

Section 13 –Complaints by the Press

Decision rendered by the Council on 21.8.2023

Cases heard by the Inquiry Committee-I in its meeting held on May 30-31, 2023 at New Delhi

S.No.	File No.	Subject
1	13/177/19-20	Complaint of Shri Dharmendra Kumar Mishra, Bureau Chief, Dainik Jagran, Sahranpur against Shri Himanshu Kumar, Superintendent of Police, Sultanpur.
2	13/183/19-20	Complaint of Shri Pawan Agarwal, Editor, Dainik Parivartan Ka Daur, Moradabad against police authorities.
3	13/152/19-20-PCI	Complaint of Shri Khaja Moinuddin, Editor-in-Chief, Qasid-E-Hind, Hyderabad against Information & Public Relations Department, Government of Telangana against Central Bureau of Communication, New Delhi
4	13/157/19-20-PCI	Complaint of Shri Sarwar Alam Warsi, Bureau Chief, Dainik Amar Bharati, Kushinagar against Dr. Anil Kumar Singh, District Magistrate, Kushinagar.

Section 13 –Complaints by the Press

Cases heard by the Inquiry Committee-II in its meeting held on June 26-27, 2023 at New Delhi

S.No.	File No.	Subject
5	13/113/18-19-PCI	Complaint of Shri Saurabh Agarwal, Editor, Dainik Syahi Ki Taqat, Raigarh against Shri Vijay Agarwal, former MLA and others
6	370/2020-B/PCI	Complaint of Shri Ekant Shrivastava, Correspondent, Manav Adhikar Jagrukta, Jhansi against police authorities and anti-social elements.
7	150/SM/2020-B/PCI	Suo-motu cognizance with regard to Media Policy-2020 of Government of Jammu & Kashmir-Provision regarding Fake News
8	120/2020-B/PCI	Complaint of Shri Chandra Vijay, Journalist, Real News, Hardoi against Shri Rai Singh Yadav, Inspector, Police Station Tadiyawa, Hardoi
9	SM/APRIL/02/2021-B-PCI	Suo-motu cognizance with regard to death of Shri Parag Bhuyan, Senior Journalist, Pratidin Group and Vice-President of the Tinsukia District Journalists' Association.

10	112/2021-B/PCI	Complaint of Shri Gautam Jain, Balotra, Rajasthan against the Commissioner, Municipal Balotra and others.
11	SM/SEPT./01/2022-B-PCI	Suo-motu cognizance taken by the Press Council of India regarding Police assault on Media person in Odisha – regarding.

Press Council of India

S.No.1

F.No.13/177/19-20-PCI

Complainant

Shri Dharmendra Kumar Mishra,
Bureau Chief,
Dainik Jagran,
Sultanpur (U.P.).

Respondent

1. The Chief Secretary,
Government of U.P.,
Lucknow (U.P.).
2. The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow (U.P.).
3. The Director General of Police,
Uttar Pradesh Police,
Police Headquarter,
Lucknow (U.P.).
4. Shri Himanshu Kumar,
Superintendent of Police,
Sultanpur, Uttar Pradesh
(Presently posted as Commandant,
Provincial Armed Constabulary,
23 Battalion, Moradabad (U.P.)

Adjudication dated 21.8.2023

This complaint dated 27.11.2019 was filed by Shri Dharmendra Kumar Mishra, Bureau Chief, Dainik Jagran, Sultanpur (U.P.) against Shri Himanshu Kumar, Superintendent of Police, Sultanpur (Presently posted as Commandant, Provincial Armed Constabulary, 23 Battalion, Moradabad) for allegedly implicating him in false case due to publication of critical writings.

According to the complainant, he had exposed negligence of the police by publishing news about a rape victim and annoyed with this, the respondent, Shri Himanshu Kumar lodged a false FIR No.1283/2019 under Sections 394/506 of IPC in Police Station Kotwali City, Sultanpur. The complainant has alleged that the action of the respondent is an attack on freedom of press. The complainant has submitted that he also complained to the higher authorities against the respondent-Shri Himanshu Kumar. While apprehending danger to his life, the complainant has requested the Council to take necessary action against the respondent-Shri Himanshu Kumar.

Notices for Statement in Reply dated 7.2.2020 were issued to the respondents.

Written Statement filed by Shri Himanshu Kumar

Shri Himanshu Kumar, Commandant, Provincial Armed Constabulary, 23 Battalion, Moradabad vide his written statement while denying the allegations stated that during the visit of Chief Minister of U.P. to Sultanpur, the complainant was

stopped by the police when he was trying to enter at venue without media pass, due to which he was annoyed with the police. The respondent further stated that the District Information Officer, Sultanpur had sent a letter dated 11.10.2019 to him for taking necessary action against the complainant regarding entering in Chief Minister's program without media pass and permission and also making indecent remarks on journalists. In this context, an investigation was done by the then Inspector Incharge, Police Station Kotwali City/Circle Officer City, Sultanpur and it was sent to the District Magistrate, Sultanpur by him due to which the complainant had expressed his displeasure with him. The respondent has also stated that he had sent a letter dated 14.9.2019 to the District Magistrate, Sultanpur for necessary action in relation to publication of false and misleading news items by the complainant, due to which the complainant had expressed his displeasure with him. Denying the allegation of threats, the respondent has submitted that two cases were registered against Shri Akhilesh Kumar Shukla, due to which he was annoyed with him. The respondent has submitted that the allegations levelled by the complainant against him were investigated and a report in this regard was forwarded by the Superintendent of Police, Sultanpur to the Inspector General of Police, Ayodhya on 8.1.2020 wherein the allegations were found to be false and baseless. The respondent has stated that on the complaint of one Shri Dharmendra Kumar Shukla, an FIR No.1283/2019 under Sections 394/506 of IPC in Police Station Kotwali City, Sultanpur against Shri Dharmendra Kumar Mishra (the complainant) and others was registered and a chargesheet in the case has been filed on 30.12.2019. According to the respondent, the complainant had applied for weapon license but it could not be recommended due to lack of police verification due to which the complainant had expressed his displeasure. He has requested the Council to dismiss the complaint.

Counter Comments

The complainant vide his counter comments dated 7.10.2020 while reiterating his complaint submitted that the respondent is continuously conspiring to implicate him in false cases. The complainant has alleged that annoyed with continuous publication of news items regarding a rape victim, the respondent-Shri Himanshu Kumar lodged a false case against him on the basis of one year old fake complaint filed by one Shri Dharmendra Shukla. The complainant pointed out that the police cannot conduct a fair investigation against the police. The complainant has stated that the respondent forced him to publish the news as per his desire. Apart from this, the respondent had also removed him from the police WhatsApp group. The complainant also stated that the respondent was annoyed with publication of transparent reporting and also creating hurdle to do his journalistic duty. The complainant has further alleged that the respondent is prejudiced towards him and his action is direct attack on freedom of press.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 30.5.2023 at New Delhi. While the complainant was present in person, Shri Kavindra Kumar was representing the Chief Secretary of U.P. and Shri Himanshu Kumar is present in person.

The complaint dated 27.11.2019 has been filed by Shri Dharmendra Kumar Mishra, Bureau Chief, Dainik Jagran, Sultanpur, (U.P) against Shri Himanshu Kumar, the then Superintendent of Police, Sultanpur, U.P and others for allegedly implicating him in a false case due to publication of critical writings. It appears that

the complainant had published news items highlighting an alleged incident of rape. It was stated in the news item that Police have not done post-mortem and that the dead body of the girl was hanged on the tree. The complainant again published news about an alleged gang rape. It is the complainant's case that due to this a false FIR No. 1283/2019 under Sections 394 and 506 of IPC was registered by the Police against him. Written Statement has been filed by Shri Himanshu Kumar who is present today, denying all these allegations. According to him, the complainant had tried to enter the venue where the Chief Minister of U.P was to arrive for some function without media pass. The Police objected to this. The complainant was annoyed because of this. It is further stated that the news report that there was a gang rape was false because the girl was not raped but she was assaulted. Shri Himanshu Kumar also stated that the complainant had in fact tendered apology to him at the behest of Shri Vikas Bhadauria of ABP News Channel. In Counter Comments the complainant has denied all these allegations. He has stated that he did not talk to Shri Himanshu Kumar voluntarily. It was at the instance of Shri Vikas Bhadauria of ABP news and against his wishes that he talked to Shri Himanshu Kumar. The Inquiry Committee also notes that Ms. Manju Lata Singh, Joint Secretary, Government of U.P. Lucknow vide letter dated 02.05.2023 has forwarded a report dated 27.04.2023 of Shri N. Ravindra, Additional Director General of Police, Lucknow. The gist of the report is that the complainant has presented this exaggerated complaint due to following reason:

- a) Due to stopping complainant's entry without media pass during the visit of Chief Minister of U.P to Sultanpur on 27.08.2019.
- b) For complaining against the complainant to the DM by the Respondent, Shri Himnashu Kumar for publication of misleading news;
- c) For cancelling the complainant's weapon license; and
- d) For registering a Case No. 1283/2019 against the complainant.

The Inquiry Committee has noticed that in Case No. 1283 of 2019, Section 394 of the IPC is dropped and Section 504 of the IPC is added. Chargesheet is already filed in the said case. Since, the said case is *sub judice* in view of Section 14(3) of the Press Council Act, 1978, the Press Council cannot inquire into those allegations. The concerned court will deal with them and give its decision. However, after perusing the complaint and the response of Shri Himanshu Kumar and the report of Shri N. Ravindra, the Inquiry Committee feels that both sides need to be cautioned. The complainant has a right to carry out his journalistic duty. It appears that he is covering crimes. However, while discharging his journalistic duty, he appears to have adopted a very combatative attitude. If he did not want to tender apology, he had no reason to talk to Shri Himanshu Kumar at the behest of someone. The Inquiry Committee feels that Council should caution him to do his duty with restrain and after due verification. In fact, that may improve his work. So far as, the Police are concerned the Inquiry Committee feels that the Police should in no way place any restrain on the journalist which will prevent him from doing his journalistic duty unless his conduct is such that he needs to be dealt with a very firm hand. The Inquiry Committee does not think that in this case just because the complainant had no media pass he could have been treated harshly. Pertinently, a harsher charge had to be dropped in the case registered against the complainant obviously because of insufficient evidence. The Inquiry Committee, therefore, recommends to the Council to dispose of the complaint after cautioning both sides as mentioned above.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dispose of the case with caution to both the parties.

Press Council of India

Item No.2

F.No.13/183/19-20-PCI.

Complainant

Shri Pawan Agarwal,
Editor,
Dainik Parivartan Ka Daur,
Moradabad (U.P.).

