

Adjudications Rendered by the Council on 21.09.2020

Section 13 – Complaints by the Press

Cases heard by Inquiry Committee-II in its meeting held on 20th & 21st January, 2020 at New Delhi.

<u>S.No.</u>	<u>File No.</u>	<u>Subject</u>
1.	13/82/18-19	Complaint of Shri G.N. Tiwari, Managing Editor, Youth Agenda, Patna against the police authorities and Bihar State Housing Board, Patna
2.	13/5/19-20	Complaint of Shri Rakesh Kathuriya, Reporter, Divya Himachal, Kangra, Himachal Pradesh against District Public Relations Officer, Kangra
3.	13/67/18-19	Complaint of Shri D.D. Mittal, Secretary, All India Small Newspapers Association, Uttarakhand against Information & Public Relations Department, Government of Uttarakhand
4.	13/110/18-19	Complaint of Shri Harishyam Bajpayee, Editor, The Telecast, Hardoi against Shri Shyam Prakash, MLA and others
5.	13/70/19-20	Representation received from the Telangana State Union of Working Journalist against Commissioner, Information & Public Relations Department, Government of Telangana
6.	13/220/18-19	Complaint of Shri Ramcharan Mali, Editor, Vanvasi Express, Rajasthan against Information Department, Govt. of Rajasthan
7.	13/174/18-19	Complaint of Shri Shiv Kumar Aggarwal, Editor, Shahid Bhagat Singh Times, New Delhi against anti-social elements and others
8.	13/183/17-18	Complaint of Shri Ratheesh K.V., Publisher, Yuva Darsanam, Kerala against the Registrar of Newspapers for India (RNI)
9.	13/9/19-20	Complaint of Shri Pitabasa Mishra, Editor/Publisher, Utkal Mail, Rourkela, Odisha against the Information & Public Relations Department, Govt. of Odisha.
10.	13/93/19-20	Complaint of Shri D.D. Mittal, Secretary, All India Small Newspapers Association, Uttarakhand against Information & Public Relations Department, Government of Uttarakhand
11.	13/153/SM/19-20	Suo-motu cognizance on G.O.RT. No. 2430 dated 30.10.2019 of Government of Andhra Pradesh
12.	13/198/18-19	Complaint of Shri Bashir Manzar, General Secretary, Kashmir Editor's Guild, Jammu & Kashmir against Government of Jammu & Kashmir
13.	13/41/19-20	Complaint of Shri Fayaz Ahmad Kaloo, Editor-in-Chief, Greater Kashmir/Kashmir Uzma against the Govt. of Jammu & Kashmir.
14.	27/29/17-18	Appeal of Shri Bhudev Prasad, Owner/Publisher, Aligarh Hungama, Aligarh, U.P. dated 17/4/2019 regarding the

		authenticate copy of Declaration of transfer of title and ownership of Aligarh Hungama.
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Cases heard by Inquiry Committee-I in its meeting held on 25th & 26th February, 2020 at New Delhi.

<i>S.No.</i>	<i>File No.</i>	<i>Subject</i>
15.	13/147/18-19	Complaint of Shri Deepak Nihalchand Gupta, Editor & Shri Atish D. Tripude, photographer of Shri Kanyakubj Vaishybhumi (Magazine), Nagpur against The Police Authorities.
16.	13/8/19-20	Complaint of Shri Tarakaant Dwivedi, Editor, Dainik Jan Swabhimani, Mumbai against Shri Deven Bharti, Joint Commissioner of Police, Mumbai
17.	13/130/17-18	Complaint of Shri Basant Kumar, Publisher, Prakash Bulletin against Registrar, RNI, New Delhi.
18.	13/54/19-20	Complaint of Shri Sushil Chaudhary, Publisher, Dainik Gonadoot, Agartala, against Director, Tripura State, Information & Cultural Affairs, Agartala.
19.	13/203/18-19	Complaint of Shri Dharmendra Singh Ranera, Editor of Times of Mandsaur against Shri Ishwar Lal Chauhan and Shri Vinod, M.P.
20.	13/199/18-19	Complaint of Shri Vijay Kumar, Dainik Jagran against Dr. Satyendra Kumar Sinha, Medical Officer, CMO, Primary Health Centre and the Superintendent of Police, Nawada, Bihar
21.	13/23/19-20	Complaint of Smt. Mahmooda Mansoori, Publisher, Dainik Avantika Herald, Ujjain against the RNI.
22.	13/115/19-20	Complaint of Shri Avinash Saxena, Reporter, Modern Reporter Weekly, Meerut against Shri Mukesh Gupta, Editor, Dainik Aaj ki Dastan, Meerut.
23.	13/154/19-20	Complaint of Smt. Mahmooda Mansoori, Publisher, Dainik Avantika Herald, Ujjain against the DAVP.
24.	13/211/18-19	Complaint of Ms. Priyanka Borpujari, Journalist & Member, Mumbai Press Club, Mumbai against Mumbai Police.

Press Council of India

S.No. 1

F.No.13/82/18-19-PCI

Complainant

Shri G.N. Tiwari,
Managing Editor,
Youth Agenda, Patna.

Respondent

The Chief Secretary,
Government of Bihar, Patna

The Secretary,
Home (Police) Department,
Government of Bihar,
Patna.

The Director General of Police,
Bihar Police, Patna.

The Managing Director,
Bihar State Housing Board,
Patna.

Adjudication dated 21.09.2020

Facts

This complaint dated 5.8.2018 has been filed by Shri G.N. Tiwari, Managing Editor, Youth Agenda, Patna against the police authorities for intruding illegally in their office premises and arresting the Assistant Editor, without any prior Notice and Warrant.

The complainant has informed that one dozen policemen came in two cars and barged into their office premises, and manhandled their employees and forcefully arrested and handcuffed their Assistant Editor, Shri Ramesh Kumar Chaubey. The complainant further informed that looking into the grave situation he and Editor, Shri Shashi Shekhar went to the District police station and when they reached the police station, the police took him and the Assistant Editor to the Airport Police Station. The SHO and Munshi seized mobile phone, gold chain, Rs.6700/- in cash and ATM Card, Driving License, Aadhaar Card, Pan Card and other necessary documents of Shri Ramesh Kumar Chaubey and put him behind the bars. After some time the informant, Smt. Uma Singh, Police (Sports In-charge) reached there and used unparliamentarily language with the Assistant Editor and directed the Munshi to free him from lock up and threatened him of an encounter. The Munshi snatched the mobile phone of the managing editor, and deleted videos and photographs and returned the mobile. The complainant further stated that all these issues were conspired against him because Youth Agenda has brought out corruption and exposed scam of the informant, Smt. Uma Singh. He has further stated that after publication of the news item in their magazine, government has ordered for departmental inquiry in the matter and appointed Shri Paras Nath, Superintendent of Police(Headquarters) as inquiry officer who has also called the Assistant Editor. Annoyed with the publication of impugned news item, the police has filed an FIR no.153/18 dated 18.7.2018 against the complainant and others thereby suppressed the freedom of press.

No Reply

Notices for Statement in Reply were issued to the Government of Bihar on 4.9.2018 followed by a reminder dated 18.2.2019, but no response has been received.

Further Communication from Complainant

The complainant vide his another letter dated 23.1.2019 informed the Council that police authorities in connivance with the Bihar State Housing Board authorities as a reprisal measure has sealed his office, which was on rent, in the absence of his employees. According to the complainant the matter was pending consideration before the Hon'ble Court regarding rent, but the police authorities/administrative authorities are not bothered to give information regarding breaking of lock of their office. The complainant addressed a complaint in this regard to the Hon'ble Chief Minister, Director General of Police, Minister and the concerned Police Station but his complaint has not been registered. The complainant requested the Council to take necessary action against the respondent.

No Reply

Notice for Comments dated 18.2.2019 was also issued to the Managing Director, Bihar State Housing Board, Patna but no response has been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.01.2020 at New Delhi.

Despite service of notice, the complainant has not chosen to appear. Nobody is present on behalf of the respondent also.

In their absence, the Inquiry Committee is not inclined to proceed in the matter any further and recommends for disposal of 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 dispose of the complaint.

Press Council of India

S.No. 2

F.No. 13/5/19-20-PCI

Complainant

Shri Rakesh Kathuria,
District Correspondent,
Divya Himachal, District Kangra,
Himachal Pradesh

Respondent

The Chief Secretary,
Himachal Pradesh Govt.

The Director,
I&PRD,
Himachal Pradesh Govt.

Shri Pradeep Sharma,
Under Secretary (Information
and Public Relation), Himachal
Pradesh Government

Adjudication dated 21.09.2020

This complaint dated 31.03.2019 has been filed by Shri Rakesh Kathuria, District Correspondent, Divya Himachal, Distt. Kangra against the District Public Relation Office, Kangra for not reimbursing the amount due to him under scheme of H.P. Govt. for the journalists in emergency.

The complainant informed that he had met with a road accident near Parora and got hidden injuries in chest and his wife's shoulder also got fractured. He had to bear the expenditure of rupees one and a half lakh for the treatment of which expenditure to the tune of Rs.30,000/- were incurred on his treatment. According to the govt.'s scheme, he should be compensated after admission at the hospital in emergency. After this, he contacted the office of the District Public Relation, Kangra for compensation. The office informed him to submit a copy of hospital bill and FIR for processing the compensation claimed. He filed all the documents solicited by the Department in this regard. Thereafter, he received a letter from IFFCO TOKIO Insurance Company stating that he is not eligible for compensation as in insurance, there is a provision to compensate only in case of disability or the death of journalists. The complainant asked whether the scheme is only for collection of the documents. He wanted to know whether that the government's scheme for welfare of the journalists is being executed or not. He has requested for the defining provision related to compensation of Rs. 2 1/2 lakh during medical emergency so that the journalist may be aware in future and if the scheme is being implemented then he may be provided compensation otherwise his all documents submitted be returned to him.

A copy of complaint was forwarded to the respondent Chief Secretary and Director, H.P. Govt. on 24.4.2019 for providing scheme related documents.

Communication of Shri Pradeep Sharma, Under Secretary (I&PRD), H.P.Govt.

The respondent vide letter dated 10.5.2019 has forwarded a copy of H.P.Patrar Kar Kalyan Yojna 2017 and at point 7(a)(iii) of the Rule says that in case of death during attack or any untoward incidence or violence upto Rs.3,00,000/- can be reimbursed. Further, at point 7(a)(iv) it is stated that in case of medical emergency, Rupees fifty thousand only as per emergent need for major disease as kidney transplant, heart disease, cancer etc. The clause 7(a) (iv) was partially amended in 2018 as in case of medical emergency upto Rs. 2.5 Lakh only as per emergent need for major disease as kidney transplant, heart disease, cancer etc.

Comments of the Director, I&PRD, H.P., Shimla

The respondent vide letter dated 29.5.2019 informed that for the welfare of the journalists, subsidies are being provided to the serving or retired accredited journalists and their dependents in adverse circumstances under the H.P. Patrar Kar Kalyan Yojna, 2017 by the Himachal Pradesh govt. Besides, under the Group Accident Insurance Coverage Scheme for the accredited and recognised journalists, casualty insurance is being provided to the accredited journalists upto Rs. 5.00 lakh and to the recognised journalists upto Rs. 3.00 lakh by the Himachal Pradesh govt. Under this scheme, subsidies are provided on the death of journalist in accident, permanent total disablement and permanent partial disablement. In this regard, he has forwarded a copy of policy no. 54484676 received from the IFFCO-TOKIO General Insurance Company Limited, Shimla.

Further comments of the Director, I&PRD, Shimla, H.P.

The Director vide comments dated 7.8.2019 while reiterating his submissions submitted that insurance claims of the correspondents are being conducted from IFFCO TOKIO General Insurance Company Ltd. and insurance amount to the press correspondents are paid by the State Government.

He submitted that the reimbursement matter of the complainant was forwarded by the District Public Relation Officer, Kangra, vide letter dated 27.10.2018 to his office. The said matter was sent to the Branch Manager, IFFCO TOKIO General Insurance Company Ltd, Shimla on 10.12.2018 for necessary action. In this regard, the IFFCO TOKIO General Insurance Company Ltd. Chandigarh vide letter dated 28.01.2019 sought some information from his office. The District Public Relation Officer, Kangra sent the desired documents to the Insurance Company on 21.02.2019 for necessary action, after receiving from the complainant. The IFFCO TOKIO General Insurance Company vide letter dated 20.3.2019 informed that according to the accidental insurance policy, insurance amount can be given on the death of correspondent or on permanent total disablement or permanent partial disablement and in the case of Shri Rakesh Kathuria, he got only injuries which are not covered under the policy. Besides, the complainant has been provided with Press

Accreditation from Sub-divisional Kangra which is valid upto 31.12.2019. The request letter of the complainant for reimbursement to the District PRO, Kangra has been forwarded to the concerned Insurance Company. The documents of the complainant for compensation have been asked by the Insurance Company and not by the department.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.01.2020 at New Delhi. There was no appearance on behalf of the complainant whereas the Dy. Director, I&PRD, Govt. of Himachal Pradesh, Himachal Pradesh, represented the respondent Department.

The complainant sustained injuries in a road accident and had spent huge amount on his treatment. Fortunately he did not suffer permanent disability. It is brought to the notice of the Inquiry Committee that the respondent Government has a scheme for welfare of the journalists i.e. Himachal Pradesh Patrakar Kalyan Yojna, 2017. It has further been informed to the Inquiry Committee that accredited journalists are insured with insurance company. According to the respondent, the complainant is not entitled to get benefit of the Group Insurance Scheme because that applies in case of death or permanent disability.

By very nature of their work, journalists have to move from one place to other. Taking into consideration this aspect, the Inquiry Committee would like to observe that when the Government covers the journalists under a Group Insurance Scheme, it should also consider covering them for injuries during accidents also. Had it been so, perhaps the complainant ought to have got some relief under the Group Insurance Scheme. The Government of Himachal Pradesh shall be well advised to consider this aspect of the matter for mitigating the plights of journalists. In the facts and circumstances of the case and taking into consideration the plight of the complainant, the Inquiry Committee would like to direct the respondent State Government to consider the prayer for providing financial assistance in terms of Rule 6 of the Himachal Pradesh Patrakar Kalyan Yojna, 2017. The respondent State Government shall consider and take final decision in this regard within six weeks from today. The respondent Government shall provide to the Secretary of the Council the decision taken as directed above. The Inquiry Committee recommends for disposal of the complaint with aforesaid direction.

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 with aforesaid directions.

