Express. None of other respondents were present. The complainant counsel submitted that the newspapers have published defamatory news items/reports against Swamiji without any proof. Shri Deewakar appearing for The New Indian Express defended the publication and submitted that the news published by the newspapers were based on the contents of the charge sheet.

The Inquiry Committee considered all five complaints. On the issue of locus it referred to norm 3(xiv) which reads as below:

"In cases involving personal allegations/criticism, only the concerned person enjoying the locus standi can move the plaint or claim right to reply. However a representative organization of persons attached to an organization or a sect/group has the locus standi to move complaints against a publication directly criticising the conduct of a leader."

The complainants locus to move the complaint was thus not open to question. On merits at the very outset it opined that correctness or otherwise of the contents of a charge sheet are subject to judicial decision thereon and may not be taken as sacrosanct till the accused is held guilty following the due process of law. Thus journalistic ethics require that the newspapers obtain the version of the affected party and post publication afford right to reply to the affected. These complaints regarding publication of defamatory charges against Swami Nithyanand have been countered on the ground of being based on the charge sheets. That being so, the respondents, in view the reports base on the nature of tarnishing the reputation of the accused ought to have confronted and

The Inquiry Committee took up the matter for hearing on 28.2.2012 at Chennai. The complainant is not present though he made a written request for decision on merits. Shri Chetana, editor appearing for the respondent reiterated that the impugned news item was not totally false as one of the lawyer told him about the arrest. He had not published withdrawal of the charges. The Inquiry Committee noted that the editor by the subsequent publication of regrets had shown the absence of any *malafide*. Since acknowledgement of the genuine cases was in compliance with journalistic ethics, the Inquiry Committee feels that the caused remained for acts against him under the Press Council Act, 1978.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides to reject the complaint.

**85) Dr. P. Subba Reddy
Managing Director
S.V. Medical Educations
Tirupati, A.P.**

Versus

**The Editor
Eenadu
Hyderabad, A.P.**

**The Editor
Sakshi, Hyderabad
A.P.**

ADJUDICATION

These complaints have been filed by Dr. P. Subba Reddy, Managing Director, S.V. Medical Educations, Tirupati, Andhra Pradesh against Editors of Eenadu and Sakshi. The complainant submitted that he had purchased land in Vinjamur village in 2008 for which he had applied for Pattadhar pass book for which officials of Tehsildar's office demanded a sum of Rs.7000/- as bribe. Vexed by the attitudes of the officials he approached the Deputy Superintendent of Police, Anti Corruption Branch. The officials of the Anti Corruption Branch trapped and arrested the corrupt officials and press was also called to cover this story of 9.7.2009. The complainant submitted that some of the reporters sought his personal details which he declined and also objected to the reporters who were taking his photographs, but somehow few managed to click some photos. The complainant submitted that on 10.7.2009, the District Editions of Eenadu and Sakshi newspapers published details of the incident. The Eenadu published his name along with his photograph and the name of his wife, daughter and village and Sakshi published his name and his village's name. The complainant submitted that due to publication of their details in the newspaper he was facing difficulties as he is retired and he has to deal with public officials and also he was facing difficulties in his daughter's marriage, as people declined to knot relationship with him. The complainant submitted that being hurt by the irresponsible act of the newspapers he wrote letter to editors on 31.8.2009 requesting to publish unconditional apology.

In response to the above letter, the editor of Sakshi through his advocate, *vide* letter dated 14.9.2009 informed that the reporter had not demanded for the complainant's photograph and the question of his refusal does not arise. Further that the newspaper had not published any information which could be considered as private or confidential. He further stated that the photograph was taken when he was sitting with the Tahsildar in his office and it was taken in a normal course and he never objected nor expressed any resentment at that time. All the apprehensions of the complainants are imaginary and he has not suffered any loss or damage. The report was published in public interest and in good faith by exercising the rights of freedom of press. If at all such report has hurt him, respondent express regret.

In response to the Council's letter dated 19.4.2010, the respondent editor of Sakshi Telugu Daily in his written statement dated 10.5.2010 has denied the allegations and submitted that his reporter did not demand any personal particulars from the complainant and the question of his refusal did not arise. sHe has submitted that his newspaper published the photograph and particulars of the complainant in the District edition Sakshi dated 10.7.2009 not for personal gain but in public interest. The respondent submitted that the news item dated 10.7.2009 contains facts relating to the corruption by some revenue officers, on the basis of the information received during the professional work of his reporters and there was no need to reply to the comments of the complainant.