Respondent

1. The Chief Secretary,
Government of U.P.,
Lucknow (U.P.).
2. The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow (U.P.).
3. The Director General of Police,
Uttar Pradesh Police,
Police Headquarter,
Lucknow (U.P.).
4. Shri J. Ravindra Gaur, IPS,
Deputy Inspector General of Police, SIT,
Lucknow (U.P.).
5. Shri Amit Pathak,
Senior Superintendent of Police,
District Moradabad (U.P.).
6. Shri Ankit Mittal,
Superintendent of Police,
District Moradabad (U.P.).
7. Shri Amit Anand,
Superintendent of Police City,
District Moradabad (U.P.).
8. Shri Rajesh Kumar,
Circle Officer, Kotwali,
District Moradabad (U.P.).
9. Shri Shakti Singh,
Station House Officer,
Police Station Mudapandey,
District Moradabad (U.P.).
10. Shri Rajendra Singh Pundir,
Sub-Inspector,
Police Station Civil Lines,
District Moradabad (U.P.).
11. Shri Satish Pal,
Lockup Incharge,
District Moradabad (U.P.).

12. Shri Jaiveer,
Constable,
Police Station Mugalpura,
District Moradabad (U.P.)
13. Shri Sachin,
Constable,
Police Station Civil Lines,
District Moradabad (U.P.).
14. Shri Manohar Singh,
Constable,
Police Station Civil Lines,
District Moradabad (U.P.).

Adjudication dated 21.8.2023

This complaint dated 1.12.2019 was filed by Shri Pawan Agarwal, RTI Activist and Editor, Dainik Parivartan Ka Daur, Mordabad (U.P.) against the police authorities for allegedly harassing him by implicating in false case.

According to the complainant, three Constables, S/Shri Jaiveer, Sachin and Manohar Singh drove away an accused namely Shri Raheem by opening handcuffs in the Sessions Court on 5.3.2019. When there was uproar, he started making video of the incident on his mobile, due to which the police forcibly locked him in the session court lock-up and beaten him up and snatched his money, mobile, press card, licensed revolver. The complainant has alleged that thereafter Shri Shakti Singh, the then Station House Officer took him to Police Station Civil Lines and assaulted him. When other journalists got information about this, they spoke to Shri Shakti Singh and he told them that the complainant has made a video of escaping of the accused and he is being interrogated. After that complainant's uncle gave a complaint against the three Constables, S/Shri Jaiveer, Sachin and Manohar Singh in the police station, which was torn by Shri Shakti Singh. He was released at late night after intervention of the Additional Director General of Police, Bareilly and the District Magistrate. The complainant has further submitted that he sent complaints to the higher authorities and Police Station Civil Lines for lodging FIR of the incident. The complainant has also stated that an inquiry was conducted by Shri Rajesh Kumar Singh, the then Circle Officer, Civil Lines, Moradabad, who in his inquiry report dated 4.4.2019 said that the complainant's application for lodging FIR was not received, while the Police Station Incharge and the Circle Officer themselves submitted an investigation report on the said application. According to the complainant, he sought information under Right to Information Act and it was revealed that in the registered case No.161/2019, the time of escaping and re-arrest of the accused is recorded same i.e. 15:30 p.m. The matter was investigated by the Sub-Inspector, Shri Rajendra Singh Pundir, Police Station Civil Lines. The complainant has submitted that his (complainant's) name has also been included in the case No.161/2019 for helping the accused in escaping by the Circle Officer, while he was in custody from 3:30 p.m. to 10:30 p.m. The complainant has further submitted that the Sub-Inspector, Shri Rajendra Singh Pundir, Police Station Civil Lines in his investigation report, which was produced before the Hon'ble Court on 24.8.2019 has mentioned that the allegation levelled against the complainant in the

case found false. He has requested the Council to take necessary action against the respondents.

Notices for Statement in Reply were issued to the respondents on 14.2.2020.

Written Statements filed by Sr. Superintendent of Police, Moradabad

The Sr. Superintendent of Police, Moradabad vide his written statement dated 30.6.2020 has submitted that he had taken the charge on 16.6.2019 after the date of incident i.e. 5.3.2019 as mentioned in the complaint. The respondent has further submitted that he had received another complaint of the complainant through the Additional Director General of Police, Bareilly Zone vide letter dated 17.12.2019 and an investigation report dated 27.2.2020 has already been submitted by the Superintendent of Police City, Moradabad in the matter. The respondent has also submitted that he had received another complaint dated 5.3.2019 of the complainant levelling similar allegation and the matter was received from the Office of the Director General of Police, Lucknow vide its letter dated 7.3.2019 and the matter was investigated by Shri Rajesh Kumar, Circle Officer, Civil Lines, Moradabad.

The respondent has submitted that it was found in the investigation that Constable, Shri Jaiveer Singh had registered a case No.161/2019 against Raheem and the complainant under Section 224/225 of IPC on 5.3.2019 in Police Station Civil Lines. The respondent has further submitted that during the investigation the name of the complainant has been excluded from the case in the absence of sufficient evidence and a chargesheet No.310/19 dated 15.6.2019 under Section 224 of IPC has been filed against the accused Raheem. The respondent has stated that the matter is pending consideration before court of law, therefore, it does not seem convenient to make any comment on any of the points mentioned in the complaint.

Written Statement filed by Shri J. Ravindra Gaur, Deputy Inspector General of Police, Lucknow

Shri J. Ravindra Gaur, Deputy Inspector General of Police, SIT, Lucknow vide written statement dated 17.9.2020 has reiterated the written statement submitted by the Sr. Superintendent of Police, Moradabad as referred above.

Counter Comments filed by the complainant

The complainant in his counter comments dated 4.7.2020 while informing that he received a copy of the written statement from the Senior Superintendent of Police, Moradabad, has alleged that investigation reports submitted by the Senior Superintendent of Police, Moradabad are without evidence and against the rules. The complainant has submitted that neither his statement nor the evidence given by him are mentioned in the investigation reports and neither the site of the incident was inspected nor the statement of the accused or other local persons was recorded. The complainant has stated that no action has been taken by the respondent against their subordinate policemen, who falsely registered the case against him. The complainant has further stated that the respondents are misusing their position and giving protection to the police personnel.

The complainant vide his further communication dated 13.1.2020 has alleged that the respondents have submitted fake investigation report and thereby trying to mislead the Hon'ble Council. While reiterating his complaint and counter comments, the complainant has stated that the Superintendent of Police City, Moradabad has mentioned in the investigation report that the complainant was released after

interrogation of 6:30 hours in the police station. The complainant has alleged that the respondents are deliberately creating hurdle in his journalistic duty.

Further reply filed by the Sr. Superintendent of Police, Moradabad

Shri Pawan Kumar, Sr. Superintendent of Police, Moradabad vide his further reply dated 15.7.2021 has forwarded a copy of the investigation report dated 10.6.2021 of the Superintendent of Police, Rural, Moradabad wherein it has been stated that the complainant has a criminal history and 15 cases are registered against him in different police stations. The respondent has further submitted that the complainant is misusing the Right to Information Act and 19 applications under Right to Information Act filed by the complainant were duly replied. The respondent has also submitted that the complainant has exaggeratedly presented the incident of dated 5.3.2019 on social media and the complainant has filed an application in this regard in Hon'ble Court under Section 156(3) of Cr.PC. The respondent has alleged that the complainant is habitual of filing the complaints and publishing the defamatory news against the public servants. The respondent has further alleged that the complainant harasses the public servants by asking information under Right to information Act and the complainant has also threatened to commit suicide several times on social media and newspaper. The respondent has stated that the Deputy Director Information, Moradabad informed that the complainant has not submitted copies of his newspaper to their office and they have no record of circulation figure of his newspaper. According to the respondent, a case No.161/2019 was registered against the complainant in Police Station Civil Lines but his name was omitted from the case during the investigation and annoyed with this the complainant filed complaints to the higher authorities. The respondent has alleged that the complainant is criminal nature person and misuses the newspaper for his personal gain. According to the respondent, after taking information from the complainant's printing press i.e. Smug To Enterprises (P) Ltd., Noida it has come to the light that the complainant's newspaper is being published from their printing press but the said newspaper has not been published during the period from January 1, 2020 to 2021 in their printing press, so they do not have any record of the circulation figure of the newspaper. The respondent has alleged that the complainant publishes defamatory and derogatory news items against the officers on social media with a view to blackmail them and thereby creating hurdle to do their government duty. He has stated that the complaint is liable to be dismissed.

Communication received from the complainant

The complainant vide his letter dated 13.3.2023 has submitted that he registered a case No.86/2018 against police officials in Police Station Pakbara and investigation of the same was handed over to the then Assistant Superintendent of Police, Moradabad, Shri Anil Kumar Yadav. The complainant has alleged that since the case was against the police officials, Shri Anil Kumar started pressurising and threatening him to withdraw the case and the complaint filed by him before the Press Council. The complainant has alleged that thereafter Shri Anil Kumar registered a false case No.72/2021 dated 15.4.2021 in Police Station Mugalpura, Moradabad with the help of one lady and baby girl under a conspiracy. The complainant has further alleged that Shri Anil Kumar also registered another false case No.242/21 u/S 506/2021 in Police Station Civil Lines. The complainant has submitted that thereafter he filed an WP No.8155/2021 before the Hon'ble High Court of Allahabad and Hon'ble Court in its order dated 27.9.2021 stated that "However, it is observed that

the investigation shall be fairly conducted by the Investigation Officer and it shall be concluded expeditiously". The complainant has informed that the respondents started harassing him and his family, therefore, he surrender before the Hon'ble Court in relation to the cases filed against him and from where he was sentenced to eight months in prison. The complainant has submitted that the action of the respondents is reprisal measure due to publication of critical writings.

Report of the Inquiry Committee

The matter again came up for hearing before the Inquiry Committee on 30.5.2023 at New Delhi. While there was no appearance on behalf of the complainant, Shri Kavindra Kumar was representing the Chief Secretary of U.P., Shri Yogendra Krishna, Inspector was representing the Sr. Superintendent of Police, Moradabad and Shri Shakti Singh, Deputy Superintendent of Police appeared in person.

The complainant Mr. Pawan Agarwal, Editor, Dainik Parivartan Ka Daur is not present. However, the Inquiry Committee is taking up the complaint for hearing because of one important issue involved in it. Respondents are represented. It is *inter alia* the case of the complainant that three constables named Mr. Jaiveer, Mr. Sachin and Mr. Manohar Singh had helped accused Raheem to escape by unlocking handcuffs in the Sessions Court on 05.03.2019. When he was making a video of the incident on his mobile, his mobile, press card and licensed Revolver were snatched. He was taken to the Police Station. Complaint given by his uncle was torn. He was in custody from 3.30 p.m to 10.30 p.m and was released in the late night. Written Statement has been filed by Senior Superintendent of Police, Moradabad. He has confirmed that during investigation the name of the complainant was excluded from case No. 161/2019 because of insufficient evidence and chargesheet was filed only against accused Raheem. It has been stated by the Police that complainant is a RTI Activist, several complaints have been lodged against him. The Inquiry Committee does not want to go into all those details. If there are any cases filed against the complainant and they are *sub judice*, the Court concerned will give decision on the same. But the Inquiry Committee is concerned about the fact that the complainant was wrongly involved in Case No. 161/2019. This is an admitted fact. The Inquiry Committee is not happy about the manner in which the complainant was involved in this case. Cases cannot be registered against people in such light hearted manner. The Inquiry Committee, therefore, recommends to the Council to **Caution** the Police and ask them to be careful in future while dealing with cases particularly of journalists and close the complaint.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to close the complaint with **Caution** to the police.