Press Council of India

S.No.3

F.No. 13/67/19-20-PCI

Complainant

Shri Deen Dayal Mittal,
National Organiser/Secretary General,
All India Small Newspapers
Association, Uttarakhand.

Respondent

The Director General,
Deptt. of Information and
Public Relation,
Uttarakhand.

Adjudication dated 21.09.2020

This communication dated 12.6.2019 has been filed by Shri Deen Dayal Mittal, National Organisation/Secretary General, All India Small Newspapers Association, New Delhi in connection with empanelment of websites for advertisements. He has requested that previous enlistment can be made effective by cancelling the process of tender offers unilaterally in relation to enlisted websites in the category of 'd' 'k' 'x', for advertisements.

According to Shri Mittal, Information & Public Relation Department, Uttarakhand by its advertisement No. 244/सू० एवं लो० स० वि० (क्षे०प्र०फो०फि०) 42/2015 dated 14 September, 2018 under the provisions of "Uttarakhand Social Media Rules 2015" and "Amended Rules 2015" has invited tender for enlisting the websites for the advertisements in the 'a', 'b', and 'c' categories. The last date for submission of proposal was 05 October, 2018 but by another advertisement No. 246/सू० एवं लो०स०वि० (क्षे०प्र०फो०फि०) 42/2015 dated 20.09.2018 of the Department, previous tender was cancelled due to unavoidable reasons and it was also mentioned in the tender notice that the previously enlisted agencies/firms will remain unchanged until further process. In this regard, facts are submitted as under:

1. The complainant informed that it has been mentioned in the last paragraph of the advertisement No. 244/सू० एवं लो० स० वि० (क्षे०प्र०फो०फि०) 42/2015 dated 14 September, 2018 that in departmental tender No. 130/सू० एवं लो० स० वि० (क्षे०प्र०फो०फि०) 42/2015 dated 10 August, 2017, all news portal/websites which are presently enlisted in the department are required to participate in the said tender vide departmental tender No. 130/सू० एवं लो० स० वि० (क्षे०प्र०फो०फि०) 42/2015 dated 10 August, 2017. After the completion of the fresh enlisting process, previous enlistments will automatically stand cancelled. In this regard, it will be appropriate to clarify that in the past, few firms/agencies have been enlisted which were influential in the political field and were not comfortable with the new process. Keeping in mind the upcoming election year, the said agencies got cancelled the new process by putting undue pressure. Such type of incidents sends out a wrong message to the public, as a result the image of the government is constantly getting defamed.

2. The complainant further stated that the delegation of “All India Small Newspapers Association” met twice regarding new process of enlistment. Apart from this, other journalist associations had also apprised, but the department always informed that the case is pending at the Finance Department / Secretary Level and no action has been taken for new enlistment process. In this regard the complainant further clarified that the youth/firms/agencies are engaged in disseminating the activities and achievements of government on the websites, for a long time and a lot of money, time and energy is being spent on the same. In such a situation, if the government ignores the said category, it is not in public interest and the case is being kept pending for the last 9 months.
3. The complainant further drew the attention that due to the availability of the Social Media Rules, 2015 duly approved by the government at this time are available and the advertising related work is being done following the said rules. The complainant has requested for necessary action in the matter.

A letter was sent to the respondent I&PRD, Dehradun for comments on 23.7.2019.

Comments of the respondent

The respondent vide letter dated 1.8.2019 submitted that Regarding point-1 of the report, it is to inform that as per the Departmental Rules, the enlistment process can be carried out through tender only.

In 2018, a tender No. 244, was published to carry out enlistment process but at that time, certain journalist organisations forwarded letters and expressed their objections on the enlistment process through tender, after which, the said enlistment process was cancelled. The Rules have been submitted to the government for amendment.

Keeping in view, delay by the government in the process of amendment of the said rules, a request has been made to expedite the said process vide departmental letter No. 209 dated 28 June, 2019. In continuation to letter No. 302, dated 12 July, 2019, DAVP is requested to make the rules available through correspondence. Keeping in view, delay in the process of amendment of the said rules, the enlistment process has been expedited by the department as per current Social Media Rules 2015.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.01.2020 at New Delhi. There was no appearance either from the complainant or the respondent side.

Despite service of notice, the complainant has not chosen to appear. The Inquiry Committee has perused the complaint and it seems that the grievance of the complainant is in relation to empanelment of website for advertisement. Website is not within the jurisdiction of the Council.

In view of the aforesaid, the Inquiry Committee is not inclined to look into the grievance of the complainant and accordingly recommends for dismissal of 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 dismiss the complaint.

Press Council of India

S. No. 4

F.No.13/110/18-19-PCI

Complainant

Shri Harishyam Bajpayee,
Editor
The Telecast,
Hardoi (U.P.)

Respondent

The Chief Secretary,
Government of U.P.,
Lucknow (U.P.).

The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow (U.P.)

The Director General of Police,
U.P. Police,
Lucknow (U.P.).

The Superintendent of Police,
Hardoi (U.P.).

Shri Shyam Prakash,
M.L.A.,
Hardoi (U.P.).

Shri Ravi Prakash,
Pradhan,
Gram Panchayat Bhadayal,
Block Tadiyavan,
Hardoi (U.P.)

Adjudication dated 21.09.2020

This complaint dated 19.9.2018 has been filed by Shri Harishyam Bajpayee, Editor, The Telecast, monthly magazine, Hardoi (U.P.) against Shri Shyam Prakash, M.L.A. and his son Shri Ravi Prakash, Pradhan, Gram Panchayat Bhadayal, Hardoi for allegedly harassing and registering false case due to publication of critical writing. According to the complainant, he received a letter dated 6.9.2018 addressed to the DIG by one Shri Raghvendra Kumar wherein it has been alleged that Shri Anshul Verma, MP; Shri Shyam Prakash, MLA and his son, Shri Ravi Prakash, Pradhan kidnapped his father. On the basis of this letter, he published a news in his magazine issue dated 6.9.2018 under the caption “हरदोई में बीजेपी विधायक व सांसद पर एक बेटे ने लगाया अपने पिता के अपहरण का आरोप” wherein version of Shri Anshul Verma, MP and Shri Shyam Prakash, MLA was also published prominently. The complainant has submitted that the same news was also published by other leading newspaper on 7.9.2018. Due to publication of these news items, the kidnapped person was released same day. The complainant has informed that to pacify him the respondents called him at home but he did not go. The respondent, thereafter, filed a complaint against him on MLA's letter-head to the District Magistrate and the Superintendent of Police under a conspiracy with a view to tarnish his image stating that he is fake journalist and this complaint was also posted on social media. The complainant submitted that he had drawn the attention of the District Magistrate and the Superintendent of

Police, Hardoi on 6.9.2018 and 9.9.2018 in this regard but despite their assurance, a false case No.0356/2018 under Section 384/501 IPC was registered in Police Station-Tadiyavan by Shri Shyam Prakash, MLA. Information in this regard was given by the Investigating Officer over phone on 20.10.2018. While apprehending danger to his life, he has requested the Council to take necessary action against the guilty.

Notices for Statement dated 22.11.2018 were issued to the Government of U.P. and Shri Shyam Prakash, MLA and Shri Ravi Prakash, Pradhan followed by a reminder dated 15.2.2019.

Reply received from Superintendent of Police, Hardoi

Shri Alok Priydarshi, Superintendent of Police, Hardoi vide reply dated 20.5.2019 submitted that the matter has been investigated by Shri Trigun Bisen, Additional Superintendent of Police, Hardoi. The Report states that a case was registered against the complainant with case no. 356/2018 under Sections 384/501 of IPC by one Shri Ravi Prakash in the Tadiyava Police Station. The investigation of the same is being done by Shri Akhilesh Kumar, Sub Inspector. Now, the complainant does not want any action on the complaint filed before the Press Council.

Further development in the matter

The matter came up for hearing before the Inquiry Committee initially on 28.08.2019. Mr. Trigun Bisen, Additional Superintendent of Police, Hardoi, appeared and produced before the Inquiry Committee a statement said to have been given by the complainant, Harishyam Bajpayee on 6.3.2019. The complainant Harishyam Bajpayee was also present and stated that his signature was obtained by the police under threat and coercion. The complainant prayed to file an affidavit in this regard. The Inquiry Committee acceded to the prayer and adjourned the matter.

The complainant filed an affidavit dated 17.6.2019 to the Council but it was nowhere mentioned in the affidavit that the signature on a statement produced by Mr. Trigun Bisen, Additional Superintendent of Police, Hardoi, was obtained by the Police under threat and coercion. Later vide Council letter dated 8.7.2019, the complainant was asked to file an affidavit as per Inquiry Committee's direction.

Affidavit filed by the complainant

In response to I.C.'s Order dated 28.5.2019, Shri Harishyam, complainant filed an affidavit dated 4.7.2019 stating that a Steno of Additional Superintendent of Police called him (complainant) to the Police Station to settle the matter with respect to news publication against Shri Shyam Prakash, M.P. The affidavit further states that the Police Officer had shown his inability to take action against the said M.P. and handed over a letter with statement to put signature on it to the complainant. The complainant reluctantly marked his signature on the letter. A precise difference of signature may be seen in the complaint filed before Press Council and the letter presented by the Police before him. He further submitted that Police and M.L.A. together are harassing him.

Report of the Inquiry Committee

The matter came up before the Inquiry Committee on 20.1.2020 at New Delhi. The complainant though marked his attendance but was not present at the time when the matter was called.

Despite service of notice, the Complainant had not chosen to appear. Mr. Vijay Kumar Rana, Circle Officer, Hardoi appears and states that after investigation Police had submitted charge-sheet against the complainant under Section 384 and 501 of the Indian Penal Code as back as on 8th January, 2019.

In view of the aforesaid, the Inquiry Committee is not inclined to proceed in the matter any further and recommends for disposal of 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 dispose of the complaint.

Press Council of India

Sl. No.5

File no. 13/70/19-20/PCI

Complainant

Shri K. Virahath Ali,
General Secretary,
Telangana State Union of Working
Journalists,
Hyderabad

Respondent

The Chief Secretary,
Government of Telangana,
Hyderabad.

The Commissioner,
Information & Public Relations Department,
Govt. of Telangana,
Hyderabad.

The Director,
Information & Public Relations Department,
Government of Telangana,
Hyderabad.

Adjudication dated 21.09.2020

The Telangana State Union of Working Journalist, Hyderabad vide representation dated 27.6.2019 brought to the notice of the Council regarding denial of accreditations to some newspapers in Telangana by the Commissioner of Information and Public Relations, Government of Telangana. The Commissioner of Information and Public Relations has refused to extend accreditations to the editors and reporters of two popular Telugu newspapers, Praja Paksham and Velugu, publishing from three centres, impacting the coverage of news without assigning any reason which amounts to restriction on the freedom of the press and freedom of expression. According to the representatives of the Telangana State Union of Working Journalists (TUWJ) clause 5(e) of the Telangana Media accreditation Rules 2016 issued under GO Ms. No: 239, dated 15.7.2016 says:

“A daily newspaper is entitled for accreditation to its Editor or the Correspondent recommended by the Editor from the date of its commencement initially. The additional shall be considered only after empanelment with Commissioner or after completion of six months period from its date of commencement which is later”

It is also stated that both the newspapers have respectable circulation and command respect among the public were denied accreditation despite several representations to the Commissioner. They are denying advertisements and accreditations by not empanelling these newspapers. It is also submitted that the Accreditation Committee is packed with Government nominees except three nominees from the journalists unions, which clearly violates the model accreditation rules circulated by the Press Council. He has requested the Council to take cognizance of the matter and initiate action against the Commissioner of Information and Public Relations as per rules of PCI and take steps to immediately to extend accreditation facility and release of advertisements to these newspapers.

Notices for Statement in reply were issued to the Chief Secretary, Govt. of Telangana, the Commissioner and the Director of Information and Public Relations

Department, Government of Telangana, Hyderabad on 15.7.2019 followed by a reminder dated 7.8.2019.

Reply from the Commissioner, I&PRD

The Commissioner of Information of Public Relations Department, Govt. of Telangana vide reply dated 7.8.2019 submitted that regarding criteria for issuance of advertisements as per the Govt. Order (G.O.)M.S. No 646, the newspaper which have completed 18 months from the date of RNI certificate are eligible for empanelment. The newspaper Praja Pakasham has started its publication on 20.12.2018 and has completed only 6 months and is not eligible for empanelment. In case of Velugu newspaper, the date of revised registration after change of ownership is 3.1.2019 and this newspaper completes 6 months on publication on 3.7.2019. Since both the newspapers have not put up 18 months of publication from their inception, they are not eligible for empanelment. After completion of 18 months of these newspaper publications, they may be considered for empanelment and after empanelment as per G.O. MS No. 646 department is empowered to release advertisement on roaster basis on par with other newspapers.

With regard to issuance of accreditation G.O. MS No. 239, Clause 5(e) of the Telangana Media Accreditation Rules 2016 issued under G.O. MS No. 239 dated 15.7.2016 is read as:

“A daily newspaper is entitled for accreditation to its editor or the correspondent recommended by the editor from the date of its commencement initially. The additional accreditation shall be considered only after empanelment with Commissioner or after completion of six months period from its date of commencement whichever is later”.

The respondent submitted that as per the above clause, these newspapers are entitled for one accreditation card to their editor or the correspondent recommended by the Editor initially till their empanelment. The department has invited applications for issue of accreditation cards for the year 2019-20 from the eligible media organisations through online. The department has received applications till date and is going to convene a meeting with the accreditation committee for scrutinizing and sanctioning of accreditation cards to the journalists. The managements of Praja Pakasham and Velugu newspapers may apply for one accreditation card to its Editor or the correspondent recommended by the Editor in accordance to the G.O. MS No. 239 and the same shall be placed before the accreditation Committee during the meeting for their approval and sanction the accreditation cards accordingly. After the empanelment of these two newspapers, the additional cards shall be issued as per their eligibility as is mentioned in G.O. He has further submitted that the Information and Public Relation Department is the Nodal Agency to issue accreditation cards to the journalists and the Legislature Secretariat. The Legislature Secretariat issues only media passes to the journalists for coverage of the legislative proceedings from the Media point located in the premises of the Legislative Assembly.

The respondent also provided composition of State Level Accreditation Committee comprising of twelve journalists including the Chairman, Media Academy of Telangana State and District Media Accreditation Committee comprises of eight journalists from three recognised journalist Unions and representatives and one each

from Big Daily Newspapers, Small and Medium Daily Newspapers, Video Journalists and News Photographers. There are only two government nominees in both the State and District Media Accreditation Committees and each from the TSRTC and South Central Railways to ease the process of allotting State and District level bus passes and the concessional railway facility, besides the I&PR Department official acting as a member convenor of the Committee for the benefit of the journalists at large.