In response to the Council's show cause notice dated 19.4.2010 the respondent editor, Eenadu *vide* his written statement dated 26.5.2010 has submitted that the allegations levelled in the complaint are false and vexatious and there is no merit in the complaint. The respondent has submitted that the impugned publication was a true and factual report on a raid conducted by ACB officials and arrest of corrupt employees of Tahsildar office at Vinjamur on 9.7.2009 while receiving bribe from the complainant. It is an admitted fact that the ACB officials held a press meet after the arrest of the Tahsildar and another subordinate officer. The respondent has further submitted that the Contributor said that the news report was based on the information furnished by the ACB officials. The respondent has submitted that the journalists who filed the report stated that he had reported the news in good faith and in public interest, to disseminate news relating to a raid conducted by ACB officials and the photograph of the complainant was published along with the news report only to inspire public to fight against corruption by brining the corrupt employees to book. According to him, the purport of the news report is only to disseminate information and also to inspire general public to eradicate corruption prevailing in the government offices. The respondent has further submitted that neither his newspaper nor the reporter, who filed the impugned news report, committed any professional misconduct. The publication is neither objectionable nor defamatory. According to the respondent, the Contributor states that he never asked for the

personal details of the complainant as his name and designation had already been announced by ACB officials and he further states that the complainant was sitting beside the table on which the cash seized by the ACB offices was displayed to journalist and others. The respondent has also submitted that many publication published the news reports on the raid by ACB officials on 10.7.2009. The respondent has stated that the complainant has misguided and misdirected himself about the purport of the news report and the complainant had been over sensitive and had misinterpreted the news report. The respondent has requested the Council to dismiss the complaint.

The complainant in his counter comments dated 9.6.2010 has challenged the reply of the respondent in his explanation that the report in their daily was allegedly narrated by him, because he neither disclosed his identity nor particulars of his family to any person more so to the news report of Sakshi. The complainant has submitted that all explanations are false and the editor had published his photo along with his family particulars, without his permission, for their gain and not in public interest and violated the norms and regulations in journalism.

The complainant *vide* his counter comments on the written statement of respondent editor, Eenadu submitted that it published his photo and family particulars without just and reasonable cause to harm him and for their personal gain. The complainant has requested the Council to punish the respondent under the law.

The Inquiry Committee took up the matter for hearing on 28.2.2012 at Chennai. Both the parties are present. Shri Ananda Kumar, Advocate appearing for the complainant submits that taking of photograph of the complainant without his consent is invasion of privacy. Due to such identification, the complainant was harassed.

Shri G.V.S.Jagannadha Rao, Advocate for Eenadu and Shri P.Subash, Advocate for Sakshi appearing for the respondent submitted that Anti-Corruption Branch caught the culprit red-handed and they had called a Press Conference and displayed the amount. Since the complainant was present there, he cannot now dispute that his right to privacy is breached.

Upon hearing the parties and perusing the record, the Inquiry Committee noted that as a whistle blower, the complainants' presence at the incident was newsworthy and the allegations that newspapers identified him for self-gain does not have legs to stand upon. If he desired privacy, it was open to him to request the Anti-Corruption Branch for not having the press present. In the circumstances, the Inquiry Committee was not satisfied of respondents' malafide and held that the matter did not warrant action against them under the Press Council Act.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides accordingly.

- 86) **1. Shri Krishna Rao Patro,**
Andhra Pradesh
- Versus*
- 2. Shri Reddy Sasi Bhaskar**
Andhra Pradesh
- The Editors**
1. Andhra Bhoomi
2. Andhra Jyothi
3. Sakshi
Telugu Dailies
Andhra Pradesh

ADJUDICATION

A common complaint dated 23.11.2010 has been filed against the publication of allegedly false and defamatory reports under the captions:

S. No.	Captions	Newspaper & Issue
1.	“Two Press Reporters held threatening transport officers”	Andhra Bhoomi 26.9.2010
2.	“We are Transport Authorities : Two Press Reporters caught in Visakha”	Andhra Jyothi 26.9.2010
3.	“Bogus Break Inspectors in Police Custody”	Sakshi 26.9.2010

It was stated in the impugned news reports that two press reporters of Ichapuram posing them as Break Inspectors were caught by Pothina Mallayyapalem police. According to the impugned news reports, the complainants threatened the driver of the vehicle and extorted Rs.5000/- from him and ordered him to unload sand. The driver of the vehicle informed the police and the complainants were taken into police custody.

The complainant has submitted that publication of the false and baseless reports against them damaged their name, fame in the eyes of the society, family, friends and relatives.