Press Council of India

S.No.3

File No.13/152/2019-20/PCI

Complainant

Shri Khaja Moinuddin,
Editor-in-Chief, Qasid-E-Hind,
English/Urdu Daily,
Hyderabad.

Respondent

1. The Commissioner,
Information & Public Relations Department,
Telangana State
2. The Director General,
Central Bureau of Communication,
Soochna Bhawan,
New Delhi.

Adjudication dated 21.8.2023

This complaint dated 18.10.2019 was filed by Shri Khaja Moinuddin, Editor-in-Chief, Qasid-E-Hind, English/Urdu Daily, Hyderabad against the Information and Public Relations Department, Telangana State alleging non-issuance of advertisement.

The complainant has submitted that his newspaper is categorized under "C" category which has drawn him to very drastic losses. He has stated that he enquired about this with the Information Commission & CIPR many times in the past vide letters dated 25.07.2018, 19.02.2019, 29.03.2019 and 18.06.2019 but received no response. He has stated that the staff, reporters and cameramen of the newspaper are also getting affected because he is not getting advertisement. He has stated that after the empanelment of his newspaper, he only received two advertisements which is not working for him and even then, he needs to pay all the allowances (medical, travel and food) of his staff. He believes that Information and Public Relations Department, Telangana State is working within the contract and not providing its services to other people as there is no superior to scrutinize the working of the department. He has further stated that if it continues then he needs to shut down the newspaper and will not be able to continue the services. He has further stated that he suffered lot of financial problems since last eight years till date. He has alleged that Information and Public Relations Department is helping to the editors who are close to the department and associates of the officers who are working in it. The complainant has further alleged that the officers of DAVP department are providing the services to their relatives, friends and associates instead to those persons or newspaper who put a lot of efforts in their work. He has requested the Council to take necessary action in the matter.

Notice for comments were issued to the Commissioner, Information and Public Relations Department, Telangana State and the Director General, Bureau of Outreach and Communication, New Delhi on 06.01.2020.

Comments filed by Shri Pankaj Nigam, Media Executive, Bureau of Outreach and Communication

Shri Pankaj Nigam, Media Executive, Bureau of Outreach and Communication, vide his comments dated 19.02.2020 has stated that the Qasid-E-Hind, English, Urdu Daily newspaper, Hyderabad is not on Bureau of Outreach and Communication panel as per its database. Therefore, it is not possible to give any comments in the matter.

Comments filed by the Additional Director (FAC), Information and Public Relations Department, Hyderabad

The Additional Director (FAC), Information and Public Relations Department, Hyderabad vide his comments dated 29.02.2020 has submitted that Qasid-E-Hind, Small Daily Newspaper, Hyderabad was empanelled by the department according to the guidelines/norms/procedures of G.O.s, as per their eligibility. This newspaper was categorized in the small newspapers under "C" category at the rate of Rs.30/- during the year-2018. He has stated that the empanelment was done into various categories like A,B,C,&D based on the infrastructure, content, quality of newspaper, pages, seniority and colour of the newspaper etc., as per G.O.Ms.No.736 G.A.(I&PR.II) Department dated 29.12.2010. There is no discrepancy on empanelment of small daily newspapers and there is no feasibility to extend the facilities on par with "A" category to other categories as desired by the complainant. He has further stated that Information and Public Relations department is issuing advertisements to (226) Small Daily Newspaper, Magazines/Periodicals (182), empanelled newspaper as and when the publicity is required for the Government on implementing of welfare schemes/developmental programs and creating awareness among the public for gaining of scheme benefits. But not for the sake of their business in terms of advertisements. The respondent has also given last five financial years details of advertisements issued to the small newspapers on Government instructions for publicity purpose.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 30.5.2023 at New Delhi. While the complainant was present in person along with Mohd. Rafiuddin Ghorri, Chief Bureau Reporter, Shri Sayed S.A. Hasmi, Deputy Director and Ch. Chakravarthi, Public Relations Officer, State Information Centre were present on behalf of the Government of Telangana.

This complaint dated 18.10.2019 has been filed by Shri Khaja Moinuddin, Editor-in-Chief, Qasid-E-Hind, English/Urdu Daily, Hyderabad against the Information and Public Relations Department, Telangana State alleging non-issuance of advertisements. The complainant's grievance is that his newspaper is categorized under "C" category due to which he has incurred drastic losses. In fact it should be placed under "B" category. There are several other grievances made by the Complainant. He has also contended that certain other newspapers like Namaste Telangana, Mana Telangana, Nava Telangana and Telangana Today have been given favourable treatment whereas, his newspaper is not being treated properly despite the fact that it fulfils all the requirements. On behalf of the Respondents, Mr. S. A Hasmi, Deputy Director and Mr. CH. Chakravarthi, Public Relation Officer, State

Information Centre are appearing before the Inquiry Committee. Shri S. A Hasmi has submitted that it is possible that the category of the complainant's newspaper may change and it may fall in 'B' category. However, a definite statement cannot be made till the report of the Committee constituted by the Government of Telangana, on this issue is accepted by the Government of Telangana. Mr. Hasmi has also furnished to Inquiry Committee some information about the money paid to the Complainant's newspaper for advertisements released to it. Mr. Hasmi has stated that payment upto September, 2022 has been made. However, payment for October, 2022 was not released due to Election Code of Conduct and payment for the period from November, 2022 to May, 2023 is not yet made. This is not disputed by the Complainant. The Inquiry Committee feels that the arrears should be paid to the Complainant at the earliest. Mr. Hasmi states as soon as the budget allocation is made, the said arrears will be immediately paid. The budget is likely to be released in the month of June. Inquiry Committee accepts the statements made by Mr. Hasmi. So far as, other grievances are concerned, the complainant may address a detailed representation to the Special Commissioner Information and Public Relations Department, A.C. Guards, Government of Telangana, Hyderabad. The Inquiry Committee feels that the Special Commissioner may consider it on merit. If Complainant is entitled to any relief, the same should be given to him considering the fact that the complainant's newspaper is a small newspaper. Survival of small newspapers is also essential for the general public.

The Inquiry Committee recommends to the Council to dispose of the complaint in the aforesaid terms by accepting the statement of Mr. Hasmi, the Deputy Director.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dispose of the complaint in the aforesaid terms.

Press Council of India

S.No.4

F.No.13/157/19-20-PCI.

Complainant

Shri Sarwar Alam Warsi,
Bureau Chief,
Dainik Amar Bharati,
Kushinagar (U.P.).

Respondent

1. The Chief Secretary,
Government of U.P.,
Lucknow (U.P.).
2. The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow (U.P.).
3. The Director General of Police,
Uttar Pradesh Police,
Police Headquarter,
Lucknow (U.P.).
4. Dr. Anil Kumar Singh,
District Magistrate,
District Kushinagar (U.P.).
5. The Superintendent of Police,
District Kushinagar (U.P.).
6. Shri Ajay Narayan,
Sub-Divisional Magistrate,
Grievance Cell,
Office of the District Magistrate,
District Kushinagar (U.P.).
7. Shri Komal,
Sub-Divisional Magistrate,
Grievance Cell,
Office of the District Magistrate,
District Kushinagar (U.P.).
8. Shri Vinod Kumar Paswan,
Clerk, Grievance Cell,
Office of the District Magistrate,
District Kushinagar (U.P.).

Adjudication dated 21.8.2023

This complaint dated 27.10.2019 has been filed by Shri Sarwar Alam Warsi, Bureau Chief, Amar Bharati, Kushinagar (U.P.) against Dr. Anil Kumar Singh, District Magistrate, Kushinagar and staff of the office of the District Magistrate for allegedly harassing, threatening to kill him and implicating him and his family members in false cases because of seeking information for publication as news.

According to the complainant, he had complained to the Chief Minister of Uttar Pradesh several times regarding appointment of three people of one family in Madrasa and also published news about the same in his newspaper exposing the irregularities and misdeeds prevailing in the district administration. The complainant has submitted that investigation of his complaint was handed over to the District Magistrate, Kushinagar, Uttar Pradesh. The complainant has further alleged that the investigation process was influenced by the clerk of office of the District Magistrate, by extorting money, by appointing himself as an Inquiry Officer. The complainant has alleged that when he repeatedly asked for taking action in the matter, the District Magistrate lodged several cases against him and his family members including aged women under a conspiracy through Shri Vinod Kumar Paswan, his office clerk. The complainant has further alleged that he was informed by the office clerk of the District Magistrate that he has full support of the District Magistrate, nothing will happen to him if he (complainant) complains. The complainant has alleged that he is being threatened to with life by the office of the District Magistrate on filing any complaint or publishing any news item regarding corruption. The complainant alleged that the respondents are harassing him and his family in connivance with the police and again they lodged a false case No.029/2020 under Section 353/427/504 of IPC and 3(1) SC/ST Act in Police Station Padrauna, Kushinagar. The complainant has further alleged that his house is being vandalized by keeping the copy of the FIR secretly. While apprehending danger to his life, the complainant has requested the Council to take necessary action in the matter.

Notices for Statement in Reply were issued to the respondents on 1.1.2020.

Written Statement filed by the District Magistrate, Kushinagar

Dr. Anil Kumar, District Magistrate, Kushinagar vide his written statement dated 24.1.2020 has submitted that a case No.0530 under Section 419/420 was registered by the Clerk-Shri Vinod Paswan on 15.11.2018 against the complainant for forging his (District Magistrate) signature and stamp, which is pending before court of law. The respondent has further submitted that the complainant comes to his office and threatens them by pretending to be Bureau Chief (journalist). According to the respondent, the complainant had filed a complaint against the Clerk-Shri Vinod Paswan and the same was investigated by the Additional District Magistrate, Kushinagar. The respondent has stated that allegations could not be proved during investigation. The respondent has stated that the complainant never comes to his office for the purpose of obtaining information. Denying the allegation of lodging false case against complainant, the respondent has stated that it was found after the investigation that the offence was committed by the complainant and the matter is pending for consideration before the Hon'ble Court, Kushinagar.

Written Statement filed by the Superintendent of Police, Kushinagar

Shri Vinod Kumar Mishra, Superintendent of Police, Kushinagar vide his written statement dated 30.3.2020 submitted that on the complaint of Shri Vinod Kumar Paswan, a case No.29/2020 under Section 353/427/504 of IPC and 3(1) SC/ST Act was registered against the complainant and others in Police Station Padrauna, Kushinagar on 21.1.2020 and after investigation a chargesheet has been filed in the matter on 14.3.2020.