He has informed that the allegations made by the Telangana State Union of Working Journalists (TUWJ) that the Accreditation Committee is packed with the Government nominees except three nominees from the journalists Union is not correct and is baseless.

Further Communication received from I&PRD, Govt. of Telangana

The Addl. Director, Department of Information & Public Relations, Govt. of Telangana, Hyderabad vide his further reply dated 8.1.2020 while reiterating their earlier reply has stated that the Department has received applications till date and convened meeting twice with the accreditation committee for scrutinizing and sanctioning of accreditation cards to the journalists and issued a total of 3068 accreditation cards. He has further stated that the management of Praja Paksham have applied for Editor's accreditation card and the same approved by the State Level Media Accreditation Committee on 25.9.2019 and the card bearing No.2824 is issued to Shri B. Kiran Kumar, Editor, Praja Paksham. He has also stated that no application for accreditation card is received from the Velugu newspaper management till date. After the empanelment of these two newspapers, the additional card shall be issued as per their eligibility as is mentioned in the relevant G.O. He has stated that the allegation of Telangana State Union of Working Journalists is baseless.

Report of the Inquiry Committee

The matter came up before the Inquiry Committee on 20.1.2020 at New Delhi. The complainant Shri K. Virahath Ali is present in person whereas Shri Navneet Ishwar Rao Joint Director appeared for the respondent.

At the request of the representatives of the respondent, the Joint Director and the PRO of the State Information Centre, Telangana state that a detailed report would be submitted by tomorrow.

Let it be done.

The matter would come up before the Inquiry Committee tomorrow.

The matter again came up before the Inquiry Committee on 21.1.2020 at New Delhi. Shri D.S. Jaggon, Joint Director appeared for the respondent.

Mr. D.S. Jaggon, Joint Director in the Govt. of Telangana states that the orders of empanelment and accreditation in relation to the two newspapers i.e. Praja Pakasham and Velugu shall be issued by the first week of February, 2020. He further states that a nominee of PCI shall be inducted as a member of the State Level Media Accreditation Committee. He states that such a Govt. order shall be issued within one month. In view of the aforesaid assurances, the Inquiry Committee is not inclined to proceed in the matter any further. However, it makes it clear that if the

respondent Government deviates from carrying out the aforesaid assurances, appropriate action shall be taken.

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.

Press Council of India

S.No.6

F.No.13/220/18-19-PCI.

Complainant

Shri Ramcharan Mali,
Chief Editor,
Vanvasi Express,
Baran (Rajasthan)

Respondent

The Director,
Information & Public Relations
Department,
Government of Rajasthan,
Jaipur (Rajasthan)

Adjudication dated 21.09.2020

This complaint dated 23.3.2019 has been filed by Shri Ramcharan Mali, Chief Editor, Vanvasi Express, Baran (Rajasthan) against Information & Public Relations Department, Government of Rajasthan, Jaipur for alleged harassment by not empanelling his newspaper for government advertisement.

According to the complainant, his newspaper is being published since 1990 and he has been continuously submitting all required documents to the respondent department. The complainant has informed that the respondent department is now asking for documents as per new Advertisement Policy, 2001, which is not possible for him to submit. The complainant has stated that he is dependent on earning from newspaper and therefore facing financial problem due to non-receipt of advertisement.

The complainant has addressed a letter dated 23.3.2019 to the respondent-department giving details of the documents already submitted by him.

A copy of the complaint was forwarded to the Director, Information & Public Relations Department, Government of Rajasthan, Jaipur 16.4.2019 for necessary action under intimation to the Council. In the absence of any reply, Notice for Statement in Reply was issued to the respondent Department on 11.6.2019.

Reply from Respondent

The Joint Director (Registration), Information & Public Relations Department, Government of Rajasthan, Jaipur vide his reply dated 12.6.2019 informed that the complainant has not complied with the mandatory requirements for empanelment of his newspaper for government advertisements despite issuance of many letters. He further stated that the Department has recently issued letters dated 19.3.2019 and 26.4.2019 to the complainant for compliance.

Further Reply from Respondent

The Commissioner & Secretary, Information & Public Relations Department, Government of Rajasthan, Jaipur vide his reply dated 16.7.2019 has informed that a letter dated 31.5.2013 was received from the complainant for empanelment of his newspaper for government advertisements. In response thereto letters dated 5.9.2013 and 15.4.2014 were issued to the complainant through Information & Public Relations Officer, Baran for complying with the required formalities as per Government Advertisement Policy-2001 but no required document was submitted by the complainant despite issuance of many reminders dated 24.6.2014, 1.7.2014,

15.7.2014 and 2.9.2014. Thereafter, Government of Rajasthan received a letter No.534 dated 20.8.2014 from Information Department, Baran for empanelment of complainant's newspaper for government advertisements but no requisite documents were provided, therefore, Govt. of Rajasthan issued letters dated 15.9.2014, 11.11.2014 & 27.11.2014 to the complainant for submitting requisite documents for removal of discrepancies but in the absence of any reply, the matter was returned in original to the Information & Public Relations Officer, Baran on 9.12.2014 under intimation to the complainant. The respondent has further stated that with reference to many letters from the complainant (addressed to the Prime Minister Office, Chief Minister Office, Govt. Portal Press Council of India etc.), vide their department's letters dated 7.4.2015, 2.6.2015, 10.7.2015, 6.8.2015, 31.3.2016, 26.4.2016, 26.5.2016, 30.6.2016, 18.10.2016, 9.2.2017, 24.5.2017, 11.10.2017, 8.1.2018, 3.5.2018, 6.6.2018, 12.7.2018, 11.9.2018, 13.12.2018, 19.3.2019 and 26.4.2019 the complainant was requested to submit the required documents but he has failed to do so. He has further stated that only after submission of requisite documents by the complainant, further action for issuance of advertisement to the complainant's newspaper can be taken.

Further Communications from Complainant

The complainant addressed a letter dated 9.8.2019 to the respondent-department stating that his newspaper is published from the tribal area and he is unable to submit the required documents as per Advertisement Policy-2001.

The complainant vide further letters dated 7.1.2020 and 10.1.2020 has submitted that he belongs to a labour-farmer family of backward tribal area. As no newspaper was available in his village, he has therefore started publishing the newspaper by highlighting the problems of poor and backward families. The complainant has stated that he takes care of his family by selling the newspaper. The complainant has further stated that due to TV news channels, his newspaper is on the verge of closure and it is difficult for him to make Declaration again and again in this inflation. According to the complainant, the Registrar of Newspapers has desired to submit Rs.15,000/- for the procedure. The complainant has reiterated that he provided the documents to the I&PRD Department many times from 1990 to 2019 but he is being deprived of the facility. The complainant submitted that he is in the age group of 50-60 and suffering physically and economically. He has requested the Council for pension to survive and to publish the newspaper.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.01.2020 at New Delhi. The complainant was not present whereas Shri Shiv Ram Meena, PRO and Shri Rajender represented the respondent.

The grievance of the complainant is of non-empanelment of the newspaper 'Vanvasi Express'. The complainant happens to be its Chief Editor, the newspaper is published from the most backward tribal area of the State of Rajasthan. On the basis of the material available on record, the Inquiry Committee is of the opinion that the complainant's newspaper has not been fairly dealt with by the respondent State Government. In the facts and circumstances of the case, the Inquiry Committee directs the Director of Information and Public Relations to personally look into the matter and make efforts to remedy the grievance of the complainant.

The Inquiry Committee has chosen to give its direction primarily influenced by the fact that the newspaper is being published from the most backward tribal area of the State of Rajasthan.

With the aforesaid directions, the Inquiry Committee recommends for the disposal of 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 dispose of the complaint.

Press Council of India

S.No. 7

File no. 13/174/18-19/PCI

Complainant

Shri Shiv Kumar Agarwal,
Editor,
Shahid Bhagat Singh Times newspaper,
Delhi.

Respondent

The Police Commissioner,
I.T.O.,
New Delhi.

Adjudication dated 21.09.2020

This complaint dated 28.12.2018 has been filed by Shri Shiv Kumar Agarwal, Editor, Shahid Bhagat Singh Times against anti-social elements, mafias, and political leaders alleging death threat from them.

The complainant has submitted that he is an accredited Reporter for last 20 years and has been working for the society. He further submitted that because of his publications, he has been target of anti-social elements and he mentioned some of the instances where he had published news against them.

1. On 11.2.2007, based on the FIR lodged in Ashok Nagar, New Delhi with respect to kidnap/rape/murder of Smt. Renu Jain, he revealed the culprits namely Smt. Anju Sharma alias Bobby and her accomplice in his newspaper. In result of the same, Former D.C.P., Shri M.R. Gothwal awarded him with appreciation letter and reward of Rs. 500/-. Even after that the complainant kept on writing against kidnapping, gambling, illegal selling of liquor, and many notorious criminal. Due to that, the antisocial elements are targeting him and his family.
2. The complainant has also published news about corruption in Govt. Departments, cheap quality material being used in construction of Public works. As a result, C.B.I. conducted a raid at the house and office of an officer (Shri R.P. Kohli) of Municipal Corporation. After publication of the news, the Forest Department also fined a contractor M/s Roshan Lal Vohra and Sons of Rs. 2000/- for harming nature and the environment.
3. The complainant has done many works for the welfare of society such as taking injured people to hospital, releasing gold chain of a passenger from the possession of an Auto driver. For that on 3.9.2008, former D.C.P., Headquarter, Shri Ishwar Singh vide letter no. P/10/2750/13592 had requested the Deputy Secretary (Home), Delhi Government to remain in touch with the complainant and provide all possible help.
4. On 6.10.2008, the complainant had published a news against gamblers after the information received from one Shri Riyajuddin alias Kaliya. The Police arrested some of the accused. After that on 10.10.2008, the complainant received a phone call from accused to confirm as to who had informed about them. After few days, the said informer, Shri Riyajuddin was murdered.
5. On 17.10.2016, the complainant published news under the caption “अंसल बिल्डर की अब तक की सबसे बड़ी ठगी”. The news states that Shri Sushil Ansal, Shri Pranav Ansal, Shri Vikas Jain and Shri Sandeep Solanki made a fraud of Rs. 900 Crore from investors and the flats were not allotted to them. The complainant had registered an F.I.R. no. 66/17 under Sections 420,406 and 34 in this regard. The complainant apprehends danger to his life.

The complainant submitted that despite the directions of the High Rank officers he is being denied of security. He has requested the Council to take necessary action in the matter.

The Council vide letter dated 28.2.2019 followed by a reminder dated 26.4.2019 had directed the Commissioner of Police, New Delhi to file comments in the matter.

Reply received from Dy. Commissioner of Police

Smt. Meghna Yadav, IPS, Dy. Commissioner of Police, Shahdara, New Delhi vide reply dated 4.7.2019 informed the Council that the threat assessment with respect of complainant is being taken up with DCP/Spl. Cell and necessary action will be taken accordingly. However, SHO/Anand Vihar has been directed to instruct the division/beat staff to keep vigil at the residence of the complainant.

Further communication from Complainant

The complainant vide his communication dated 24.12.2019 has informed that after receipt of Deputy Commissioner's reply dated 4.7.2019, one police officer contacted him and assured for his security but despite lapses of seven months no action has been taken. The complainant has further informed that on 13.9.2019, an unsuccessful attempt was made to destroy the goods worth lakhs of rupees by setting a cardboard cartoon on fire outside his electronic showroom. The complainant has also informed that the second incident occurred on 18.10.2019, when mobile and spectacles were snatched from his daughter but no action was taken by the police on both the incidents. He has requested the Council to take necessary action in the matter.

A copy of the above communication received from the complainant was forwarded to the respondent on 8.1.2020.

Further reply received from the respondent

Shri Arvind Kumar, Sub-Inspector placed a letter before the Inquiry Committee on 20.1.2020 regarding the complaint of Shri Shiv Kumar Aggarwal, Editor of Shaheed Bhagat Singh Times stating that the complainant is residing in the jurisdiction of P.S. Anand Vihar and beat officers of that area are doing regular patrolling and also keeping close watch at the residence of the complainant. Division Officer of that area is also in touch with the complainant for his safety and due to this the PSO is not provided to the complainant and they are meticulously following the directions given by the Inquiry Committee.

Report of the Inquiry Committee

The matter came up before the Inquiry Committee on 20.1.2020 at New Delhi. The Complainant, Shri Shiv Kumar Aggarwal, Editor is present in person whereas Shri Arvind Kumar, Sub-Inspector appeared for the respondent.

It is the allegation of the complainant that because of his writings, several malpractices have been exposed and, therefore, he is being threatened by several sections of the society. Mr. Arvind Kumar, Sub-Inspector of Police, Anand Vihar appears and has filed a written reply in which he has stated that Beat Officer of the area do regular patrolling and also keeps watch to ensure the complainant's safety and security at his residence. Further, the Division Officer concerned is also in touch with the complainant for ensuring safety and security to his life.

The complainant states that neither the Beat Officer nor the Division Officer had ever met him. Mr. Arvind Kumar assures that name and telephone number of the Beat Officer and the Division Officer shall be made available to the complainant during the course of the day and in case, the complainant apprehends any threat, he shall be free to inform them and on such information, the respondent shall take appropriate action. Taking note of the aforesaid assurance, the Inquiry Committee recommends for disposal of 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 dispose of the complaint.

Press Council of India

S. No. 8

File No. 13/183/17-18-PCI.

Complainant

Shri Ratheesh K.V.,
Publisher,
Yuva Darsanam,
Pathanamthitta (Kerala).

Respondent

The Registrar,
Registrar of Newspapers for
India,
New Delhi.

Adjudication dated 21.09.2020

This complaint dated 14.02.2018 has been filed by Shri Ratheesh KV, Publisher, Yuva Darsanam, monthly magazine, Pathanamthitta (Kerala) against the Registrar of Newspapers for India (RNI) regarding non-verification of his magazine's title. According to the complainant, he started publication of magazine on 01.05.2015 and submitted title verification to the SDM, Adoor, Pathanamthitta but there was a clerical mistake on ownership, which was pointed out by the RNI. He accordingly submitted an affidavit with RNI letter and Declaration of the printing press keeper to the Magistrate on 19.05.2016. The complainant has submitted that the RNI vide its Notice dated 29.12.2017 informed that all titles verified prior to 01.01.2016, which have failed to complete their registration process in the stipulated time-frame of two years will be de-blocked on 01.02.2018 without any further intimation. The complainant has stated that the name of his magazine is not mentioned in the list of not completing registration process in Kerala. The complainant stated that he has not any information about deblocking of his magazine. He has requested the Council to take necessary action in the matter.