The Inquiry Committee took up the matter on 28.2.2012 at Chennai. The complainants were not present while respondents were represented by Shri. R. Bhagwan Singh (Consulting Editor) and Sh. R.Golu Prasad (AGM. ADMN.) for Andhra Bhoomi, Shri M. Gangadhara Prasad, Reporter, Andhra Jyothi, Chennai and Shri A.Chandra Shaker, Editor, Sakshi. The respondent also filed their written statements. The Committee however noted the absence of the complainants despite service of notice and was not satisfied of the need to hear the matter.

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons and findings of the Committee and decides to dismiss the complaint.

Press and Morality

**87) Shri Jayanta Deka
and Others
Assam**

Versus

**The Editor
Asomiya Pratidin
Assam**

ADJUDICATION

Facts

This complaint (undated) has been made by Shri Jayanta Deka, and others (S/Shri Mrinal Kumar Nath, Dibyajyoti Saharia, Sailendra Kumar Goswami, Nirod Ch.Deka), Advocates, Mangaldai District Court, Darrang, Assam against 'Asomiya Pratidin' for publication of an advertisement of condom named 'Manforce More' in its issue dated 11.2.2010, which tantamount to the indecent representation of women as defined in Section 2(c) of 'The Indecent Representation of Women (Prohibition) Act, 1986 and is likely to deprave and corrupt or injure the public morality. (The said complaint had been addressed to the Hon'ble Chairman, National Commission for Women and forwarded by the M/o I&B to the Council for necessary action *vide* letter dated 17.5.2010). The complainant has also stated that the name and address of manufacturer etc. are not figured in the said advertisement and the E-edition of the newspaper also carries the advertisement. They have also submitted that allowing such indecent advertisements in any newspaper; magazine will definitely injure the public morals.

A show cause notice dated 6.12.2010 issued to Asomiya Pratidin, for filing written statement was not responded to.

Report

The matter came up for hearing before the Inquiry Committee on 19.9.2011 at New Delhi. The complainant was not present. Shri Asish Gupta, Bureau Chief, New Delhi, appearing for the respondent submitted that they had published an advertisement which was published by all other dailies. The respondent stated that they will abide by the decision of the Council.

The Inquiry Committee on perusal of the impugned advertisement noted that the publication was against the ethics and morality. It however, noted the assurance of the respondent and advised that the newspaper must be sensitive to public morality and decency as such publication may deprave and corrupt the young minds. The Inquiry Committee recommended to the Council to advise the media not to accept such vulgar and indecent advertisement.

Written Statement

The respondent editor, Greater Kashmir in his undated written statement received in the Secretariat of the Council on 15.10.2010, while denying the allegations levelled in the complaint submitted that the complaint lodged against him is misconceived both on facts as also in law and no known act has been committed under Press Council Act, 1978 which could warrant any action against him. According to him, he is strictly adhering to the mandate of law guaranteeing freedom of press and exercising such right exclusively for the benefit of public good, maintaining the delicate balance *inter se* various public considerations. In pursuit of the said objectives, he has been accommodating the viewpoints of diverse nature of various authors/writers, with a specific notice to all readers that its organization does not necessarily agree with the content of the articles or letters published, *inter-alia*, on op-ed page and that the ideas expressed or details mentioned relate to author alone. The respondent further submitted that the impugned article has been written by an author namely, Professor Mohammad Aslam, Department of English, University of Kashmir and all ideas and details contained therein do not belong to him, moreso in the context of the specific caveat “The organisation does not necessarily agree with the contents of the articles or letters published on their edit page and op-ed page, ideas expressed, details mentioned are completely authors own” written at the relevant issue of the newspaper, sufficiently demonstrating that such ideas as contained in the article do not relate to him.

Counter Comments

The complainant in his counter comments dated 21.10.2010 submitted that the riposte of the respondent newspaper is at best a thinly veiled attempt to absolve itself of any legal or moral responsibility under the garb of the freedom of press. The complainant submitted that notwithstanding the flimsy ploy of skirting the editorial accountability under a decrepit disclaimer, the respondent knavishly attempted to misinterpret the unambiguous stipulation of Section 14 of the PCI Act, 1978 and in a rather minaciously challenging tenor indicating an activistic mindset which has come to be a hallmark of the newspaper and primarily a basis for the issue of contention. The complainant alleged that the impugned article being published by the respondent with zealous fervor are maliciously vitriolic and derisory to all the established organs of the state functioning well within the ambit of the constitution and the law of the land. According to the complainant, the perilously anti-Army theme which the respondent newspaper so passionately espouses may accrue it pernicious dividends from anti-national forces but with all propriety and rationality, they as legitimate stake holders in the Nation’s security and integrity cannot allow seditious content to be brazenly carried unbridled, in the name of freedom of the press by any irresponsible publisher espousing the cause of free press and *laissezfaire* media capers.