Reply submitted by Shri Vinod Kumar Paswan

The respondent-Shri Vinod Kumar Paswan, Assistant, office of the District Magistrate, Kushinagar vide his reply dated 25.2.2023 submitted that the complainant visited DM office on 14.11.2018 and gave him an application where forged signature of the DM. He further stated that he showed that to the DM and he confirmed that the signature is fake. Thereafter, he lodged an FIR against the complainant in Padrauna PS on 14.11.2018 in this regard. The respondent has submitted that the complainant was nominated as Bureau Chief of Amar Bharati on 30.7.2019, while he took legal action against him on 14.11.2018, therefore question of threatening the complainant for not publishing the news against them does not arise. He has submitted that the complainant is criminal nature person and many cases are registered against him in different police stations.

Further Reply submitted by the Superintendent of Police, Kushinagar

The Superintendent of Police, Kushinagar vide his report dated 26.2.2023 submitted that the complainant gave an application with forged signature of DM in the office of DM, Kushinagar. Shri Ajay Narain Singh, Officer Incharge and Shri Vinod Kumar Paswan, Clerk showed it to the DM and he confirmed that signature is forged. Thereafter, Shri Paswan registered an FIR No.531/2018 dated 15.11.2019 under Section 419/420 IPC against the complainant in Padrauna PS. The respondent has submitted that the allegation was found true during the investigation and a chargesheet No.390/2019 dated 19.9.2019 was filed before the Hon'ble court. The respondent has further submitted that Shri Narain Singh, Office Incharge, DM office, Kushinagar also registered FIRs No.835/2018 at Police Station Kasya and 474/2018 at PS Patherva regarding forged signature of DM. During the investigation, the name of the complainant was also come to the light and chargesheet has been filed in both the cases. The respondent submitted that Shri Vinod Kumar Paswan, Clerk, Collectorate Kushinagar filed FIR No.29/2020 dated 21.1.2020 under Section 353/427/504 IPC and SC/ST Act against the complainant and other for torn government files and used castiest word and after investigation chargesheet No.A CCTNS dated 14.3.2020 was filed. The respondent submitted that the complainant is history-sheeter and a total of 15 cases are registered against the complainant in different police stations. The respondent has further submitted that action has been also taken against the complainant under Section 2/3 of Gunda Act by the SHO, PS Kasya.

Report of the Inquiry Committee

The matter again came up for final hearing before the Inquiry Committee on 31.5.2023 at New Delhi. While there was no appearance on behalf of the complainant, on behalf of the respondents, Shri Kavindra Kumar, Sr. Assistant, Shri Abhay Sharma, Sr. Assistant and Smt. Nisha Pathak, Assistant Information Officer were representing the Chief Secretary of U.P., Shri Pradeep Kumar, Sub-Inspector appeared on behalf of the Superintendent of Police, Kushinagar and Shri Vinod Kumar appeared in person.

The complainant was not present on the last occasion i.e. on 2.3.2023. Today, again the complainant is not present. Hence, the Inquiry Committee recommends to the Council to dismiss the complaint for default.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dismiss the complaint for default.

Press Council of India

S.No.5

F.No.13/113/18-19-PCI.

Complainant

Shri Saurabh Agarwal,
Editor,
Dainik Syahi Ki Taqat,
Raigarh (Chhattisgarh).

Shri Nitin Sinha,
Journalist,
Dainik Syahi Ki Taqat and
Aaj Ka Din,
Raigarh (Chhattisgarh)

Respondent

1. Shri Vijay Agarwal,
Raigarh (Chhattisgarh)
2. Shri Bharat Agarwal,
Raigarh (Chhattisgarh)
3. Shri Amit Sharma,
Raigarh (Chhattisgarh)
4. Shri Alok Pandey,
Raigarh (Chhattisgarh)
5. Shri Ashish Tamrakar,
Raigarh (Chhattisgarh)
6. Shri Rakesh Agarwal,
Raigarh (Chhattisgarh)
7. Shri Amit Pandey,
Raigarh (Chhattisgarh)
8. Shri Ashok Mehta,
Raigarh (Chhattisgarh)

Adjudication dated 21.8.2023

This joint complaint dated 2.12.2018 was filed by Shri Saurabh Agarwal, Editor, Dainik Syahi Ki Taqat and Shri Nitin Sinha, Dainik Syahi Ki Taqat, Raigarh (Chhattisgarh) against Shri Vijay Agarwal, former MLA of BJP, Raigarh and others for allegedly implicating him in false cases in connivance with the police due to publication of critical writings.

According to the complainants, they had published news item regarding administrative action against coal-mafia, Shri Bharat Agarwal, who is son of Shri Vijay Aggarwal, former BJP-MLA. Apart from this, he had also published news items against BJP Councillor Shri Ashish Tamrakar, who is a land mafia. The complainants alleged that annoyed with this, the respondents registered several false cases against him in connivance with the police. The complainants further alleged that neither the police took his statement in respect to the false cases registered against him nor followed the guidelines issued by the State Government, which prohibit direct lodging crime case against the journalists. The complainant has stated that he is suffering with financial losses due to the act by the respondent and publication of his newspaper has been stopped for the last three months. They have requested to take strict action against the respondents.

Notices for Statement in Reply dated 14.1.2019 were issued to the respondents.

Joint Written Statement filed by Shri Alok Pandey and Shri Amit Pandey

S/Shri Alok Pandey and Amit Pandey, Raigarh vide their joint written statement dated 17.2.2019 have submitted that it is self-evident from perusal of the complaint that nothing has been done by them against the complainants. The respondents have stated that obscene and derogatory things were shared on his (Shri Alok Pandey respondent no.4) mobile by the complainant-Shri Saurabh Agrawal, due to which he filed a complaint with the Superintendent of Police, Raigarh. The respondents have further stated that thereafter complainant-Shri Saurabh Agrawal started pressurizing him to withdraw the complaint. The respondents No.4 and 7 have stated that the complainants have made a false complaint against them so that they withdraw the complaint. The respondents have stated that they have nothing to do with the other respondents in this case. The respondents No.4 and 7 have further stated that they are also running a newspaper namely "Kelo Bhumi". They have requested the Council to dismiss the complaint.

Written Statement filed by Shri Vijay Agarwal and Shri Bharat Agarwal

The counsel for the respondents, Shri Vijay Agarwal and Shri Bharat Agarwal, Raigarh filed written statement dated 15.12.2022 on behalf of them.

Shri Vijay Agarwal vide his reply has submitted that he neither knows nor recognizes the complainants and the allegations levelled by him (complainants) are baseless. He has requested the Council to close the complaint. .

Shri Bharat Agarwal vide his reply has stated that Shri Saurabh Agarwal complainant no.1 has been harassing him and his family members by publishing false news. The respondent has submitted that the complainant No.2 stopped him on the way and demanded money and threatened to defame him and his family in the community in the guise of journalism.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.6.2023 at New Delhi. There was no appearance from either side.

The complainants are not present. Nobody is representing them. On the last occasion also the complainants were not present and no one appeared for them. Hence, the Inquiry Committee recommends to the Council to dismiss the complaint for default.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dismiss the complaint for default.

Press Council of India

S.No.6

F.No.370/2020-B.

Complainant

Shri Ekant Shrivastava,
Correspondent,
Manav Adhikar Jagrukta,
Mauranipur,
Jhansi (U.P.)

Respondent

1. The Chief Secretary,
Government of U.P.,
Lucknow (U.P.).
2. The Director General of Police,
Uttar Pradesh Police,
Police Headquarter,
Lucknow (U.P.).
3. The Sr. Superintendent of Police,
District Jhansi (U.P.).
4. The Inspector Incharge,
Police Station Mauranipur,
Jhansi (U.P.).
5. Shri Purushottam Rai,
Jhansi (U.P.).
6. Shri Umashankar Rai,
Jhansi (U.P.).

Adjudication dated 21.8.2023

This complaint dated 10.10.2020 was filed by Shri Ekant Shrivastava, Correspondent, Manav Adhikar Jagrukta, Hindi monthly, Jhansi (U.P.) against land-mafia for alleged sabotage in his office due to publication of critical writing and inaction of the police.

According to the complainant, the respondent-Shri Purushottam Rai and Shri Umashankar Rai had encroached play ground of an Inter College in Mauranipur by forging documents with the connivance of the police. Shri Kailash Narayan Barsaiya had complained to the administration and the District Collector, Jhansi in this regard. The encroached land got freed by the District Magistrate. The complainant submitted that he had published a news in his newspaper's January, 2020 issue under the caption "कूटचित्त दस्तावेजों के आधार पर भू-माफिया दूसरे की जमीन पर कब्जा कर रहे हैं" but he did not mention the name of land-mafia in the news item. The complainant alleged that annoyed with this, Shri Purushottam Rai and Shri Umashankar Rai attacked his office on 8.10.2020 and threatened him to kill by abusing him and also tore the files. The complainant has submitted that he complained to the Inspector Incharge, Police Station Mauranipur, Jhansi but he did not lodge the FIR. He has requested the Council to take necessary action against the guilty.

Notices for Comments were issued to the respondents on 23.3.2021.

Comments of Sr. Superintendent of Police, Jhansi

The Sr. Superintendent of Police, Jhansi vide comments dated 15.8.2021 submitted that the matter was investigated by the Circle Officer, Mauranipur, Jhansi and it was found that there is a land dispute between Shri Umashankar Rai and Shri Kailash Barsaiya and a petition No.26/2020 is pending consideration before court of law in this regard. The respondent further submitted that Shri Umashankar Rai had also lodged case No.10/2020 under Sections 147/452/504/506/427/352 of IPC and case No.486/2020 under Sections 457/380/506 of IPC against Shri Kailash Barsaiya and others in Police Station Mauranipur on 5.1.2020 and 1.9.2020 respectively, which are pending consideration before court of law. The respondent has stated that due to this reason Shri Kailash Barsaiya and others filed this complaint through the complainant-Shri Ekant Shrivastava against Shri Umashankar Rai and Shri Purushottam Rai. The respondent stated that the allegations could not be confirmed due to lack of evidence and no further action is required in the matter at present on behalf of the police.

Comments of S/Shri Purushottam Rai and Umashankar Rai

The respondent-S/Shri Purushottam Rai and Umashankar Rai filed their undated joint comments. According to the respondents, Smt. Laxmi Srivastava had bought a land from Shri Badriprasad Barsaiya, father of Shri Kailash Barsaiya in Katra Mauranipur and did its plotting. Shri Umashankar Rai (the respondent) had also purchased a plot from Smt. Laxmi Srivastava. The respondents further stated that Shri Dilip Sarawagi, Editor of Manavadhikar had encroached a play ground of a college and sold it and also built a house on it, which could be confirmed from the information given by the Tehsildar and the investigation report of Accountant. The respondents also submitted that they had opposed the illegal encroachment by Shri Dilip Sarawagi, Editor of Manavadhikar due to which he filed this false and fabricated complaint under a conspiracy through the complainant. Denying the allegation of sabotage in complainant's office, the respondents alleged that the complainant filed this complaint with a view to tarnish their images. The respondents have submitted that Shri Umashankar Rai (the respondent) has filed case No.0010/20 under Sections 147/352/427/452/504/506 of IPC dated 5.1.2020 and case No.486/20 under Sections 380/457/506 of IPC dated 1.9.2020 against Shri Kailash Barsaiya and others and a petition No.26/2020 Umashankar Vs. Kailash Barsaiya and others is pending before court of law. The respondents alleged that the complainant along with Shri Dilip Sarawagi, Shri Kailash Barsaiya and others blackmail the innocent people but no action was taken by the administration against them. They have requested the Council to dismiss the complaint.