Notice for Comments dated 07.03.2018 was issued to the Registrar of Newspapers for India (RNI). In response thereto, the Deputy Press Registrar, RNI vide his letter dated 24.5.2018 sought a copy of the complaint and the same was provided to RNI on 7.6.2018.

The matter came up initially for hearing before the Inquiry Committee on 27.05.2019 at New Delhi.

Order of Inquiry Committee dated 27.5.2019

The representative of RNI informed that the complainant title has been verified on 28.11.2018 and the registration number given on 03.04.2019. However, Inquiry Committee desired to know the reasons for the delay in title verification and giving the registration number.

Reply filed by RNI

In response to I.C. Order dated 27.5.2019, Shri R.K. Bhardwaj, Deputy Press Registrar vide letter dated 10.10.2019 submitted that the title Yuva Darshanam was verified to Shri Ratheesh K.V. on 16.7.2014. However, as the publisher failed to register the publication within stipulated time frame of two years from the date of title verification, the title was deblocked.

The publisher was given a grace period of two more years to complete the registration process. However, owing to the failure of the publisher to register the

publication, the title was deblocked in the mass deblocking drive of unregistered titles carried out by RNI on 02.02.2018.

Later, on 6.11.2018, RNI received another application from the applicant for the same title. The title was verified to him on 20.11.2018, subsequently, the publisher has submitted documents for registration on 17.1.2019. the documents were found complete and correct in all respects and RNI issued the registration certificate on 03.04.2019.

It is further clarified that, there has been no delay in title verification as the title was verified within 14 days of receipt of application in this office.

Also, regarding registration of publication, RNI usually takes 45 to 60 working days to process registration requests provided the documents are correct and complete in all respects. Hence, there has not been any delay as the above request was processed within 55 working days from receipt of the documents in this office.

Report of the Inquiry Committee

The matter came up before the Inquiry Committee on 20.1.2020 at New Delhi. Despite service of notice, the complainant has not chosen to appear. Respondent is represented by Mr. Pushpavant, Assistant Press Registrar. In the reply filed by the Registrar of Newspapers, it has been stated that after the complainant submitted the required documents on 17.01.2019 the respondent issued Registration Certificate on 03.04.2019.

It seems that the complainant having got the Registration Certificate, has no further interest in the matter and therefore has not chosen to appear before the Inquiry Committee. As the complainant has already been given the Certificate of Registration, no further inquiry is needed. The Inquiry Committee, accordingly, recommends for disposal of 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 dispose of the complaint.

Press Council of India

S.No. 9

F.No.13/9/19-20-PCI.

Complainant

Shri Pitabasa Mishra,
Editor/Publisher,
Utkal Mail, Oriya Daily,
Rourkela (Odisha)

Respondent

The Secretary,
Information & Public Relations
Department,
Government of Odisha,
Bhubaneswar (Odisha)

The Director,
Information & Public Relations
Department,
Government of Odisha,
Bhubaneswar (Odisha)

Adjudication dated 21.09.2020

Facts

This complaint dated 1.4.2019 has been filed by Shri Pitabasa Mishra, Editor/Publisher, Utkal Mail, Oriya daily, Rourkela (Odisha) against the Information and Public Relation Department, Government of Odisha for non-issuance of advertisements to his newspaper.

The complainant has informed that UTKAL MAIL is a daily newspaper being published in Odiya and Hindi language from three different states as many as in nine editions, Odiya Daily from Rourkela, Bhubaneswar and Paradip and Hindi edition Rourkela, Bhubaneswar, Jamshedpur, Ranchi, Raipur and NCT of Delhi. Out of the above editions, all the editions have been empanelled with DAVP, Ministry of Information and Broadcasting, Government of India and also in the approved media list of respective State Governments for release of advertisement.

It has been further informed by the complainant that the editions of his paper from Rourkela and Bhubaneswar editions are in the approved media list of Information and Public Relation Department, Government of Odisha since 1992 and were in receipt for regular advertisements from Information and Public Relation Department, Government of Odisha. The complainant has stated that all of the sudden without any valid reason release of advertisement to Utkal Mail, Odisha Daily both the editions have been stopped. The complainant has informed that goodwill message advertisement of His Excellency Governor of Odisha on the occasion of Holi and Utkal Diwas have not been released to his newspaper. The complainant has further informed that he brought to the notice of the Secretary, I&PRD, Govt. of Odisha about a mistake crept in the text of the advertisement released by the Information & Public Relations Department for publication under the caption "Farmers Gathering at Rourkela" on 1st March, 2019 (instead of Friday in the text it was Saturday). He has further stated that several times they approached the concerned authority of I&PR Department to know the reason of stoppage of advertisements and to inform deficiency, if any, so that he can comply with the same to resume release of advertisements, but he has not been communicated any reason in this regard. The complainant requested the Council to take necessary action against the respondent so that his newspaper can get advertisements.

Notices for Statement in Reply were issued to the Information and Public Relation Department, Government of Odisha on 24.4.2019.

Reply of Director, I&PRD, Odisha

Shri Laxmidhar Mohanty, OAS (SAG), Director, Information & Public Relations Department, Government of Odisha, Bhubaneswar vide his reply dated 7.6.2019 has informed that generally advertisements are issued to the dailies and periodicals basing on the existing Advertisement Policy of the Government, keeping in view publicity requirements, the importance of the content, circulation of the newspaper and availability of fund. In view of the limitation of funds, usually advertisements to different newspapers/periodicals are being issued on rotation basis. The respondent has further stated that no such decision has been taken to stop release of advertisement to complainant's newspaper. In this context, advertisement amounting to Rs.5,56,708/- and Rs.7,84, 741/- has been released to the complainant's newspaper, Utkal Mail, Bhubaneswar and Rourkela editions respectively during the financial year 2018-2019. The respondent has stated that the allegation made by the complainant has no merit for consideration.

A copy of the reply of the respondent-government of Odisha was forwarded to the complainant on 18.6.2019 for information/counter comments.

Communications from complainant

The complainant vide his letter dated 19.6.2019 has forwarded a copy of the text of advertisement containing wrong day as 1st March, 2019 (Saturday) instead of actual day as 1st March, 2019 (Friday) for necessary action to redress their grievances so that regular advertisements can be released to his newspaper by the respondent-I& PRD, Govt. of Odisha.

A copy of the above communication was forwarded to the respondent-Government of Odisha on 2.7.2019.

The complainant vide his communication dated 6.7.2019 informed that the information as furnished by the respondent in its letter dated 7.6.2019 is not true and the amount of advertisement so furnished related to the financial year 2018-2019.

A copy of the above communication was forwarded to the respondent-Government of Odisha on 1.8.2019.

Communication from Respondent

In response to Council's letter dated 1.8.2019, the respondent-Shri Krupasindhu Mishra, OAS (SAG), Director, Information & Public Relations Department, Govt. of Odisha, Bhubaneswar vide his FR/fax dated 31.8.2019 has stated that they have highest honor to comply the Orders of Press Council of India. He has further stated that after receipt of first letter, their office immediately sent reply on 7.6.2019. But subsequently after receipt of notice of hearing, two months time for preparation and briefing was requested since he joined only on 25.6.2019. The respondent has submitted that their office never passed any order not to give advertisements to complainant's newspaper. According to the respondent, it is not a fact that at all on a sudden the release of advertisement has been stopped. They are receiving advertisement regularly as per norms. The respondent has informed that

the following advertisements have been given to the complainant's newspaper "Utkal Mail"-

S.No.	Date	Edition	Size (in sqr.cm.)
1	5.6.2019	Bhubaneswar	432
2	5.6.2019	Rourkela	432
3	25.6.2019	Rourkela	80
4	26.6.2019	Rourkela	80
5	4.7.2019	Bhubaneswar	432
6	4.7.2019	Rourkela	432
7	5.7.2019	Rourkela	90
8	11.7.2019	Rourkela	80
9	16.7.2019	Rourkela	80
10	25.7.2019	Rourkela	80
11	12.8.2019	Bhubaneswar	432
12	12.8.2019	Rourkela	432
13	15.8.2019	Bhubaneswar	1282
14	15.8.2019	Rourkela	1282

A copy of the above reply of the respondent was forwarded to the complainant on 16.9.2019 for information/reply.

Communication from Complainant

The complainant vide his reply dated 7.10.2019 informed that the respondent resumed release of advertisements to his newspaper w.e.f. 4.6.2019 after complaint made by him to Hon'ble PCI, but the volume of advertisement released is very less. The complainant further informed that they have not received any Revenue Excise advertisement, which was released to them earlier. According to the complainant, the respondent department as a gesture of good will normally releases advertisements on the occasion of celebration of Annual Day of the newspaper. The complainant further stated that their request for release of such display advertisement on the occasion of Annual Day celebration of Utkal Mail, Rourkela and Bhubaneswar editions have not been considered favourably, but recently two days back i.e. on 4.10.2019 the respondent released one half page advertisement to Sambad, Odia daily.

A copy of the above communication was forwarded to the respondents on 17.10.2019.

Communication from Respondent

The respondent-Director, Information & Public Relations Department, Govt. of Odisha, Bhubaneswar vide his letter dated 25.10.2019 has forwarded a copy of the letter dated 21.10.2019 addressed to the PCI by the complainant-Shri Pitabasa Mishra, Editor/Publisher, Utkal Mail, wherein the complainant informed that the Director, I&PRD, Govt. of Odisha has given assurance that he will look into the matter for redressal his problem in issuing advertisements to his newspaper, therefore, he is not interested to proceed further in the matter. The complainant has requested to close the case.

A copy of the above reply was forwarded to the complainant on 5.11.2019 for his reply.

Communication from Complainant

The complainant vide his reply dated 13.11.2019 has confirmed that he is not interested to proceed further in the matter. He has requested the Council to close the case.

Further communication from complainant

Referring to his letter dated 21.10.2019 and 13.11.2019, the complainant vide letter dated 08.01.2020 has informed that two months have been passed but their grievances have not been redressed by the respondent department. The Complainant therefore, requested not to take any action to close the case and continue the same. He has also conveyed his decision to the respondent department and take necessary action in the matter accordingly.

Further communication from respondent

Shri Daitari Baisakh, Under Secretary, I&PRD vide letter dated 16.01.2020 informed that the respondents had a meaningful discussion with the complainant and the complainant is convinced and has accordingly written to the Council to withdraw his complaint as the respondents have assured to take care of his grievance in the ambit of norms and guidelines followed by I&PR Deptt. He submitted that the Council may appreciate the action taken by the respondents and may think it proper to drop the case in all the fitness of justice.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 21.01.2020 at New Delhi. The complainant appeared in persons whereas Shri Daitari Baisakh, Under Secretary and Shri Rabindra Kv Nayak, Dy. Director, I & PRD represented the respondent side.

Mr. Daitari Baisakh, Under Secretary in the Department of Information & Public Relations appears on behalf of the respondents and states that the grievance of the complainant shall be looked into.

In view of the aforesaid assurance, the complainant does not press this complaint for the present. The Inquiry Committee, accordingly, recommends for disposal of 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 dismiss the complaint in wake of assurance given by the respondent State Government.

Press Council of India

S.No. 10

F.No. 13/93/19-20-PCI

Complainant

Shri Deen Dayal Mittal,
Organiser/Secretary General,
All India Small Newspapers Association,
Dehradun, Uttarakhand.

Respondent

The Chief Secretary,
Uttarakhand Govt.,
Dehradun.

The Director General,
I&PRD, Dehradun,
Uttarakhand

Adjudication dated 21.09.2020

This complaint dated 20.7.2019 has been filed by Shri D.D.Mittal, National Organiser/General Secretary, All India Small Newspapers Association, Uttarakhand against order no. 10/सू. एवं लो.स.वि. (विज्ञा) 42/2016 दिनांक 09.01.2018 issued by I&PRD, Uttarakhand.

The complainant stated that the members of Empanelment Committee constituted under Uttarakhand Print Media Advertisement Rules 2015 held a meeting on 30th November 2015 and 30th November 2017 and had passed an order for cases of change of ownership which have been separated from empanelment and after due consideration have decided to put them into the category of fresh newspapers/magazines. Also, it has been recommended that after the regularity of 18 months they can submit their application for empanelment along with all enclosures in Appendix-1 before the committee through concerned District Information Officer. The complainant stated that the said order is an assault on print media on one hand and an attack on the freedom of expression on the other.

The complainant further informed that the newspapers, which fall in the category of change of ownership, are small and medium newspapers which are regular and have been empanelled for the last 8-10 years but the revised rules restricted the number of newspaper to two per family. They have been empanelled in DAVP too and rest are those which are pending for a long time because meeting could not take place. However, as per the rule, there are two meetings proposed within a year.

The complainant also informed that the nodal agency DAVP issues same advertisements even after the change of ownership. Similarly, the registration number issued by RNI remains unchanged after change of ownership. In view of this, said order doesn't seem justified. The complainant further informed that in the category of change of ownership cases, there are such cases which are already empanelled and are regular. So, keeping them in the fresh newspapers category instead of renewal category is not justified.

The complainant further informed that at present, Print Media Rules 2015 and Amended Rules 2015 are prevailing in the State Govt. therefore, taking action considering issued orders as a part of the Amendment in Rules is not justified.

The complainant has requested to cancel the impugned order after sympathetically considering above facts.

A copy of the complaint was forwarded to the respondent Chief Secretary, Govt. of Uttarakhand and the Director General, I&PRD, Dehradun, Uttarakhand on 07.08.2019 for comments.