Matter Adjourned

The matter came up for hearing before the Inquiry Committee on 23.11.2010 at New Delhi. Colonel Sushil Mann, Colonel GS (IW), Head Quarter Northern Command appeared for the complainant. Shri Vishal Sehij Pal, Advocate appearing for the Greater Kashmir requested for adjournment as he was engaged on a short notice. The Inquiry Committee acceded to the request and adjourned the matter.

Arguments

The matter came up for hearing before the Inquiry Committee on 18.8.2011. Both the parties were present. Col. Sushil Mann appearing for the complainant submitted that respondent newspaper had published highly objectionable article against the army and army personnel. He submitted that the Greater Kashmir is widely circulated and read newspaper in the Kashmir Valley. Therefore, the Greater Kashmir publishing news item with caption 'holy book', 'holy war and 'pious people' was highly provocative and tended to create rift amongst the people of Kashmir as well as administration and the Army. It had questioned the honesty and integrity of the Army. He stated that Indian Army is not involved in the law and order maintenance in Srinagar and the article published was a total distortion of the facts by the writer who seems to be unaware of the ground situation. He stated that such headlines appearing sporadically misguides the public and creates an unjustified sense of insecurity. Regarding human rights violations, he submitted that army had received 1,516 complaints of Human Rights Violation against the army personnel and except 35 all the cases were found to be false. Only four cases were under investigation. It had initiated action in the form of dismissal, from service and rigorous imprisonment of the erring officers for violation. He submitted that for the act of the some personnel, the entire army cannot be bracketed, blamed and painted black. He alleged that the language used by the editor in the article as well as projecting Kashmiri and Kashmiri Muslims as enemies of the Army was malicious and aimed at tarnishing the image of the Army in the eyes of the public. He also contested the view expressed by the respondent that their newspaper was open to publish the rejoinder of the Army as they had not carried the same.

S/Shri Vishal Sehijpal and Shoeb Shakeel, Advocates appeared for the respondent, Greater Kashmir and submitted that the newspaper is being published for decades maintaining dignity and decorum. They argued that it is a general problem of the Kashmiri peoples that Army personnel do not cooperate with them. They submitted that the article upon which the complaint is filed has been written by one Professor Mohd. Aslam, Department of English, University of Kashmir and all ideas and details contained therein do not belong to the newspaper, more so the context of the disclaimer specific caveat: "The organization does not necessarily agree with the contents of the articles or letters published

on our edit page and op-ed page. Ideas expressed, details mentioned are completely author's own" written at the relevant place of the issue of the newspaper sufficiently demonstrates that such ideas as contained in the Article do not relate to the newspaper. They further submitted that the article is not targeting any individual Army Officer and that if the Army provides any rebuttal they are ready to publish the same.

Report

The Inquiry Committee carefully considered the record of the case and oral arguments put forth before it by the parties. It noted that the respondent had published an article written by a Professor of Jammu & Kashmir University that *prima facie* appears to be of the Army, creating rift amongst the Kashmiri people and Indian Army and also tarnishing the image of the Army in the valley. It opined that Armed Forces Special Powers Act (AFSPA) was a bigger issue and matter of debate and the State of Jammu & Kashmir was considering review of the Act. Therefore, publishing of divergent views in favour of or against the Act with a disclaimer disowning the contents and absolving itself from its repercussions is against the spirit of ethical reporting. It opined that Kashmir is a very sensitive issue and one wrong statement could make much difference but the entire Army cannot be blamed. It felt that newspapers of the region should recognize the welfare measures, good actions and service rendered by the Army and publish it. At the same time, the Army should be transparent in its actions to gain people's confidence and use media as a platform to reach public to explain their action on Human Rights. It is very essential that there should be interaction between the Army and the people of such sensitive areas so that one can express ones views without fear.

The Inquiry Committee therefore opined that the newspaper in the valley has a specific job, i.e. to be conduit between the Army, administration and the people. The newspaper cannot publish anything be it an article or opinion pertaining to an individual which will have detrimental repercussions in the relationship of various sections of authority and public and disturb the basic fabric of trust, whereas whole system cannot be blamed, details of the Army personnel involved in investigative cases and on completing of investigation, exemplary punished, given could be published. Therefore, any such publication should be shouldered with the responsibility to rectify it and it is advisable that the respondent newspaper always has a balanced view of both ends, analyses the ramifications of its reporting/publishing of articles. The Inquiry Committee noted that the respondent in their oral arguments expressed willingness to publish rebuttal of the Army. It thus advised the respondent newspaper to also bring out version of the Army to the public by publishing their rebuttal. It recommended to the Council accordingly with a note of caution that the newspaper Greater