Counter Comments filed by the complainant

The complainant vide his counter comments dated 18.10.2021 alleged that the comments filed by the Sr. Superintendent of Police, Jhansi are totally false and misleading. The complainant submitted that the respondent-Shri Purushottam Rai is a criminal nature person and many cases are registered against him in different police stations. While reiterating his complaint, the complainant submitted that the District Magistrate had released a 50 years old government school from the illegal possession of Shri Umashankar Rai. The complainant further stated that no criminal case is registered against him. He has requested the Council to take necessary action in the matter.

Further communication received from complainant

The complainant vide his further communications dated 27.12.2021 and 29.12.2021 informed that he is being pressurised by the respondents-S/Shri Purushottam Rai and Umashankar Rai to withdraw the case. The complainant further informed that he is repeatedly called by the police in the name of investigation. The complainant has stated that in Mauranipur area, the District Magistrate Jhansi had made the playground free from encroachment from the possession of land mafias and accordingly he published the news. Due to publication of news the land mafias threatened him to kill. He has alleged that the police is not helping him.

Further communication received from Shri Purushottam Rai

Shri Purushottam Rai, Jhansi, U.P. vide his letter dated 14.12.2022 submitted that Shri Dilip Sarawagi, has appointed Shri Ekant Shrivastava, Correspondent, Manav Adhikar Jagrukta, Jhansi (complainant) as a fake journalist to take possession of the lands in the garb of a journalism, similarly he (complainant) wants to take possession of Shri Umashankar Rai's shop. He has further submitted that in relation to Shri Ekant Shrivastava journalism, he had applied to get information from the District Information Officer vide application dated 22.12.2021 under the right to information, but the reply has not yet been received, so he himself got the information personally about Shri Ekant Shrivastava, which he came to know that there no journalist in the name of Shri Ekant Shrivastava. The respondent submitted that he is working in the journalism field last 25 years and published the news against the land mafia due to which the complainant filed complaint against him before the Press Council of India.

Further communication received from the Complainant

The complainant vide his letter dated 16.01.2023 submitted that he is not agreed with the reply filed by the Sr. Superintendent of Police, Jhansi. The complainant has submitted that the Sub-Divisional Officer, Mauranipur, U.P has asked encroachment damages of about Rs.35/- lakh on the illegal occupation of the land/playground by Shri Umashankar Rai and Shri Purushottam Rai which proves that the said persons are land-mafia who are committing crime in the name of journalism.

The complainant vide his further letter/email dated 23.6.2023 has submitted that the District Magistrate, Jhansi has asked encroachment damages of about Rs.34 lakh on the illegal occupation of the playground of school by Shri Umashankar Rai. In this regard, the District Magistrate, Jhansi filed an FIR No.32/2023 and 110/2023 against Shri Umashankar Rai.

Further communication received from the respondent-Shri Umashankar Rai

The respondent-Shri Umshankar Rai vide his letter dated 26.6.2023 while reiterating his complaint has alleged that the complainant has sold the land of the school playground in connivance with the Police and the Municipal Council and now he is selling the land along with the playground. He has stated that the complaint is totally false and misleading and liable to be dismissed.

Further communication received from Sr. Superintendent of Police, Jhansi

The Sr. Superintendent of Police, Jhansi vide his letter dated 24.6.2023 has forwarded a copy of the investigation report dated 22.6.2023 of the Circle Officer, Mauranipur, Jhansi wherein while reiterating earlier reply it has been stated that there is enmity between Shri Kailash Barsaiyam and the respondents-Shri Umashankar Rai and Shri Purushottam Rai in relation to land and cases are filed by both the sides in this regard and cases are pending before the Hon'ble court. The respondent has stated that Shri Kailash Barsaiya filed this complaint before the Council through the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.12.2022 and subsequently on 26.6.2023 at New Delhi. While the complainant appeared in person along with Shri Dilip Kumar, S/Shri Aditya Kumar Awasthi, Sub-Inspector, Umashankar Rai, Purushottam Rai and Ram Shankar Rai appeared on behalf of the respondents.

The complaint dated 10.10.2020 has been filed by Shri Ekant Srivas, Correspondent Manav Adhikar Jagrukta, Hindi Monthly primarily against Respondent No. 5 & 6 for allegedly entering his office forcibly and causing damage to it because he had published reports against land mafia. According to him respondent No. 5 and 6 are also journalists. They entered his office abused him and threatened to kill him. Respondents No. 5 and 6 have also filed their response. The responses have also been filed by Senior Superintendent of Police, Jhansi. It appears that respondent No. 6 Shri Umashankar Rai has lodged case No. 10/2020 under Section 147/452/504/506427/352 of IPC and case No. 486/2020 under Section 457/380/506 of IPC against Shri Kailash Barsaiya and other in Police Station Mauranipur. They are pending. It is stated by respondent No. 3, S.P. District Jhansi that due to this reason the complainant at the behest of Kailash Barsaiya has filed complaint against respondents No. 5 and 6. It appears from the response of respondents No. 5 and 6 that there are some land disputes between both sides. It appears that the complainant's wife Smt. Laxmi Srivas has bought land from Shri Badri Prasad Barsaiya father of Shri Kailash Barsaiya and respondent No. 6 has also purchased a plot from Smt. Laxmi Srivas. It is also stated by Respondents No. 5 & 6 that Shri Dilip Sarawagi, Editor Manav Adhikar encroached upon area of playground of a college and built a house on it. Since Respondents No. 5 & 6 had opposed it this complaint is filed through the complainant who is a correspondent of Manav Adhikar Jagrukta. Such land disputes cannot be decided by the Press Council of India. It falls outside its ambit. The complainant as well as respondents No. 5 and 6 need to be cautioned that they should not use the platform of their newspapers and their status as Journalists for settling their private disputes by making allegations and counter allegations against each other. The Inquiry Committee is informed that some disputes are pending in Civil Court. The concerned court will decide the pending disputes. In the circumstances, the Inquiry Committee recommends to the Council to dismiss the complaint after cautioning the complainant as well as respondent No. 5 and 6 that they shall not indulge in such practices in future.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dismiss the complaint cautioning the complainant as well as respondent no.5 and 6.

Press Council of India

S.No.7

F.No.150/Suo-Motu/2020-B.

Suo-motu cognizance with regard to Media Policy-2020 of Government of Jammu & Kashmir-Provision regarding Fake News

Adjudication dated 21.8.2023

It has come to the notice of the Press Council of India through news reports that the new media policy announced by the Jammu & Kashmir administration on June 2, 2020 gives it the powers to decide what is “fake”, “unethical” or “anti-national” news, and to take legal action against the journalist or media organisation concerned, including stopping government advertisements and sharing information with security agencies. Under the new policy, a background check of newspaper publishers, editors and key staff has been made mandatory before empanelling them for government advertisements, apart from security clearance before a journalist is given accreditation. According to the new media policy, the government would monitor content published in newspapers and other media channels and decide what is fake news, anti-social or anti-national reporting. It has been further reported that as per New Media Policy the Directorate of Information & Public Relations shall examine the content of the print, electronic and other forms of media for fake news, plagiarism and unethical or anti-national activities and any fake news or any news inciting hatred or disturbing communal harmony shall be proceeded against under IPC and Cyber law. It has also been reported that security clearance from the J&K Police’s CID wing is mandatory before the Registrar of Newspapers for India (RNI) issues registration to any newspaper. According to the news report, while Director, Directorate of Information & Public Relations declined to comment, the Secretary information, who is also the government spokesman, did not respond despite repeated attempts.

Notice for Comments dated 16.6.2020 were issued to the Chief Secretary and the Secretary, Information & Public Relations Department, Government of Jammu & Kashmir.

Reply filed by Shri G.M. Kawoosa, Additional Standing Counsel for J&K

Shri G.M. Kawoosa, Additional Standing Counsel for J&K, vide reply dated 22.2.2021 submitted that after the enactment of J&K Reorganization Act of 2019, various laws which were in vogue in the erstwhile State of J&K had been repealed and in place the Central laws made applicable to J&K. Accordingly, sanction was accorded to the implementation of new Media Policy 2020 vide Government Order No. 05-JK (ID) of 2020 dated 15.5.2020, in pursuance to Administrative Council decision No. 61/8/2020 dated 29.4.2020.

He submitted that the Media Policy does not impinge upon the free functioning of the media. On the contrary, adequate provisions and safeguards are provided in the Policy to facilitate the free functioning of the media. In fact on issues such as, the accreditation and empanelment/de-empanelment, a full detailed procedure with numerous checks and balances has been adequately provided for.

The matter came for hearing before the Inquiry Committee on 24.2.2021 and it took note of the Media Policy framed by the Union Territory of Jammu and Kashmir by Order dated 15.5.2020 under the heading "Authenticity of content/fake news/plagiarism/Communally sensitive material reads as follows:-

"DIPR shall examine the content of the print, electronic and other forms of media for fake news, plagiarism and unethical or anti-national activities. Any individual or group indulging in fake news, unethical or anti-national activities or in plagiarism shall be depanelled besides being proceeded against under law. There shall be no release of advertisements to any media which incite or tend to incite violence, question sovereignty and integrity of India or violate the accepted norms of public decency and behavior. Any fake news or any news inciting hatred or disturbing communal harmony shall be proceeded against under IPC/Cyber laws. A suitable mechanism with specific ToRs shall be set up by the DIPR for monitoring the above and ensuring adherence to the guidelines.

With respect of all such matters as may involve fake news or news with anti-social, communal or anti national content, the implementing agency viz. DIPR will also devise a suitable coordination and information sharing mechanism with the security agencies."

The Council is prima facie of the opinion that it has the potential of affecting the right guaranteed to the Press under Article 19 of the Constitution of India.

The Inquiry Committee directed the Government of Jammu & Kashmir to file reply particularly justifying the policy.

Reply filed by Ms. Vidushi Kapoor, Deputy Director, Information, Kashmir Bureau of Information, New Delhi

Ms. Vidushi Kapoor, Deputy Director, Information, Kashmir Bureau of Information, New Delhi vide undated and unsigned reply has submitted Additional Reply/response for and on behalf of Government of Jammu & Kashmir with regard to Media Policy-2020 of Government of Jammu and Kashmir. The point wise reply is as follow:-

1) That Media Policy in Jammu & Kashmir was first approved vide Government Order No. 53-ID of 1996 dated 26.07.1996 under the name of Advertisement policy. The policy was revised vide Government Order No.09-ID of 2016 dated 04. 03. 2016, again as Advertisement Policy 2016. It has been undergoing periodic revisions since its inception from 1996.