Reply of the Additional Director, Govt. of Uttarakhand

The respondent vide letter dated 27.8.2019 stated that the request of the complainant for cancelling the departmental order dated 9.1.2019 is not appropriate. The said order has been issued for those newspapers and magazines which were empanelled earlier in the department but have separated from the list of catalogue due to not covered under the Rules and to make them aware of re-empanelment process under the Uttarakhand Print Media Advertisement Rules, 2015 and in the series of the recommendations of the Committee set-up under the provisions contained in the relevant amendments. The respondent further informed regarding pending meeting of the Committee that the Committee conducted its meetings in March, 2017, April, 2017, June, 2017 and September, 2017 and has made recommendations in connection with renewal of the already empanelled newspapers and magazines in Publication Deptt. of the State. It was proposed by the Committee to decide on catalogue in the year 2018 for such newspapers or magazines which were not empanelled for advertisements in the department, but the meeting could not be held in the month of January and July due to indispensable reason. In December, 2018 due to the expiry of term of the nominated non-government members (as fixed for two years) in the Committee, process for selection of non-government members in the Committee is underway at present. The decision for cataloguing the newspapers will only be possible even after nomination of members in the Committee. He has further stated that there is no policy available with regard to changing ownership in Uttarakhand Print Media Advertisement Rules, 2015 and the subsequent amendments, but according to Rule 8-च which states that if there are more than one periodical publication at one place by a person/institution, only one publication will be catalogued for advertisement in the Department. In the case of publication of one or more periodicals in one place by more than one member of a family, a total of 02 periodical publications of a family will be catalogued for one place only. The family means owner of the newspaper/wife of publisher/husband, mother-father, unmarried son and daughter. Having more than one version of any periodical publication (one in Kumaon Mandal and one in Gharwal), its maximum 02 editions will be catalogued for advertisement in the Department. Having not covered in the system, the owners of the newspapers-magazines have changed ownership of their newspapers for the purpose of getting benefits from the department. Keeping in view of that, such newspapers have been recommended to be in the category of new newspapers by the Committee. Hence, the statement of the complainant that the said order be cancelled is not appropriate. The respondent requested to reject the complaint.

Counter comments

The complainant vide letter dated 7.11.2019, while reiterating the allegation submitted that the reply of the respondent is completely misleading and baseless. The reason given by the respondent for not constituting the proposed committee in 2018 as inevitable is not appropriate because reasoning of inevitable/duration is very

little which is not acceptable. Reg. expiry term of non-govt. members in Dec. 2018, the respondent deptt. has deliberately made the matter pending from September, 2017 to December, 2018 (approx. 16 months) for taking action on it. It is a direct harassment of the journalist and a part of organised plan of the Government. Further, it is known from the reliable source that action has been taken by the govt. for constituting the Committee, despite this, action for cataloguing has not been done deliberately. As a proof, there is Rajya Sthapna Diwas in November, the Deptt. has to give continuous seven advertisements of 858c.m. to the selected daily newspapers which also shows policy of discrimination towards weekly/fortnightly/monthly newspapers. Further, amended order of the Uttarakhand Print Media Advertisement Guidelines, 2015 dated 26.02.06, the resolution to catalogue two periodical publications for one family has been passed and this is the only main point of the Guidelines but the Director General, I&PRD, Uttarakhand has struck also on the Guidelines by keeping the Guidelines at stake with the intention to attack on the journalist. Hence, it is clear that when two periodical publications are acceptable from one family in the Guidelines, then there is no justification to the said violation. He said that even the RNI and the DAVP have not kept conditions for ownership changing. Despite this, the order has been issued by the Director General and no comment is given in the reply in this regard. The issued order is not excerpt of the Rule and this has been accepted in the reply, so the issued order is illegal.

Further reply of the Additional Director, Govt. of Uttarakhand

The respondent vide letter dated 20.1.2020 while reiterating his reply submitted that the comments of the complainant are baseless and untrue. The Committee was in existence from 22 December, 2016 to December, 2018. During this period, approximately 1256 newspaper's empanelment has been renewed by the Committee. In January 2019, selection process of non-government members was initiated in the Committee due to the expiry of term of its members in 2018. In 2019, on renewal of Print Media Advertisement Rules 2015, process for constituting the Committee has been initiated. The respondent has requested to reject the matter in question.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.01.2020 at New Delhi. Shri K.S.Chauhan, Deputy Director represented the respondent.

Despite service of notice, the complainant has not chosen to appear. In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter any further and accordingly, recommends for dismissal of 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 dismiss the complaint.

Press Council of India

S.No.11

F.No.13/153/Suo-Motu/19-20-PCI

Suo-motu on G.O.RT No.2430 dated 30.10.2019 issued by Government of Andhra Pradesh.

Adjudication dated 21.09.2020

It has come to the notice of the Press Council of India that the Government of Andhra Pradesh issued G.O.RT No.2430 dated 30.10.2019 granting permission to the Secretaries of respective Departments to initiate legal action with regard to publication of false, baseless and defamatory news items against the print media through the Special Public Prosecutor.

It has been stated in the order that the Government of Andhra Pradesh come across instances that certain print, electronic and social media are deliberately trying to tarnish the image of the Government and its official by spreading false, baseless and defamatory news with malafide intention. In order to see that true and correct informations reach to people, Government vide G.O.RT No.938 GA (Poll.D) Dett. dated 20.2.2007 has empowered the Special Commissioner, Information & Public Relations Department to file cases under appropriate section of the law.

Accordingly, Government delegated powers to the Secretaries of respective departments to issue rejoinder, file complaints and lodge appropriate cases, if need be, through Public Prosecutor against defamatory news items published/telecast/posted in Print/Electronic/Social media pertaining to their respective Departments after following due process of law. It has been also stated that all the Special Chief Secretaries/Principal Secretaries/Secretaries in Government of Andhra Pradesh shall take necessary action accordingly.

Andhra Pradesh Union of Working Journalists and All India Working Journalists Association vide its letters dated Nil and 7.11.2019 respectively also drew the attention of the Council towards the order.

The Council took suo-motu cognizance in the matter and issued Notices for Statement in Reply to the Chief Secretary, Ex-Officio Spl. Secretary, Information & Public Relations Department and the Special Commissioner, Information & Public Relations Department, Government of Andhra Pradesh on 1.11.2019 followed by a reminder dated 28.11.2019.

Reply received from Ex-officio Spl. Secretary to Govt., Amaravati

In response to Council's Notice dated 1.11.2019, the respondent-Shri T. Vijay Kumar Reddy, Ex-Officio Special Secretary to Government of Andhra Pradesh, General Administration (I&PR) Department, Amaravati vide his reply dated 28.11.2019 has stated that the orders issued in G.O.RT No.2430 dated 30.10.2019 for delegation of powers to the Secretaries of departments is an administrative order to decentralize the responsibility. According to the respondent, it is felt that the Secretaries of the department, having thorough knowledge of the issue pertaining to their department and also having powers and wherewithal to conduct an enquiry to find out the truth in the news item published, are better qualified to issue rejoinder/clarifications and take appropriate action with regard to false, baseless

news published with malafide interest. In its effort to react to news items as fast as possible, so that correct news reach the public through different media, it was felt to authorize the departmental Secretaries to issue rejoinders following the guidelines laid down by the Press Council of India and also as a last resort to file complaints and lodge appropriate cases, if need be, through Public Prosecutor after following due process of law. The respondent has further stated that the said order is to enable quick flow of true and correct information to the media in the form of rejoinders/clarifications etc. The respondent has informed that the Government of Andhra Pradesh is fully committed to 'Freedom of Press' and also to abide by the guidelines laid down by 'Press Council of India' in matters pertaining to freedom of press. In its endeavour to protect freedom of press and for the Welfare of Journalists, the Government is implementing many innovative schemes like, Constitution of High Power Committee chaired by Hon'ble Home Minister to look into the matters of assaults and attacks on journalists, provision of house sites, health cards, accidental insurance, pensions etc. The respondent has also stated that the Government of Andhra Pradesh have issued these orders for upholding constitutional rights and above said G.O. is merely an administrative business order and is not against the freedom of press.

Further Reply from Respondent

Shri T. Vijay Kumar Reddy, Commissioner & EO Spl. Secretary to Government of Andhra Pradesh vide his letter (Email) dated 18.12.2019 informed that the said GO No.2430 was challenged in the High Court of Andhra Pradesh under WP (PIL) No.173/2019 and hence it is sub-judice. He further stated that there was some confusion while the representative of the Information & Public Relations Department made his submission. He might not have clearly brought to the notice of the Inquiry Committee the details of the case pending in the High Court of Andhra Pradesh. He has requested the Council to keep in abeyance the observations/conclusion until the High Court disposes of the case.

Report of the Inquiry Committee

After adjourning the matter on 18.12.2019, the matter came up for hearing before the Inquiry Committee on 21.01.2020 at New Delhi. Shri K. Amarnath, President, APUWJ and Shri K. Sreenivas Reddy, President, IJU were present for the complainant side whereas Shri P. Kiran Kumar, Joint Director, I&PRD for the respondent side.

The matter was taken by the Inquiry Committee in its meeting held at Prayagraj on 18.12.2019 and the Inquiry Committee made certain recommendations. Before the recommendation was placed before the Council, on the date of the meeting of the Inquiry Committee itself a mail was received from the Commissioner, I&PRD at 7:58 p.m. *inter alia* stating that the validity of the Govt. order dated 30th of October, 2019 which is the subject matter of this inquiry is pending determination by the Hon'be High Court of Andhra Pradesh. In view of the aforesaid, the recommendation of the Inquiry Committee made earlier was kept in abeyance and the matter was directed to be listed before the Inquiry Committee again. That is how the matter is before the Inquiry Committee today.

In the reply filed by the respondent earlier, it had not taken the plea that the matter is *sub judice* before the High Court. Further, during the course of Inquiry, Mr. P. Kumar, the Joint Director who appeared for the State of Andhra Pradesh did

not point out that the impugned Govt. order is under challenge before the High Court. The officer representing the State of Andhra Pradesh earlier ought to have brought this fact to the notice of the Inquiry Committee. Further in the reply, the respondent Govt. ought to have stated this. It is common ground that the Govt. order dated 30th October, 2019, which is the subject matter of this Inquiry, is under challenge before the Hon'ble High Court.

The matter being *sub judice*, the Inquiry Committee is not inclined to proceed in the matter any further and recommends for disposal of the complaint.

Shri Amar Devupalli recused himself during the hearing.

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 being sub-judice.

Press Council of India

S. No. 12

F.No.13/198/18-19-PCI.

Complainant

Shri Bashir Manzar,
General Secretary,
Kashmir Editor's Guild,
Srinagar (Jammu & Kashmir)

Shri Shafat Kira,
Kashmir Editor's Guild
C/o Daily Kashmir Images,
Srinagar (J&K)

Respondent

The Chief Secretary,
Government of Jammu & Kashmir,
Srinagar.

The Director,
Information & Public Relations
Department,
Government of Jammu & Kashmir,
Srinagar.

Adjudication dated 21.09.2020

The Spokesmen, Editors Guild of India vide email dated 25.2.2019 has forwarded a copy of the letter dated 25.2.2019 of Shri Bashir Manzar, General Secretary of Kashmir Editor's Guild, Srinagar wherein he has stated that in the middle of February, 2019, the Government of Jammu & Kashmir has stopped the routine advertisements to two newspapers in Kashmir i.e. The Greater Kashmir and The Kashmir Reader without giving any reason either directly or indirectly. According to the complainant, The Greater Kashmir is major newspaper of the State and its sister concern Kashmir Uzma also prints two editions, one each from Jammu and Srinagar. This newspaper is in the 32nd year of publication and it has more than 300 people on its rolls and at least two major printing facilities in Kashmir. Kashmir Reader is nine year old newspaper and it has almost 80 people on its staff. The complainant has further stated that the Greater Kashmir is empanelled with the Information Department of the Jammu & Kashmir Government since 1993 and Kashmir Reader is empanelled for the last eight years. The complainant has also stated that the Information Department has not assigned any reason, even after, it was formally approached. The halt to the advertisements is likely to impact the State and status of the two newspapers. It will also compromise the Constitutional Rights falling under the right to free speech. The regressive decision is seemingly an assault on the institution of media and the free speech. The Guild sees the enigmatic decision in the backdrop of the frequent assault on the media in Jammu & Kashmir. He has requested the Council to intervene in the matter and pass necessary direction to the Government of Jammu & Kashmir.

The Council also noted a news item dated 11.3.2019 published in Indian Express under the caption "Valley newspapers publish blank front page in protest" wherein it was reported that all major newspapers in Kashmir published blank front pages on Sunday to protest against the Government's decision to 'Stop Advertisements' to two Srinagar based newspapers. In protest against unexplained denial of Government advertisements to Greater Kashmir and Kashmir Reader and the decision to run blank front pages was taken by Kashmir Editors Guild, which also organised a sit-in in Srinagar on 10.3.2019. According to the Kashmir Editors Guild, the Government of J&K has stopped government advertisements to Greater Kashmir and Kashmir Reader even there is no written communication in this regard and the newspapers said that they have been verbally told by the Directorate of Information that the Government has decided to stop advertisements

to these publications. It is also published that the Kashmir Editors Guild regret the continuous silence of governor administration over the unexplained and murky denial of government advertisements to two major dailies.

No Reply

Notices for Statement in Reply were issued to the Government of Jammu & Kashmir on 13.3.2019 but no reply has been received so far despite issuance of reminder dated 8.5.2019.

Report of the Inquiry Committee

The matter came up before the Inquiry Committee on 20.1.2020 at New Delhi. There was no appearance from either side.

The Editor-in-Chief of Greater Kashmir/Kashmir Uzma in his further communication dated 11th of January, 2020 has informed the Council that the advertisements stopped by Information and Public Relations Department of the Government of Jammu and Kashmir have been released and the matter stands resolved.

In view of the aforesaid, nothing further needs to be done. The Inquiry Committee accordingly, recommends for disposal of 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 dispose of the complaint.

Press Council of India

S.No.13

F.No.13/41/19-20-PCI.

Complainant

Shri Fayaz Ahmad Kaloo,
Editor-in-Chief,
Greater Kashmir/Kashmir Uzma,
Srinagar (Jammu & Kashmir)

Respondent

The Chief Secretary,
Government of Jammu & Kashmir,
Srinagar.

The Secretary,
Home (Police) Department,
Government of Jammu & Kashmir,
Srinagar.

The Director,
Information & Public Relations
Department,
Government of Jammu & Kashmir,
Srinagar.

Adjudication dated 21.09.2020

This complaint dated 22.5.2019 has been filed by Shri Fayaz Ahmad Kaloo, Editor-in-Chief, Greater Kashmir/Kashmir Uzma, Srinagar against the Information & Public Relations Department, Government of Jammu & Kashmir for stoppage of Government advertisements.

The complainant submitted that their newspapers viz. English Daily Greater Kashmir and Urdu daily Kashmir Uzma are leading and widely circulated newspapers of J&K State performing its profound duties freely, sincerely and without any bias for the last over three decades. The complainant further submitted that every newspapers backbone are the Government advertisements which sustain its economic viability, hence his newspapers also are no exception. Since government is not distributing largesse but are spending public money which they are supposed to spend in a fair and impartial manner without any prejudice or bias towards anybody. The complainant requested the Council to intervene in the matter and persuade the State administration as well as any other concern so that illegal & arbitrary ban imposed with regard to release of advertisements in favour of their publications is lifted and release of advertisements restored.

No Reply

Notices for Statement in Reply were issued to the Government of Jammu & Kashmir on 21.6.2019 but no reply has been received.

Further Communication from Complainant

The complainant-Shri Fayaz Ahmad Kaloo, Editor-in-Chief, Greater Kashmir/Kashmir Uzma, Srinagar vide his letter dated 11.1.2019 informed that the advertisements stopped by Information & Public Relations Department, Govt. of J&K in February, 2019 were released from September 10, 2019, therefore, the matter stands resolved.

Report of the Inquiry Committee

The matter came up before the Inquiry Committee on 20.1.2020 at New Delhi. The complainant was not present and Mr. Jugal Kishore Sharma, AIO appeared for the respondent.

The Editor-in-Chief of Greater Kashmir/Kashmir Uzma in his further communication dated 11th of January, 2020 has informed the Council that the advertisements stopped by Information and Public Relations Department of the Government of Jammu and Kashmir have been released and the matter stands resolved.

In view of the aforesaid, nothing further needs to be done. The Inquiry Committee accordingly, recommends for disposal of 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 dispose of the complaint.

Press Council of India

S. No. 14

File No.27/29/17-18

Complainant

Shri Bhudev Prasad
Owner/Publisher, Aligarh Hungama,
Gram/Post Majupur,
Teh: Iglas, Distt. Aligarh,
Uttar Pradesh

Respondent

The Press Officer/City
Magistrate/Collector
Distt. Aligarh,
Uttar Pradesh

The Registrar
Office of the Registrar of Newspaper for
India,
9th floor, SochnaBhawan,
Lodhi Road, New Delhi.

Shri Vakil Ahmed
S/o Late Shri H Alikhan,
Gali No.5, Jivangarh, Aligarh
Uttar Pradesh

Adjudication dated 21.09.2020

Fact

An appeal dated 17/4/2019 was filed by Shri Bhudev Prasad, Owner/Publisher of newspaper name Aligarh Hungama, Aligarh, U.P. against Shri Nalini Kant Singh, Press Officer/City Magistrate, Collector, Distt. Aligarh, U.P. for not handing over the authenticated copy of Declaration to the Appellant.

According to the Appellant, the Declaration of his newspaper was suspended by the Press Officer/City Magistrate, Collector, under Section 8(B) of PRB Act, 1867 on the basis of charges levelled by Shri Ram Singh Rajput of "Aligarh Samrat" Newspaper and Shri Kush Vaishnav of M/s Shivam Printing Press, the name of which was mentioned in Declaration of the Appellant's newspapers Aligarh Hungama without proper permission. Both the complaints are under Investigation. The Aligarh Hungama's Declaration has been suspended till the investigation report submitted by the Deputy Distt. Officer Teh. Distt. Aligarh, U.P.

The Respondent District Magistrate vide comments dated 30/5/2019 has submitted that they have furnished the relevant papers to the RNI for necessary action and as and when the investigation into the complaints is over, appropriate action would be taken in the matter.

It may be noted that the Press & Registration Appellate Board in its earlier order dated 27/9/2018 opined that no statutory provision confers on the District Magistrate the power to suspend the Declaration. On this ground alone, the Order of the District Magistrate cannot be allowed to stand. The Board also made it clear that it has not expressed any opinion in regard to the merit of the complaint which is under investigation, and the District Magistrate can proceed in the merit in accordance with law.

The appeal was placed before the board on 22/07/2019. The Appellate Board has heard the Appellant, the City Magistrate and the representatives of the RNI. The

Appellate Board opined that any order passed by the Board shall have adverse impact on Shri Vakil Ahmad. Appellant is given liberty to implead him as a party. Issue Notice to the newly added respondent.

The appeal was again placed before the Board on 23/8/2019. Shri Vakil Ahmed was not present before the Board on 23/8/2019 due to ill health as mentioned by him in his letter dated 20/8/2019. The Board adjourned the appeal on the request made by respondent City Magistrate vide letter dated 22/8/2019. The Board also made it clear that no further adjournment shall be granted.

Shri Vakil Ahmed vide his letter dated 30/08/2019 requested for a copy of Appeal filed by the Appellant in order to file his reply. The Board vide its letter dated 06/09/2019 has forwarded the same and also apprised him that he will have to appear in person before the board in its next meeting. The order dated 23/08/2019 of the board was communicated to the parties vide letter dated 02/09/2019.

The matter was again placed before the Board on 14/10/2019 where it opined that in sum and substance the grievance of the appellant is about inaction by the Registrar of Newspaper, which is creating impediment in the publication of the Newspaper. List it before the Council as an item in the Agenda.

The matter was placed before the Council Meeting on 15/11/2019. The Council resolved to place the matter before the Inquiry Committee.

Comments of Shri R.K.Bhardwaj, Deputy Press Registrar(R), RNI

Shri R.K.Bhardwaj, Deputy Press Registrar(R), RNI, New Delhi vide letter dated 9.1.2020 has stated that as per RNI record, the publication "Aligarh Hungama" Hindi/Weekly is registered under the No. UPHIN/2012/41593 from Aligarh, U.P. Sh. Vakeel Ahmad sent a letter to RNI received on 12.10.2017 stating that a blank signed stamp paper and his two photographs were lost by him accidentally. Those photographs and stamp paper have been found and misused by Sh.Bhudev Prasad for change of ownership of the above said publication in his favour. Sh. Vakeel Ahmad had requested to RNI to treat such documents submitted by Sh.Bhudev Prasad as invalid. A letter dated 9.12.2017 was also sent to Sh. Vakeel Ahmad after examining the above said matter and advised him to file such type of complaints to DM/SDM concerned. Shri Bhardwaj also submitted that letters dated 16.11.2019 and 26.11.2019 also have been received by Sh. Vakeel Ahmed in RNI against Sh. Bhudev Prasad Verma along with all the orders of PRAB. Sh. Vakeel Ahmed had requested to RNI to treat such documents submitted by Sh. Bhudev Prasad as invalid.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.01.2020 at New Delhi. The complainant appeared in person whereas Shri Vakil Ahmed, former editor, Shri Praveen Yadav, ASDM(K) representative of the City Magistrate, Shri Pushpavant, Assistant Press Registrar, Shri Prem Lata, Section Officer, RNI and Ms. Lalita, A.S.O, RNI represented for the respondent side.

It is the grievance of the complainant (Shri Bhudev Prasad) that the matter of title and certificate of registration in respect to the newspaper "Aligarh Hungama" is pending before the Registrar of newspaper since long. This affects his right of publication of the newspaper and thereby violating the freedom of the press. It is

common ground that the District Magistrate has authenticated the declaration. The plea of Mr. Pushpavant, Assistant Press Registrar appearing on behalf of the Registrar of newspaper is that as the transfer of ownership has not been authenticated by the District Magistrate, the Registration Certificate has not been given to the complainant. The Inquiry Committee bestowed its consideration to his submission and is of the opinion that the very fact that the District Magistrate has authenticated the declaration, it must have examined the issue of ownership also. In that view of the matter, the Inquiry Committee holds that authentication by the District Magistrate shall be deemed to be also authentication of the ownership.

The Inquiry Committee directs the Registrar of the Newspapers to consider the prayer of the complainant treating the authentication of declaration as an authentication of the transfer of ownership also.

With the aforesaid directions, the Inquiry Committee disposes of 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 dispose of the complaint with aforesaid directions.

Press Council of India

S.No.15

F.No.13/147/18-19-PCI

Complainant

Shri Deepak Nihalchand Gupta,
Editor,
Shri Kanyakubj Vaishyabhumi Patrika,
Nagpur (Maharashtra)

Shri Aatish Dayaram Tirpude,
Photographer,
Shri Kanyakubj Vaishyabhumi Patrika,
Nagpur (Maharashtra)

Respondent

The Chief Secretary,
Government of Maharashtra,
Mumbai.

The Secretary,
Home (Police) Department,
Government of Maharashtra,
Mumbai.

The Director General of Police,
Maharashtra Police,
Mumbai.

The Superintendent of Police,
Jalgaon,
Maharashtra.

The Station House Officer,
Police Station Jalgaon City,
Jalgaon (Maharashtra)

Shri Patil,
Hawaldar,
Police Station Jalgaon City,
Jalgaon (Maharashtra)

Adjudication dated 21.09.2020

This joint complaint dated 07.12.2018 has been filed by Shri Deepak Nihalchand, Editor and Shri Aatish Dayaram Tripude, Photographer of Shri Kanyakubj Vaishyabhumi Patrika, Nagpur, Maharashtra against anti-social elements and police authorities for allegedly manhandling and implicating them in false case.

The complainants have submitted that they went to Jalgaon on December 2, 2018 for covering the election news of Bhandbhuja community held at Shyama Prasad Mukherjee Garden and after conversation with some prominent person of the community, they started taking photographs of the programme. There some people stopped them to take photos, therefore, they returned back to the hotel. On the way, 6-7 people came and threatened them and forcibly took them back to the garden, where Shri Jagdish Gupta and Shri Anil Pardeshi incited the public against the journalists. Thereafter, 8-10 people started beating up the photographer, Shri Aatish Tirpude brutally. The complainant (the Editor) made a call to the police on the No.100 but phone could not be connected. He, therefore, went to Jalgaon Police Station and informed of the attack but police did not take any action. The Editor has further informed that on seeing him going to the police station, the attackers lodged a report against the Editor through some women alleging that he held hand of a

woman. The complainants have alleged that instead of taking action against the culprits, the police arrested them and released the photographer, Shri Aatish Tirpude at night and kept the Editor in lock-up overnight. Next day i.e. on 3rd December, Shri Anil Pardeshi came to police station and threatened him (the Editor) of dire consequences. Thereafter, Shri Anil Pardeshi reached to the Hotel and forcibly took the Photographer, Shri Aatish Tirpude to a house away from the city, where other persons were also present. There photographer was brutally beaten up by them. They forcibly made him drink wine and recorded his voice and viral it among the Bhandabhuja community on Whatsapp. The photographer was held captive for about 7-8hours. The complainants have informed that they wrote a letter to the Chief Minister of Maharashtra requesting to ban on illegal collection of donations in the name of conferences by this community. He has requested to file case under Sections 120(B)/143/153/182/198/211/364/468/501/506 of IPC against the respondents.

The Editor has alleged that the Duty Incharge deputed in the Police Station Jalgaon, Constable Shri Patil did not take any action on his complaint and on the contrary he threatened him and filed case against him. Thereafter, the Constable produced him before the Inspector Incharge, Shri Sanse, who also ignored his complaint and deleted the photos and kept the camera in Police Station.

Notices for Statement in Reply were issued to the respondent-Government of Maharashtra on 27.3.2019.

Written Statement received from the Director General of Police, Maharashtra

The Director General of Police, Maharashtra, Mumbai vide his written statement dated 29.07.19 submitted that the Superintendent of Police, Jalgaon filed a report dated 17.7.2019 mentioning that the complainant, Shri Deepak Gupta called by the police on his mobile on 15.6.2019 and requested to be present at Jalgaon City Police Station regarding his complaint. The complainant was again called on 23.6.2019 but his mobile was switched off. Since the complainant has not responded, a Memorandum dated 4.7.2019 sent to him by post. The respondent has further submitted that an offence has been registered against Shri Deepak Nihalchand Gupta at Jalgaon City Police Station vide Part-5, C.R.No. 208/18 IPC 354 dated 02.12.2018 and statement of complainant, Smt. Arati Gupta recorded under Cr.PC 164. On the basis of strong evidence, a charge sheet has been filed under No. 6/19 dated 30.01.2019 at Hon'ble Court under the case No. SCC No. 1243/19 dated 06.03.2019, which is pending under trial.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.2.2020 at New Delhi. While the complainants are appeared in person, the respondent is represented by Shri Arun D. Nikam, Police Inspector and Shri Ratan, Police Constable.

The Inquiry Committee has heard the complainants as also Mr. Arun D. Nikam, the Police Inspector. The Inquiry Committee has also perused the complaint, the written statement and other connected papers.

In the facts and circumstances of the case, the Inquiry Committee gives liberty to the complainant to make available to the respondent Police Inspector, the copy of the report, which he had filed earlier.

Mr. Arun D. Nikam, Police Inspector states that in case, it is made available, appropriate action as permissible in law shall be taken. The Inquiry Committee notes the aforesaid assurance and directs for the disposal of 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 dispose of the complaint with aforesaid directions.

Press Council of India

S.No. 16

F.No.13/8/19-20-PCI.

Complainant

Shri Tarakant Dwivedi 'Akela',
Editor,
Dainik Jan Swabhimani,
Mumbai (Maharashtra)

Respondent

Shri Deven Bharati,
Joint Commissioner (Law & Order),
Mumbai Police,
Mumbai (Maharashtra)

Adjudication dated 21.09.2020

This complaint dated 3.4.2019 has been filed by Shri Tarakant Dwivedi 'Akela', Editor, Dainik Jan Swabhimani, Mumbai (Maharashtra) against Shri Deven Bharati, Joint Commissioner (Law & Order), Mumbai Police, Mumbai for allegedly trying to implicate him in false case due to publication of critical writings.

According to the complainant, one Shri Rajendra Trivedi, Assistant Commissioner (LA-5), Mumbai Police filed a Petition before Hon'ble Bombay High Court, wherein he has levelled serious allegations against Shri Deven Bharati (Respondent). The complainant has informed that he also got a copy of the petition and on the basis of the petition he has been publishing news. The complainant has further informed that it has come to his notice that the respondent is feeling defamed with publication of news and annoyed with this the respondent has directed his nearest police officers to implicate and arrest him (complainant) by lodging the FIR. In this context, the Senior Inspector of L.T. Marg has started following the order of the respondent and he is collecting information about him from the people and asking them that if they bring a complaint against him, he would file an FIR against him. The complainant has stated that he also received some inputs regarding involvement of the respondent in illegal works and he is investigating them. The complainant has also stated that if he finds evidence true against the respondent he will publish it, otherwise he will publish the news describing the respondent as unblemished and innocent. He has stated that if he suffers with any physical, social or legal damage, the respondent will be responsible for the same.

No Reply

Notice for Statement in Reply was issued to the respondent-Shri Deven Bharati, Joint Commissioner (Law & Order), Mumbai Police, Mumbai on 30.4.2019. In the absence of any reply, a reminder dated 6.6.2019 was issued to the respondent but the same was received back undelivered from the postal authorities with the remarks "left".