2) That in the present scenario, media has become vibrant and easily accessible through a variety of medium and devices. Keeping in view the need of present times it was felt to have a multidimensional and expansive policy that may cover all the fields of dissemination of information including social media and news portals. Besides, after the passing of J&K Reorganization Act of 2019, various laws which were in vogue in the erstwhile State of J&K had been abrogated and in place the central laws made applicable to J&K. It was under these circumstances that, a need was felt to devise a revised Media Policy to deal comprehensively with all the issues occurring in the present scenario, more so in the context of a continuing proxy, propaganda and information war aided and abetted from across our borders.

3) That accordingly after a comprehensive exercise and detailed discussions, sanction was accorded to the implementation of new Media Policy 2020 vide Government Order No.05-JK (ID) of 2020 dated: 15.05.2020.in pursuance to Administrative Council decision No.61/8/2020 dated 29.04.2020. The revised Media Policy 2020 is a comprehensive Policy which aims at not only facilitating the process of information dissemination through diverse media but also attempts to focus attention on grievances of the people projected by the media.

4) That throughout the policy, there is emphasis on paying adequate attention to grievances of the people, issues of public importance that are highlighted in media and the need not only to bring the same to the notice of the Government but also address the same through appropriate government action,

5) Further the New Media Policy of J&K has been broadly framed on the guideline of similar policies in other states /union territories/central level and that the policy has not incorporated any provisions detrimental to the interests and growth of free media. However in view of the peculiar prevailing law and order scenario and continuous threats by anti-national elements, the issue of suitable checks and balances cannot be overlooked.

6) That kind attention is now respectfully drawn to the fact that, **as per the Media Policy 2020** "a **suitable mechanism** with the specific ToRs shall be set up by the DIPR for monitoring the above and ensuring adherence to the guide lines." Therefore it is quite clear that as per the policy, no action was to be taken in arbitrary manner, rather a suitable mechanism was to be set up, which would then provide the way forward for implementing the above objectives of the policy. Besides, specific ToRs were to be prepared.

7) That owing to a number of factors including the disturbance caused by COVID-19, the above mechanism and corresponding Terms of Reference could not so far be prepared and put in place.

She has submitted that a proposal was submitted to the Competent Authority in the Government, proposing the constitution of a suitable mechanism for implementing the above objectives of the policy. The proposal involved, *inter-alia* the constitution of a neutral committee with the following composition:

1.	One reputed Journalist from amongst the Press Council of India	Chairman
2.	One reputed Journalist from J&K.	Member
3.	One representative of DIPR	Member Secretary

She has stated that it was further suggested that an action would be based on examination of the matter by the committee and its report /recommendation. She has stated that the approval of the competent Authority to the above proposal has been received on 27.04.2021. She has submitted that in view of the above approval, a suitable, independent and impartial committee has now been prescribed to examine the content of any media for fake news, plagiarism or any other irregularity. She has submitted that the committee shall comprise reputed Journalists at least one of whom shall be a reputed Journalist from J&K. She has submitted that as is clear from the above, an independent and impartial committee comprising reputed

Journalists at least one of whom will be from J&K will now be constituted to independently and impartially examine the content of any news item for fake news, plagiarism or any other such thing.

The Inquiry Committee in its meeting held on 21.9.2022 was happy to note that a decision has been taken by the Government of Jammu & Kashmir to constitute a neutral committee.

The Inquiry Committee was of the opinion that this Neutral Committee must be constituted at the earliest and the decision as to who should be appointed as the Chairman from amongst the Members of the Press Council of India should be taken after consulting the Chairman of the Press Council of India. The Inquiry Committee wanted to know how this Neutral Committee will function and at what stage it will intervene. The Inquiry Committee was informed that de-empanelment of any individual or group indulging in fake news will be done after consulting the newly formed Neutral Committee.

The Committee would like to have a definite statement from the Union Territory of Jammu and Kashmir about the status of this Neutral Committee and how it is supposed to function. Instructions may also be obtained on the formation of Accreditation Committee.

The matter stood adjourned with aforesaid directions.

Further communication from Government of Jammu & Kashmir

Shri Din Mohammad, Deputy Secretary, Information Department, Government of Jammu & Kashmir vide his letter dated 25.6.2023 has submitted that the J&K Govt. has formed the neutral committee. Its constitution is as under:-

1.	One reputed Journalist from J&K (namely Mr. Neeraj Rometra, Executive Editor, Daily Excelsior, Jammu)	Member
2.	One Representative of DIPR (Deputy Director Information (PR), Directorate	Member Secretary

He has requested the Council to provide the details of the Member to be nominated as Chairman for the said Committee so that formal orders in this regard may be issued at the earliest.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.6.2023 at New Delhi. Ms. Supriya Kohli, Deputy, Director, KBI was present along with Advocate Shri Abhishek Sisodia.

Suo-motu cognizance was taken by the Press Council of India with regard to Media Policy, 2020 of Govt. of Jammu & Kashmir (J&K Govt.) on 24.02.2021. The Inquiry Committee passed an order in which it expressed that *prima facie* it is felt that the Media Policy, 2020 has the potential of affecting the right guaranteed to the Press under Article 19 of the Constitution of India. Thereafter time was sought by Mr. G.M. Kawoosa, Additional Standing Counsel for the Union Territory of Jammu and Kashmir for filing reply. Reply was filed and the decision of the Govt. to constitute a neutral committee was communicated to the Press Council. The neutral committee was to consist of three persons namely one reputed Journalist from amongst the

Press Council of India, one reputed Journalist from Jammu & Kashmir and one representative of Deputy Director(Information). A letter has been received from Shri Din Mohammad, Deputy Secretary to the Government of Jammu & Kashmir. The letter states that the J&K Govt. has formed the neutral committee. Its constitution is as under:-

1.	One reputed Journalist from J&K (namely Mr. Neeraj Rometra, Executive Editor, Daily Excelsior, Jammu)	Member
2.	One Representative of DIPR (Deputy Director Information (PR), Directorate	Member Secretary

It is requested that the details of the Member to be nominated as Chairman for the said Committee be forwarded by the Press Council. The Inquiry Committee feels that upon considering the entire matter, the name of a person who can be chairperson of the Committee will be forwarded to the J&K Government by the Chairperson of the Press Council at the earliest. Since Jammu & Kashmir Government has taken the required steps, the Inquiry Committee recommends to the Council to close the matter.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to close the matter.

Press Council of India

S.No.8

F.No.120/2020-B/PCI.

Complainant

Shri Chandra Vijay,
Journalist,
Real News, Hindi daily,
Hardoi (U.P.).

Respondent

1. The Chief Secretary,
Government of U.P.,
Lucknow (U.P.).
2. The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow (U.P.).
3. The Director General of Police,
Uttar Pradesh Police,
Police Headquarter,
Lucknow (U.P.).
4. The Superintendent of Police,
Hardoi (U.P.).
5. Shri Rai Singh Yadav,
Inspector,
Police Station Tadiyawa,
Hardoi (U.P.).

Adjudication dated 21.8.2023

This complaint dated 25.4.2020 has been filed by Shri Chandra Vijay, Journalist, Real News, Hardoi (U.P.) against Shri Rai Singh Yadav, Inspector, Police Station Tadiyawa, Hardoi for allegedly threatening him to kill.

According to the complainant, a case No.176/20 was registered on 4.4.2020 at the behest of the then Inspector, Shri Rai Singh Yadav and after checking the CCTV footage and veracity of the case he prominently published a news item in his newspaper issue dated 5.4.2020 under the caption “हरदोई के थाना कछौना के टिकारी गांव के शराब प्रकरण में पुलिस की भूमिका अतिसंदिग्ध”. The complainant has further stated that he was called to the police station by the respondent-Inspector, Shri Rai Singh Yadav on 9.4.2020 and 10.4.2020 but he expressed his inability. Thereafter, the respondent-Inspector, Shri Rai Singh Yadav came to his office on 11.4.2020 and started urging him for publishing rebuttal and also requested to change the statement in front of the officers. The complainant has further stated that the respondent-Shri Rai Singh Yadav also offered him bribe and on refusal the respondent issued lethal threats. The complainant has submitted that he drew the attention of the higher authorities and also filed a complaint on Chief Minister Portal in this regard but false and partisan report was filed by the police in the matter. The complainant has provided CD of CCTV footage and phone recordings. While apprehending danger to his life, the complainant has requested the Council to take necessary action against the guilty.

Notices for Statement in Reply were issued to the respondents on 19.5.2021.

Written Statement filed by Shri Rai Singh, Inspector

The respondent-Shri Rai Singh, Inspector, Civil Police Uttar Pradesh vide his written statement dated 22.12.2021 while denying the allegations levelled by the complainant has stated that the complaint is baseless, fabricated and far from truth. The respondent has submitted that a case No.176/2020 under Section 60/63 of Excise Act and Section 188/419/420/467/468 of IPC was registered in Police Station Kachchona, Hardoi against Deepu alias Savita and Sunil Sharma on 4.4.2020 and the accused were sent to the jail. Thereafter, as soon as the investigation of the above case began, the complainant started to defame the police on social media and also sent several complaints to the higher authorities against the police. The respondent has stated that the complaints submitted by the complainant were investigated by the higher officers but allegations could not be proved. The respondent has further stated that the CD cannot be considered as evidence because electronic record can be tampered. The respondent has also stated that a journalist of Bharat Samachar Channel, Shri Manoj Tiwari registered a case No.232/2020 under Section 500/506 of IPC and 67 IT Act in Police Station Kotwali City, Hardoi against the complainant. According to the respondent, the complainant has earlier worked in a government liquor shop and he has relations with liquor mafia. In the past, the complainant was also asked by the investigating officer to produce the evidence with regard to threat but he did not provide evidence. The respondent has alleged that the complainant demanded money from him for not publishing news against him and on refusal the complainant started publishing false news and filing complaints against him maliciously.

Counter Comments

The complainant vide his counter comments dated 10.3.2022 has stated that the written statement submitted by the respondent is false and concocted. The complainant has further stated that the respondent came to the shop of Sunil on 4.4.2020 and falsely implicated Sunil and Deepu in false case by placing country made liquor at his shop during COVID-19 period. The complainant has also stated that the incident was recorded in CCTV and receiving the information in this regard, he prominently telecast the news due to which the respondent was malicious towards him. According to the complainant, the offense in the case registered against him by a journalist could not be proved during the investigation and final report of the case has been submitted before the court. The complainant has reiterated that the respondent threatened him only due to publication of critical writings.

Reply filed by the Superintendent of Police, Hardoi

Shri Rajesh Dwivedi, Superintendent of Police, Hardoi vide his reply dated 13.12.2022 submitted that a case No.176/2020 under Section 60/63 of Excise Act and Section 188/419/420/467/468 of IPC was registered in Police Station Kachchona, Hardoi against Deepu alias Savita and Sunil Sharma and after investigation a chargesheet No.376 dated 22.8.2020 was filed in the case. The respondent has further stated that when the above case was raised by the complainant through social media and newspapers, Shri Rai Singh Yadav, Inspector was found guilty of trying to stop the complainant to raise the above case and he was also found guilty in not discharging his duty properly, therefore, Shri Rai Singh Yadav, Inspector, Shri Rajwant Singh, Sub-Inspector, Shri Rakesh Kumar Rai, Sub-

Inspectors and S/Shri Jaikaran Kushwaha, Satish Maurya, Rajkumar, Constables were punished (Censured them) vide order dated 101 dated 12.3.2022.

Further communications received from the complainant

The complainant vide his communication dated 15.2.2023 submitted that the authorities by holding the six policemen guilty have only taken formal action such as entry of censure but they have not taken any action in relation to death threats against the respondent-Shri Rai Singh Yadav, Inspector. While apprehending danger to his life, the complainant has requested to take necessary action in the matter.

The complainant vide his communication dated 20.2.2023 while apprehending danger to his life has submitted that he applied for arm license but the same has not been issuing by the District Magistrate, Hardoi.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.12.2022 and subsequently on 26.6.2023 at New Delhi. While there was no appearance on behalf of the complainant, Shri Ganga Prasad Yadav, Inspector appeared on behalf of the Superintendent of Police, Hardoi and Shri Rai Singh Yadav, Inspector appeared in person.

This complaint dated 25.4.2020 has been filed by Shri Chandra Vijay, Journalist, Real News, Hardoi (U.P.) against (1) The Chief Secretary, Government of U.P. Lucknow, (2) The Secretary, Home (Police) Department, Government of U.P., Lucknow, (3) The Director General of Police, Uttar Pradesh Police, Police Headquarter, Lucknow, (4) The Superintendent of Police, Hardoi (U.P.) (5) Shri Rai Singh Yadav, Inspector, Police Station Tadiyawada, Hardoi (U.P.).

The complainant contends that case being Case no. 176/2020 was registered on 4.4.2020 at the behest of the then Inspector, Shri Rai Singh Yadav. After checking the CCTV footage and veracity of the case the complainant prominently published news item in his newspaper issue dated 5.4.2020 under the caption "हरदोई के थाना कछौना के टिकारी गांव के शराब प्रकरण मे पुलिस की भूमिका अतिसंदिग्ध". According to the complainant because of this police called him and asked him to publish a rebuttal and also requested him to change the statement in front of the officers but he declined. Therefore, the police issued lethal threats. Complainant has further stated that he apprehends danger to his life.

Written statement has been filed by respondent no. 5 (Shri Rai Singh, Yadav, Inspector) and respondent no. 4. In short it is stated by the police that after investigation Case no. 176/2020 was found to be truly registered and charge sheet has been filed in that case. However, the police investigation discloses that when the complainant was raising the issue about Case no. 176/2020 as having been falsely registered relying on the CCTV footage Shri Rai Singh Yadav, Inspector, Shri Rajwant Singh, Sub-Inspector, Shri Rakesh Kumar Rai, Sub-Inspector and S/Shri Jaikaran Kushwaha, Satish Maurya, Rajkumar, Constables tried to prevent him from doing so. They were trying to stop him from raising the issue therefore the said persons have been punished. They have been censured vide order no.101 dated 12.3.2022.

Today the complainant is not present but since his grievance about behaviour of the police is redressed, the Inquiry committee feels that the complaint can be disposed of. The complainant is apprehending danger to his life. He has expressed fear that he may be harmed by the police. Shri Ganga Prasad, Inspector attached to Crime Branch Hardoi is present before the Inquiry Committee. The Inquiry committee directs him to take steps to see that the complainant is not harmed. The complainant however may approach the concerned government department for security if he apprehends danger to his life. The complainant has stated that the arms licence issued in his father's name is not being transferred in his name. No direction for transfer of arms license can be given by the Press Council of India. In this connection he may approach the appropriate authority which shall consider his request in accordance with law.

In the circumstances, since the complainant's basic grievance about the police is redressed, the Inquiry Committee recommends to the Council to dispose of the case with the above observations.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dispose of the case with aforesaid observations.

Press Council of India

S.No.9

File No. SM/APRIL/02/2021-B-PCI

Suo-motu cognizance with regard to death of Shri Parag Bhuyan, Senior Journalist, Pratidin Group and Vice-President of the Tinsukia District Journalists' Association.

Adjudication dated 21.8.2023

The Press Council of India took note of the International Federation of Journalist's (IFJ) 30th Annual Report with regard to death of Shri Parag Bhuyan, Senior Journalist, Pratidin Group and Vice-President of the Tinsukia District Journalists' Association.

It was reported in the IFJ Annual Report that Shri Parag Bhuyan was fatally injured when a vehicle struck him and a fellow journalist from behind, while walking on a highway near his home in Assam province. Shri Bhuyan was flung 15 feet in the air, suffering severe head injuries and he died in a nursing home the following day.

According to a news report, on November 12, 2020 police arrested the driver, a commercial transporter of tea leaves, and his assistant and confiscated the car. In a statement published in a local outlet INSIDENE, the channel's editor-in-chief, Nitumoni Saikia said that he suspects that the journalist was murdered, possibly in retaliation for his reporting on corruption.

Shri Shiladitya Chetia, Superintendent of Police, Tinsukia has stated that the incident appeared to be an accident and that the driver told the police that he unintentionally swerved into the journalist after he saw a vehicle coming from the opposite direction. But Bhuyan's brother Sh. Jagadish Bhuyan, a former State Minister, claimed that the journalist's killing was related to his work, calling it a "murder of journalism", according to the reports. He has stated that his brother was under threat, and that individuals also approached him to stop his brother's investigations into cow, coal, and timber smuggling. Shri Sarbananda Sonowal, Chief Minister announced on Twitter that Criminal Investigation Department (CID) of the Assam Police would take over the investigation from the Tinsukia Local Police. According to Pratidin Times, on November 13, CID officials travelled to Tinsukia for an initial investigation. Talukdar told that they are expecting result from the CID investigations very soon.

While taking suo-motu cognizance of the matter, the Council has issued Notice for Statement in Reply to the Chief Secretary, the Secretary Home (Police) Department, Government of Assam and the Director General of Police, Assam on 09.04.2021 followed by a reminder dated 14.06.2021.

Reply filed by the Home (Police) Department, Government of Assam

The Joint Secretary to the Government of Assam, Home & Political Department, Dispur vide letter dated 08.07.2021 submitted that the Officer-in-Charge, Kakopathar Police Station, District Tinsukia, Assam vide his report dated

22.06.2021 informed that on 11.11.2020 at about 8.15 p.m. Shri Parag Bhuyan was knocked down by one DI vehicle bearing registration No.AS-23-AC-7881 and got grievous injury and shifted to D.C. Borah Nursing Home, Rupai for treatment in serious condition but the Doctor of the said Nursing Home referred him to AMCH, Dibrugarh for better treatment. He has stated on 12.11.2020 at about 9.35 he died. In this regard, on 12.11.2020 a case No.50/2020 U/S 120(B)/302 IPC was registered and accordingly the Drivers of the said Vehicle namely Shri Baba Bordoloi and Shri James Murah were arrested and sent them to judicial custody. Also the said involved vehicle seized from Namsai Police Station, (AP). He has stated that vide Memo No.G/VI/TSK/2020/06 dated 12.11.2020 the case was transferred to CID, Assam, Guwahati and the I.O. of the case handed over the original case diaries and along with all related documents to CID, Assam, Guwahati. He has stated that after investigation of the said case had been submitted as C.S. vide Kakopather P.S. C/No.04/2021 dated 15.03.2021 U/s 279/304(A)IPC and submitted the same before the Hon'ble Tinsukia Court on 08.04.2021.

The Joint Secretary to the Government of Assam, Home & Political Department vide his subsequent letter dated 06.01.2023 has forwarded a copy of report dated 21.01.2023 submitted by Shri Hari Charan Pathak, APS, Dy. Superintendent of Police, CID, Assam, Guwahati. It has been stated in the report that Kakopathar P.S. Case No.50/2020-Under Section 120/(B)/302-IPC was transferred from Kakopatha, Police Station to CID, Assam, Guwahati for investigation. It has been stated in the report that the case was investigated by Shri Pradip Kumar, the then Dy. Superintendent of Police, CID. It has been further stated in the report that on completion of the investigation, a chargesheet No.04/2021 under Section 279/304A-IPC dated 15.03.2021 against Driver, Shri JamashMurah, S/o Shri Kamil Murah of Samaguri, P.S. Namsai, District Namsai, Arunachal Pradesh has been filed by Kakopathar Police Station. It has been further stated in the report that the case was sent to the Hon'ble Chief Judicial Magistrate, Tinsukia for trial through the officer-in-Charge Kakopathar Police Station.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 27.6.2023 at New Delhi. Shri Amrit Bhuyan, Superintendent of Police, CID appeared on behalf of the Director General of Police, Assam Police.

The Press Council of India took Suo-motu notice of the International Federation of Journalist 30th Annual Report with regard to death of Shri Parag Bhuyan, Senior Journalist, Pratidin Group and Vice-President of the Tinsukia District Journalists' Association.

As per the said report, Shri Parag Bhuyan was fatally injured when a vehicle struck him on a highway near his home in Assam. Shri Parag Bhuyan suffered serious injury and died in a nursing home. The Police arrested the driver, a commercial transporter of tea leaves, and his assistant and confiscated the car. The Editor of a channel stated that he was murdered.

Shri Parag Bhuyan's brother Shri Jagadish Bhuyan, a former State Minister claimed that the journalist's killing was related to his work. According to him, his brother was investigating into cow, coal, and timber smuggling and, therefore, he was killed in retaliation of reporting on such issues. It appears that Shri Sarbananda Sonowal, the then Chief Minister of Assam announced on Twitter that Criminal

Investigation Department (CID) of the Assam Police should take over the investigation from Tinsukia Local Police. It appears that accordingly, CID took over the investigation and has submitted its report.

Shri Amrit Bhuyan, Superintendent of Police, CID, Tinsukia is appearing on the behalf of DGP of Assam before the Inquiry Committee. The investigation report of the CID dated 21.01.2023 states that Shri Parag Bhuyan died in an accident. The Police filed charge sheet against the driver, Shri Jamash Murah, under Section 279/304(A) IPC.

In view of this report, the Inquiry Committee is of the opinion that no suspicious circumstances surround Shri Parag Bhuyan's case, he died in an accident and hence, Inquiry Committee recommends to the Council to accept the CID report and dispose of the case.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dispose of the case.

Press Council of India

S.No.10

Case No.112/2021-B/PCI

Complainant

Shri Gautam Jain,
Publisher, Marumanch,
Balotra, Rajasthan.