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi. Shri Tarakant Dwivedi, complainant appeared in person. The respondent, Shri Deven Bharati, Joint Commissioner of Police (Law & Order) Mumbai Police, Mumbai has not chosen to appear.

It is the allegation of the complainant that for his critical writing he has been threatened by respondent to implicate him in false cases. The complainant admits that till date no case has been instituted.

In view of aforesaid, the Inquiry Committee is not inclined to proceed in the matter any further and directs for disposal of 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 dispose of the complaint.

Press Council of India

S.No. 17

File No. 13/130/17-18-PCI.

Complainant

Shri Basant Kumar,
Publisher, Prakash Bulletin,
144 – A, Harinagar, Ashram,
New Delhi – 110 014.

Respondent

The Registrar,
Registrar of Newspapers for India,
West Block – 8, Wing No. 2,
Rama Krishna Puram,
New Delhi – 110 066.

Adjudication dated 21.09.2020

This complaint dated 26.10.2017 has been filed by Shri Basant Kumar, Publisher, Prakash Bulletin, New Delhi against the Registrar of Newspapers for India (RNI) for non-issuance of registration number to his newspaper. According to the complainant, he has written letters to Deputy Commissioner of Police (Licensing), New Delhi for authentication of his newspaper. In response thereto, the DCP (Licensing) vide letter dated 17.10.2017 informed him that no restriction is imposed on his newspaper and after authentication of newspaper's Declaration has already been sent to RNI on 17.4.2018. The complainant has alleged that the RNI is denying having any response from the DCP (Licensing) and RNI is not taking any action despite many requests. He has requested the Council to take necessary action in the matter.

The Inquiry Committee of the Council earlier heard the case and directed the DCP (Licensing) to send its report to the RNI within six weeks and the RNI in turn to take decision in the matter within four weeks of the receipt of said report.

Vide Council's letter dated 28.11.2017, Action Taken Report on the Council's decision dated 17.11.2016 was sought from the DCP (Licensing). Simultaneously, the complainant was also asked to intimate whether the DCP (Licensing) files its report to the RNI in pursuance of Council's decision dated 17.11.2016.

Further Communications from the complainant

The complainant vide its letter dated 02.12.2017 has informed that as per orders of the Council, the DCP (Licensing) has completed investigation and submitted his report to RNI. The RNI has sent a letter to the complainant seeking 50% copies of editions from 21.04.2015 to till date, but he had only copies from 21.04.2015 to 30.01.2016. Thereafter, when he came to know that the RNI has stopped his newspaper, he stopped publication of newspaper.

Vide his another letter dated 06.01.2018 while reiterating his complaint has stated that RNI has not initiated any action despite orders of the Council. He has further stated that till today he is not aware about the reason that on what basis the RNI has stopped and cancelled declaration of his newspaper. He has requested the Council to take action in the matter.

Reply from RNI

Shri R.K. Pillai, Assistant Press Registrar, RNI vide letter dated 24.9.2018 has informed the Council that the publication Prakash Bulletin was verified by the office

on 26.3.2015 under the title code DELHIN28144. The publication did not get registered within two years from the date of verification of the title, subsequently it got de-blocked. The publisher has already been intimated about the de-blocking through a letter dated 13.3.2018.

Letter dated 10.06.2019 received from RNI

Shri Rajiv Kumar Bhardwaj, Dy. Press Registrar vide letter dated 10.6.2019 has forwarded a copy of letter for information of the Council which is addressed to the complainant asking him to submit following documents:

1. A copy of agreement between publisher and owner of the Printing Press.
2. Latest issue of the newspaper.

Status Report filed by Asst. Press Registrar, PIB, Mumbai

Dr. Rahul Tidke, Asst. Press Registrar, Mumbai subsequently submitted an Office Order dated 29.12.2017 along with Brief History of the Matter at Mumbai. The point-wise information may be perused as follows:

- The title Prakash Bulletin (Hindi/Daily) published from Delhi has been verified by RNI in favor of Shri Basant Kumar on 26.3.2015 vide title Code No. DELHIN28144.
- Title verification letter for publishers may be downloaded from RNI website rni.nic.in. RNI does not send title verification letter by post.
- The title got de-blocked/cancelled due to non-registration of the title on completion of 2 years from the date of verification.
- On receipt of communication from PCI the de-blocked title has been revived on 7.11.2017 and upon examination of the submitted documents, RNI issued a discrepancy letter on the same day. This communication was sent by ordinary post and was also made available on RNI website.
- Despite the reminder to submit adequate documents the publisher could not conform to the same.
- Subsequently, the title again got de-blocked on 2.2.2018 as per RNI office Order No. 2/12/2016/TC dated 29.11.2017. The position along with suitable advice to apply for title afresh has been communicated on 13.3.2018.
- The status of the case has been communicated to the Under Secretary, PCI on 24.9.2018.

Further reply from RNI

Smt. Himani, Deputy Press Registrar, RNI vide further reply dated 24.2.2020 submitted that “delay” or “pendency”, to describe the process of registration in RNI, cannot be assessed from a fixed parameter, as the mere submission of papers to RNI for registration is not the sole factor that governs the movement of files. In most of the cases, the publishers, in ignorance, submit details which miss out on vital points. RNI takes a very lenient view of such errors and instead of rejecting the papers outright, discrepancy letters are issued to the publishers guiding them about the shortcomings in the papers submitted by them. She further submitted that work has been achieved by 40% of its sanctioned strength. Therefore, no deliberate inordinate delay on the part of RNI in the cases that are taken up and every attempt is made to dispose of cases within a fixed timeframe.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.2.2020 at New Delhi. The complainant has not chosen to appear. Shri Pushpavant, Assistant Press Registrar and Shri Joy Saxena, Section Officer represented the respondent RNI.

In a large number of cases, it had come to the notice of the Council that despite fulfilling the conditions required for issuance of registration number, the office of the Registrar of Newspapers for India has not issued the same. Taking note of the aforesaid complaint, by Order dated 28.3.2019, the Inquiry Committee called upon the Registrar of Newspapers to make available the data regarding pendency of such applications and the reasons thereof in a tabular form within three weeks. Thereafter, several opportunities were given to the Registrar of Newspapers to furnish the said data. Today, Mr. Pushpavant, Assistant Press Registrar appears on behalf of the Registrar of Newspapers and states that the said data is not available as the NIC is not functional.

Section 13(2) (e) of the Press Council Act mandates the Press Council of India to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance. Needless to state that non-registration of newspaper could lead to the stoppage of dissemination of news. Further Section 20 of the Press Council Act casts an obligation on the Council to prepare once in every year Annual Report and forward the same to the Central Government to be laid before both the Houses of the Parliament. The non-maintenance of the data for whatever reason, leading to non-registration of newspapers shall surely affect the dissemination of news and therefore, the Inquiry Committee recommends the Government of India in the Ministry of Information & Broadcasting to take such remedial steps as permissible in law so that such things are not repeated in future. Keeping the data would be the basic requirement to remedy the wrong. The Inquiry Committee also recommends that this fact be incorporated in the Annual Report of the Council to be laid before the Parliament.

With the aforesaid directions, the Inquiry Committee disposes of 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 dispose of the complaint.

Press Council of India

S.No.18

F.No.13/54/19-20-PCI.

Complainant

Shri Sushil Chaudhuri,
Publisher,
Dainik Ganadoot,
Agartala (Tripura)

Respondent

The Secretary,
Directorate of Information & Culture
Affairs, Government of Tripura,
Agartala (Tripura)

The Director,
Directorate of Information & Culture
Affairs, Government of Tripura,
Agartala (Tripura)

Adjudication dated 21.09.2020

This complaint dated 7.06.2019 has been filed by Shri Sushil Chaudhuri, Publisher, Dainik Ganadoot, Agartala, Tripura against the Directorate of Information and Cultural Affairs, Government of Tripura, Agartala for allegedly depriving of legitimate claim of his newspaper vis-a-vis to allotment of advertisements by the Government.

According to the complainant, his newspaper Dainik Ganadoot is a very popular daily in Tripura and adjoining North-Eastern states, West Bengal and even in Bangladesh and is an "A" category newspaper from 2002. But, in 2007 the then CPM government decategorised Dainik Ganadoot as "B" category. Therefore, he approached to Hon'ble High Court and the Court vide its judgement compelled the state government to give Dainik Ganadoot "A" category from 1st January, 2009. The complainant has further informed that again the then Government stopped issuing all Government advertisements even though his daily was of Category "A" and the government started giving some advertisements under category "C". He, therefore, again approached to the Hon'ble High Court and Court vide its judgement dated 8.11.2017 ordered the state government to enlist Dainik Ganadoot as Category "A" and continue allotting advertisements as its due but till date the state government is totally silent. The complainant has stated that Dainik Ganadoot is one of the only two newspapers in Tripura having RNI/ABC Certificate and still they are facing discrimination instead of preference. The complainant has also stated that one newspaper which does not have ABC or RNI Certificate is declared as "A" category and giving advertisement more than 30 lakhs per month, whereas they are not getting even Rs.1 lakh per month. The complainant has informed that he has written minimum 25 letters in the last two years to the respondent government but not even for courtesy sake the information department acknowledged their letters. The complainant has alleged that Dainik Ganadoot is totally discriminated of state government advertisements for the last 10 years. He has requested the Council to take necessary action in the matter.

Notices for Comments dated 16.7.2019 were issued to the Government of Tripura through its Secretary and Director of Directorate of Information & Cultural Affairs followed by reminder dated 28.8.2019.

Further Communications from Complainant

The complainant vide his further communication dated 4.9.2019 has informed that his newspaper was in "A" category but due to political reasons the State Government almost stopped to issue the advertisement to his newspaper. He has further informed that the respondent violating the State Government Advertisement Policy-2009 and issue advertisements to one Daily "Syandan Patrika" minimum of more than Rs.50 lakhs monthly, which has only one private CA Certificate for 44,000 copies, whereas his newspaper is the only RNI certified daily in the State of Tripura among 16 daily published from Tripura.

The complainant vide his communication dated 20.9.2019 has stated that when the respondent got this information that he has filed a complaint against them from that everyday he is getting below 100 cms. advertisements whereas the Syandan Partrika is getting everyday even in holidays also more than 1,000 cms. Government advertisements regularly.

Comments of the Respondent

Shri Ratan Biswas, Director, Directorate of Information and Cultural Affairs, Tripura vide his comments dated 15.10.2019 has stated that the complainant filed a case vide No. W.P.(C)-545 of 2001 in the year 2001 to get equal allotment of advertisement in comparison to other "A" category newspaper for the period from May, 1997 to 24/11/2000. The Hon'ble Court by its judgement and order dated 21/12/2012 directed the respondents to recalculate the total value of the advertisements (both classified and display) as distributed to the newspaper in the category "A" as per Government Policy during the period from May, 1997 to 24.11.2000 and respondents shall have to release the said advertisements. The respondent has further stated that for compliance of the said judgement, the Department had recalculated the total value of the advertisement (both classified and display) as distributed to the "A" category newspaper for the period from May, 1997 to 24.11.2000 and accordingly the department issued advertisements to the complainant's newspaper.

According to the respondent, on the other hand the complainant filed another case vide no. W.P.(C)-200/2011 to categorize his newspaper "Dainik Ganadoot" as "A". Subsequently on 11.11.2016, the Court passed an order directing the respondents to consider the question of grading the newspaper as "A" category. The respondent has informed that the matter was put up before the Circulation Committee on the meeting dated 04/01/2017 and discussion was made on the basis of the judgement and order dated 11/11/2016 of the Ld. High Court of Tripura. The decision of the Circulation Committee is as follows:

1. Dainik Ganadoot which is presently enlisted in category "B" had earlier applied for upgradation to category "A" but it had failed to fulfill the criteria for getting upgraded to "A".
2. The committee carefully observed the judgement and operative part of the court order dated 11.11.2016 and came to the decision for consideration of the case of Dainik Ganadoot, it was found that the categorisation was granted as per prevailing guidelines and categorisation of Dainik Ganadoot as "B" was found justified as per the Tripura Advertisement Guidelines 2009. But the rules were further amended on 24.09.2009 and 04.09.2010 for categorisation of newspapers.

3. If the complainant wanted to upgrade Dainik Ganadoot to category “A”, he is required to submit all relevant documents as stipulated in the Tripura Advertisement Guidelines 2009 as amended till date.

The respondent has submitted that a correspondence had been made to the complainant intimating him the decision of Circulation Committee.

The respondent has submitted that as per the existing provision i.e. The Tripura Advertisement Guidelines, 2009, the eligibility criteria for categorization/upgradation of “A” category newspapers are as follows:

1. Certificate issued by ABC, Printer’s Certificate, Statement of use of newsprint including bills and challans and yearly statement of audit and balance sheet.
2. Only daily newspapers will be eligible for the categorisation.
3. Minimum size of newspapers should not be less than 45x7 standard col. width or equivalent col. space.
4. The newspapers must have at least eight papers printed in offset process. It must have paid circulation of more than 13,000 copies.
5. It must have authorized sales agents in all district, sub-divisional headquarters and block headquarters. The newspapers must submit the list of authorized sales agents to ICA department, which may be verified by the Department.
6. If any newspaper goes out of publication continuously for more than a month, it will be downgraded to “B” category for a minimum period of 2 months.

The respondent further stated that after examining all the relevant documents submitted earlier by the complainant, the Circulation Committee provisionally categorised the Dainik Ganadoot as “B” category, which was also communicated to Sri Chaudhuri. However, he did not feel necessary to submit any documents relating to up gradation of the newspaper.

The respondent mentioned that, on 15.12.2017, the complainant sent a letter to the Director ICA, wherein he has clearly stated that “for the last three months they are getting very less advertisements as per their records which they maintain day-to-day advertisement record of “B” category newspapers accepted by the State Government, though he had already approached to the Hon’ble High Court for injustice by the state government. When all the “B” category newspapers are getting advertisements from ICAT Department, their daily is getting totally NIL advertisement. The respondent has stated that from his letter dated 15.12.2017, it is presumed that he has actually accepted the decision of the Circulation Committee to categorize Dainik Ganadoot as “B” category.

The respondent has mentioned that the complainant has till today failed to furnish the requisite documents in support of A-category. The respondent has added that it is crystal clear that the claim of complainant is totally baseless and unjust.

Further Communications from Complainant

The complainant vide his communication dated 26.11.2019 addressed to the respondent-department has stated that despite submitting all required certificate and reports, the government has almost stopped giving advertisement to his newspaper.