Respondent

1. The Chief Secretary,
Government of Rajasthan
Jaipur.
2. The Chief Administration Secretary,
Swayat Shashan Vibhag, Govt. of Rajasthan,
Jaipur.
3. The Administration Secretary,
Autonomous Government Department
Jaipur.
4. Shri Deepak Ji Nandi,
Director Local Bodies,
Jaipur.
5. Shri Dalvirsingh Thadda,
Dy. Director Autonomous,
Jodhpur, Rajasthan.
6. Shri Purushotam Sharma,
Managing Director Rajasthan Conversation,
Information and Public Relations
Directorate, Jaipur.
7. Shri Shivpal Singh
Commissioner,
Municipal Council Baltora,
District Badmer, Rajasthan.

Adjudication dated 21.8.2023

This complaint dated 09.04.2021 has been filed by Shri Gautam Chand Jain, Publisher, Marumanch Dainik, Balotra, Rajasthan against the Commissioner, Municipal Council, Baltora, Rajasthan for allegedly non-issuance of advertisement to his newspaper.

The complainant has stated that his newspaper is published from Balotra district Barmer as per the rules under the provisions of PRB Act. His Newspaper is approved for advertisements by the Central and State Governments. The complainant has stated that the advertisements of the Municipal Council Balotra are being published regularly since the year 2012 in his newspaper. He has alleged that after re-posting of Shri Shivpal Singh, Commissioner, Municipal Council, Balotra, the advertisements received by his newspaper are being curtailed, but the file copies are being published in the small newspapers from outside the district. He has alleged that his newspaper is being deliberately denied advertisements. He has stated that

he has informed the Commissioner and his higher officers from time to time in this regard. Angered by this, the Commissioner Municipal Council, Balotra deliberately neglected the local newspapers of the district and deprived them of advertisements, which is a violation of the freedom of the Press. The complainant has stated that due to this he is suffering heavy loss. He has requested the Press Council of India to direct the Rajasthan Government officials to give the instruction to the Commissioner, Municipal Council, Balotra for giving advertisements as per rules.

Notices for written statement were issued to the respondents on 30.09.2021.

Comments filed by the Commissioner, Municipal Council, Balotra

The Commissioner, Municipal Council, Balotra, Rajasthan vide his reply dated 09.11.2021 has stated that on behalf of the Autonomous body, advertisements, Press Releases/objections, general-notices, objection-notices, etc., press note are published through Rajasthan Sanvad as per the orders of the Director and Special Secretary, Autonomous, Government Department, Rajasthan, Jaipur. Tenders of the Municipal Council, which are paid by the Municipal Council themselves, are sent for publication through "Rajasthan Sanvad" and takes the process of publication in newspapers from the level of "Rajasthan Sanvad", in which the body has no role. The objections on behalf of the City Council to 90-A, which was not published through "Rajasthan Sanvad", it is given for publication in the newspaper at the applicant's own level and paid for the same by the applicant himself and not done by City Council.

Counter comments filed by the complainant

The complainant vide his counter comments dated 05.01.2022 reiterated his complaint and further stated that reply filed by the Commissioner, Municipal Council, Balotrais false and incorrect. The complainant has stated that objections to several types of releases on land regulation matters 90-A/building approval/agriculture regulation/etc. have been published in the newspapers by the Commissioner, Municipal Council, Balotra, by issuing directly to the favourite newspapers at his own level, for which payment of lakhs of rupees have been made against the rules of the Municipal Council.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 27.6.2023 at New Delhi. While the complainant appeared in person, the respondents were represented by Shri Shiv Pal Singh, Commissioner, Municipal Corporation, Balotra, Barmer.

Shri Gautam Chand Jain, Publisher, Marumanch Dainik, Balotra, Rajasthan has filed this complaint basically making a grievance that his newspaper is not being issued advertisements which is causing serious difficulties. According to the complainant, this is arbitrary behaviour on the part of the respondent and, therefore, action needs to be taken by the Press Council of India.

Today, the Complainant, Shri Gautam Chand Jain and the Respondent, Shri Shiv Pal Singh, Commissioner, Municipal Council Baltora, District Barmer, Rajasthan are present before the Inquiry Committee. Both of them have told the Committee that the matter is compromised. A letter in which compromise is recorded and signed by the complainant as well as Shri Shiv Pal Singh is tendered in the meeting. It is

taken on record and marked 'X'. It is stated in this letter that in view of compromise the complainant wants to close the matter because he has been given assurance that as per the rules advertisements will be issued to his newspaper. Shri Shiv Pal Singh reiterates that the complainant will be issued advertisements as per the rules. This statement is accepted by the Inquiry Committee.

In view of this, the Inquiry Committee recommends to the Council to close the complaint as the parties have compromised the matter.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to close the case being settled.

Press Council of India

Item No.11

File No. SM/SEPT./01/2022-B-PCI

Suo-motu cognizance taken by the Press Council of India regarding Police assault on Media person in Odisha – regarding.

Adjudication dated 21.8.2023

The Press Council of India took suo-motu cognizance when it comes to its notice through Shri Prasanna Kumar Mohanty, Member Press Council of India that while a group of media persons had been to the Police Station to collect information, the Additional Superintendent of Police, Shri Jaykrushna Behera has abused the Media Persons and assaulted them with a hard plastic pipe very inhumanly and three reporters are critically wounded because of such barbaric action and many are also affected. He has further informed that such type of incidents are repeated happening in Odisha. He has requested the Press Council of India to take action in the matter.

While taking suo-motu cognizance of the matter, the Council issued Notice for Statement in Reply to Government of Odisha on 21.09.2022.

Reply filed by the Addl. Director General of Police (L&O), Odisha, Cuttack.

The Additional Director General of Police (L&O), Odisha, Cuttack, vide his letter dated 21.10.2022 submitted that the matter was got enquired into by the Superintendent of Police, Nabarangpur, who in his report submitted that one Ms. Kutuban Nisha belongs to Muslim Community of Bargarh district was staying with one Shri Om Prakash Gyanchand Das of Satnami Sahi, Papadahandi Police Station under Nawarangpur district after leaving her first husband and child in Bargarh. In this regard a case was registered by S.K. Basim Raja who is the lawful husband of her. It has been further stated in the report that when father of the Sh Om Prakash Gyanchand Das informed the local police about the alleged kidnapping of his daughter-in-law, the police of Papadahandi Police Station informed Moidalpur out post to detain the vehicle immediately. Subsequently, Shri Sibaji Prasad Panda, Sub-Inspector informed IIC Papadahandi P.S. and Additional Superintendent of Police, Nabarangpur over telephone. When Shri Panda, S.I. reached at Moidalpur out post he found that Ms. Kutuban Nisha was being taken away by her family members against her will, consent and repeated protests. It has been stated in the report that when she was not interested to proceed to Bargarh and willing to stay with Sh. Om Prakash Gyanchand Das, then Shri Panda, SI arranged for a vehicle and brought her back to Papadahandi Police Station.

It has been stated in the report that after a while SDPO, Papadahandi, Shri Aditya Sen and Shri Jaykrushna Behera, Additional Superintendent of Police, Papadahandi, Police Station arrived at Papadahandi Police Station to enquire into the matter then Additional S.P. Shri Behera decided to send back Ms. Kutuban Nisha to Bargarh despite her vocal refusal. Sh. Behera refused to allow Shri Aditya Sen, SDPO, and Inspector Sh. Rameswar Pradhan to intervene in this matter and unilaterally decided and arranged escort party with a vehicle from Reserve Office, Nabarangpur directing the escort party to take Ms. Kutuban Nisha to Bargarh at any cost.

It has been stated in the report that in the mean time the local media persons viz. Sh. Sumit Kumar Ghantha (Argus News representative), Sh. Prabeen Kumar Satnami (Sakal Khabar reporter) and Shri Om Prakash Karam Chand Das (Pragatibadi reporter) requested Addition Superintendent of Police, Papadahandi not to force Ms. Kutuban Nisha to go to Bargahr as she is major. At this Shri Jaykrushna Behera, Addl. SP got annoyed and started misbehaving with the media persons, as well as other family members of Shri Om Prakash Gyanchand Das. When the media persons took photos and videos of the abusive behavior of Additional Superintendent of Police, Papadahandi, he suddenly got provoked and started assaulting three media persons as well as other family members of Shri Om Prakash Gyanchand Das by means of one plastic pipe. He snatched the mobile phone from the media persons who were video graphing the situation and broke it. However due to intervention of Superintendent of Police, Nabarangpur, the escort party returned back to Papadahandi along with Ms. Kutuban Nisha. It has been stated in the report that the issue has been taken utmost seriousness and enquiries have been conducted by Sr. Police Officers for taking appropriate action against Shri Shri Jaykrushna Behera, Addl. SP, Nabarangpur and he has been transferred from Nabarangpur district and posted Addl, SP Communication, Odisha, Cuttack.

Further Reply from Addl. DG of Police (Hdqrs.), Odisha Police

The Addl. DG of Police (Hdqrs.), Odisha Police, Cuttack vide his letter/email dated 23.6.2023 has informed that the matter has been viewed very seriously and enquired into by senior officers of the department. Sri J.K. Behera, Addl. Superintendent of Police, Nabarangpur has already been transferred out of Nabarangpur district and posted at the State Police Headquarters vide Notification No.2181/OP dated 21.8.2022. It has been further stated that he has been relieved from Nabarangpur district vice letter No.1575/E dated 21.9.2022. In addition, the Government of Odisha has taken the issue very serious and Departmental Proceeding has been instituted against him vide Home Department Memorandum No.243/SPS dated 2.1.2023.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 27.6.2023 at New Delhi. Dr. Chandra Shekhar Hotta, Deputy Superintendent of Police, Nabarampur appeared on behalf of the Government.

The Press Council of India took Suo-motu cognizance when it came to its notice through Shri Prasanna Kumar Mohanty, Member of the Press Council of India that while a group of media persons had been to the Police Station to collect information, the Additional Superintendent of Police, Shri Jaykrushna Behera abused the Media Persons and assaulted them with a hard plastic pipe very inhumanly and three reporters were critically wounded because of such barbaric action.

Today before the Inquiry Committee, Dr. Chandra Shekhar Hotta, DSP, Nabarampur is present. He is representing State and Police authorities of Odisha. He has brought to our notice that after this incident, the Government of Odisha has viewed the matter very seriously. The matter was enquired into by Senior Officers of the Department (Shri Varun Guntupalli, IPS, Superintendent of Police, Koraput) and Shri J. K. Behera, Additional SP, Nabarangpur has already been transferred from Nabarangpur district and posted in the State Police Headquarter, Cuttack vide

Notification No. 2181/OP dated 21.08.2022. He has already been relieved from Nabarangpur district vide letter No. 1575/E dated 21.09.2022.

In addition to that Government of Odisha has initiated departmental proceedings against him vide Home Department Memorandum No. 243/SPS dated 02.01.2023. In view of this action taken by the Government of Odisha, it is not necessary to keep this Suo-motu proceedings pending. Inquiry Committee records its satisfaction at the steps taken by Government of Odisha. The Inquiry Committee recommends the Council to close the suo-motu proceedings.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to close the suo-motu proceedings in wake of satisfactory steps taken by the Government of Odisha.