The complainant vide his communication dated 16.12.2019 has informed that the respondent department is doing serious injustice to Dainik Ganadoot for the last two years though its circulation is 49,000 copies per day and the certificate issued by the RNI, New Delhi/Guwahati but one Syandan Patrika is getting everyday more than fifty thousand government advertisement though their circulation is very low and the circulation certificate issued by one private Chartered Accountant.

The complainant vide his communication dated 26.12.2019 while reiterating his complaint has stated that the respondent in his comments has mentioned all old facts, for which he is not interested. The complainant has further stated that last 25 years of Administration of CPM party, there was no law and order. All the local newspapers afraid of CPM ruling party except Dainik Ganadoot. The complainant has also stated that Dainik Ganadoot has been regularly highlighting the corruption of ruling party. According to the complainant, 'Ajkaal Tripura' printed from one private press and its circulation is only 1500 copies has been declared as "A-1" category. The complainant has further stated that 'Ajkaal Tripura' and 'Daily Deshar Katha' are in "A-1" category as both the newspaper are mouthpiece and CPM Party organ for which every month respondent department issued more than Rs.50 lakhs government advertisements for the last 25 years continuously.

Further Communication from Respondent

Shri Ratan Biswas, Director & Addl. Secretary, Information & Cultural Affairs, Government of Tripura, Agartala vide his letter dated 12.2.2020 has informed that the complaint raised against him by the complainant is not based on facts. According to the respondent, the main contention of the complainant is that since April, 2018, the department has been issuing maximum ads only to one news daily i.e. Syandan Patrika in violation of Tripura Advertisement Guidelines, 2009. The comparison between Syandan Patrika and Dainik Ganadoot does not hold good in view of the fact that Syandan Patrika is an enlisted "A" category, whereas the Dainik Ganadoot is an enlisted "B" category. The respondent has further stated that Syandan Patrika was upgraded to category "A" in pursuance of Order dated 2.5.2012 of Hon'ble Supreme Court of India. Subsequently, vide Order dated 5.1.2018 of Hon'ble High Court Tripura, the Syandan Patrika has been treated as a category "A". Denying the allegation that Syandan Patrika has no ABC certificate of RNI Circulation Certificate, the respondent has submitted that Syandan Patrika submitted an Audit Bureau of Circulations (ABC) Certificate issued on 13.8.2019. The respondent has further stated that the complainant's newspaper received total of 9357 col.cm. advertisement during the period from July, 2019 to December, 2019, which is the highest amongst the 11 category "B" newspapers, therefore, question of bias in issuing of advertisement to complainant is not based on facts and beyond comprehension. Denying the allegation of politically motivated and corrupt, the respondent has stated that the Department is issuing advertisements strictly as per Tripura Advertisement Guidelines, 2009 as amended from time to time. The respondent has further stated that as per Order dated 21.12.2012 of Hon'ble High Court, the department recalculated the total value of the advertisements and issued the advertisements to complainant's newspaper according to the direction. However, the complainant filed another case in Hon'ble High Court of Tripura WP{C} No.200/2011 for category "A" and the Court vide Order dated 11.11.2016 disposed of the WP with a direction to the Government to consider the question of granting the status of "A" category. In pursuance of the court direction, the matter was placed before the Circulation Committee on 4.1.2017 and the Committee observed that the

complainant may submit all relevant documents for upgradation of category as per Tripura Advertisement Guidelines, 2009 as amended on 24th September, 2009 and 4th September, 2010 but no reply was received from the complainant. the respondent has stated that the complaint is baseless and devoid of merit and liable to be dismissed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi. The complainant appeared in person along with Editor, Shri Arunansh Pal while the Government of Tripura is represented by Shri Chaitanya Murti, Resident Commissioner.

By Judgement and Order dated 11th of November, 2016 passed in W.P. (C) No. 200 of 2011 (Sushil Chaudhary Versus State of Tripura and Others), the Hon'ble High Court of Tripura at Agartala directed the Director of Information, Cultural Affairs and Tourism Department and Head of the Circulation Committee to consider the question of grant of category 'A' to the newspaper. In the light of the aforesaid Order the Director, Information and Cultural Affairs by its communication dated 31.3.2017 has informed the complainant, that the categorization of the newspaper, Dainik Ganadoot in Category 'B' is as per the prevailing guidelines. The Director further informed that the complainant, in case is keen to have the newspaper upgraded to category A', may submit all relevant documents as stipulated in the guidelines.

It is the assertion of the complainant that in the light of the aforesaid observation he has submitted application for upgradation of the newspaper to category 'A' along with all relevant documents, but till date no decision has been taken.

Further, assertion of the complainant is that various newspapers which ought not to have been brought under category 'A' have been enlisted as such.

In the facts and circumstances of the case, the Inquiry Committee gives liberty to the complainant to file a comprehensive representation praying for upgradation of the newspaper from category 'B' to category 'A'. In case such an application is filed within two weeks, the Director of Information, Cultural Affairs shall take decision in accordance with law within six weeks of the receipt of such application. Needless to state that in case, the complainant is aggrieved by the said decision he shall have liberty to assail the same in accordance with law before the appropriate authority.

With the aforesaid directions, the Inquiry Committee disposes of 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 dispose of the complaint with aforesaid directions.

Press Council of India

S.No.19

F.No.13/203/18-19-PCI.

Complainant

Shri Dharmendra Singh Ranera,
Owner/Editor/Publisher,
Times of Mandsaur,
Mandsaur (M.P.).

Respondent

Shri Ishwar Lal Chauhan,
Assistant Director,
District Public Relations Office,
Mandsaur (M.P.).

Shri Vinod Kushwah,
Station House Officer,
Police Station Yashodharman Nagar,
Mandsaur (M.P.).

Shri Bhim Singh Devra,
Sub-Inspector,
Police Station-Yashodharman Nagar,
Mandsaur (M.P.).

Adjudication dated 21.09.2020

This undated complaint, received in the Secretariat of the Council on 5.3.2019, has been filed by Shri Dharmendra Singh Ranera, Owner/Editor/Publisher, Times of Mandsaur, Mandsaur (M.P.) against Shri Ishwar Lal Chauhan, Assistant Director, Public Relations Office, Mandsaur for allegedly implicating him in false case due to publication of critical writing.

According to the complainant, he published a news item in his newspaper's issue dated 19.12.2018 under the caption "जारी है सहायक संचालक ईश्वर चौहान की भांडगिरी-तैमूरलंग से लजाता जनसम्पर्क विभाग" regarding irregularities committed by Shri Ishwar Lal Chauhan in the department and also not issued press cards to the journalists during election. The complainant has alleged that annoyed with publication of critical writing, very next day i.e. on 20.12.2018, the respondent-Shri Ishwar Lal Chauhan filed a false case No.0582/2018 under Sections 294/506 of IPC in Police Station Yashodharman Nagar, Mandsaur, due to which he had to remain in jail for three days. He has further alleged that Shri Vinod Kushwah, SHO and Shri Bhim Singh Devra, Sub-Inspector without investigating the matter has filed case against him.

The complainant has submitted that he sent letters dated 12.1.2019 to the respondents to know their opinion but received no response till date. He has requested the Council to take strict action against the respondents.

Notices for Statement in Reply dated 26.4.2019 were issued to the respondents, Shri Ishwar Lal Chauhan, Assistant Director, Public Relations Office, Mandsaur, SHO and Sub-Inspector of Yashodarman Nagar Police Station, Mandsaur.

Reply of Shri Ishwar Lal Chauhan

Shri Ishwar Lal Chauhan, Assistant Director, District Public Relations Office, Mandsaur vide his reply dated 17.5.2019 while denying the allegation of the

complainant has stated that the complainant has made false accusations of irregularities and not issuing the cards to the journalists during election against him in critical news. The respondent has further stated that the cards to the journalists are being issued by the District Election Officer and the Chief Electoral Officer during the election, therefore, he cannot interfere directly and indirectly in issuing the cards. The respondent has alleged that the complainant verbally demanded money and threatened him to kill and defame in the society if his demand was not met. The respondent has further alleged that the complainant used derogatory and abusing language in the critical news item like 'तैमूरलंग', 'भांड', 'लालची', 'दोगला', 'बेशर्म', 'नोटकीबाज' etc. due to which his image was tremendously damaged in the society, therefore, he filed a case against the complainant on the basis of facts. The respondent has also stated that the case filed against the complainant is presently pending consideration before the Court at Mandsaur. The respondent has stated that the complainant did not want to know his opinion by writing a letter to him, but asked to withdraw the case filed against him, therefore, he did not think to reply the same. The respondent has further stated that the complainant is a criminal nature person and a criminal case was also filed against him in the past. He has requested the Council to cancel the license of the complainant's newspaper.

Counter Comments

The complainant vide his counter comments dated 29.7.2019 stated that the reply filed by the respondent is totally false. The complainant has stated that during the legislative assembly election, photos were called for from the journalists by the respondent and not by the District Electoral Officer or the Chief Electoral Officer. While denying the allegation of abusing and threatening, the complainant stated that the respondent has no cordial relationship with anyone. Several journalists made complaints against the respondent to the District Election Officer and elsewhere. The complainant has alleged that only due to the respondent, the election cards could not be issued to the journalists in Mandsaur. In this regard, many journalists complained to the Collector and District Election Officer. The complainant informed that after complaint against the respondent, the cards were issued to the journalists during Lok Sabha elections.

Further Communication received from Respondent-Shri Ishwar Lal Chauhan

Shri Ishwar Lal Chauhan, Assistant Director, District Public Relations Office, Mandsaur vide his letter dated 13.2.2020 stated that during the legislative assembly election in 2018, he was the Member Secretary of the MCMC and as per order passed by the Election Commission of India, the election passes were issued only to accredited journalists, daily newspapers and on the basis of utility. The respondent stated that no need appeared to issue the pass to the complainant and the number of press passes received were distributed and no press pass was left. Hence the press pass was not issued to the complainant. The respondent further stated that other weekly, fortnightly, quarterly newspapers, which did not require media passes, understood the intent of the election work and supported the election work. On the other hand, when passes were issued to him during Lok Sabha Election-2019, he did not use it. While reiterating his allegation for using abusive language in the news and thereby defaming him, the respondent submitted that he registered an FIR No.582/18 under Sections 294/506 of IPC and Section 92 of M.P. Handicapped Right Act, 2016-17 against the complainant, which is now pending consideration before the

Hon'ble Court, Mandsaur in case No.23/19. The respondent has submitted that the complainant also filed a petition No.19168/19 in Hon'ble Court, Indore for cancellation of the FIR. The respondent has stated that the complainant filed this complaint on the basis of false facts. He has requested the Council to dismiss the complaint.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi. While the complainant appeared in person, there is no appearance on behalf of the respondents.

The Inquiry Committee has heard the complainant and has also perused the reply and all other connected papers and is of the opinion that the prayer made by the complainant for cancelling the FIR is not fit to be granted by the Council. After the FIR was lodged, case was investigated and charge sheet has been submitted against the complainant. While the Inquiry Committee declines to interfere in the matter but gives liberty to the complainant to take recourse to any other remedy available to him in law.

With the aforesaid observation, the Inquiry Committee disposes of 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 dispose of the complaint with aforesaid observation.

Press Council of India

S.No.20

F.No.13/199/18-19-PCI.

Complainant

Shri Vijay Kumar,
Correspondent,
Dainik Jagran,
Nawada, Bihar.

Respondent

Dr. Satyendra Kumar Sinha,
Medical Officer,
Primary Health Centre, Kawakol,
Nawada, Bihar.

The Chief Medical Officer,
Primary Health Centre, Narhat,
Nawada, Bihar.

The Superintendent of Police,
District Nawada, Bihar.

Adjudication dated 21.09.2020

This undated complaint, received in the Secretariat of the Council on 25.2.2019, has been filed by Shri Vijay Kumar, Correspondent, Dainik Jagran, Nawada, Bihar against Dr. Satyendra Kumar Sinha, Medical Officer, Primary Health Centre, Narhat, Nawada (presently in Primary Health Centre, Kawakol, Nawada) for allegedly dragging his name in a case due to publication of critical writings.

According to complainant, there was an incident of sabotage and arson in the Health Centre, Narhat on 1.7.2017 and on the complaint of the respondent an FIR No.99/2017 dated 1.7.2017 was registered in Narhat Police Station against 12 named accused and 80-100 unknown persons. The cause of the incident was the death of an injured person due to lack of timely treatment. The complainant has further informed that his name was not mentioned in the FIR but later on the respondent levelled allegation of instigating the crowd and extortion against him in his statement given to the Investigating Officer. The complainant has stated that he met with the respondent many times earlier for collection of news and he also published many news items prominently in connection with irregularities prevailing in the Health Centre. The complainant has alleged that the respondent maliciously dragged his name in the case under a conspiracy levelling false allegations. He has requested the Council to take necessary action in the matter.

Notices for Statement in Reply were issued to the respondents-Dr. Satyendra Kumar Sinha, Medical Officer, Narhat, Nawada and Chief Medical Officer, Primary Health Centre, Narhat, Nawada on 8.5.2019.

Written Statement

Dr. Satyendra Kumar Sinha, Medical Officer, Kawakol, Nawada vide his written statement dated 27.6.2019 has stated that the allegations levelled by the complainant against him is totally false and fabricated. According to the respondent, a patient suffering from an incident of "Vajrapat" was brought to the Health Centre on 1.7.2017, who was found dead during investigation. The patient's family took his body back. After some time, 80-100 people came and started sabotage and arson in the Centre. In this regard, an FIR was registered on his written complaint. The respondent has further stated that neither he mentioned the name of the

complainant in the FIR nor he gave any statement to the police against the complainant. He did not level any allegation against the complainant. If any involvement of the complainant is found in the incident, then it is absolutely based on police investigation. The respondent has also stated that he has no ill-will against the complainant. The respondent has also stated that the journalists are often interested in illegitimate extortion in the garb of journalism and thereby mentally harass the offices of police and administration and the complainant is also one of them.

Counter Comments

The complainant vide his undated counter comments has stated that it is clear from the written statement of the respondent that the Investigation Officer and the then SHO of Narhat Police Station (presently in Patna Kotwali) made him the accused under a conspiracy by levelling false allegation. He has requested the Council to also issue Notice to the Investigating Officer for providing the evidence. He has further requested to direct the respondent to produce evidence in respect of his allegations of extortion in the garb of journalism levelled against all the journalists including him. He has also requested to send the document of this case to the Superintendent of Police, Nawada and the Divisional Police Officer, Rajauli.

A copy each of the complaint and reply of the respondent was forwarded to the Superintendent of Police, Nawada on 28.8.2019 with a request to file Action Taken Report in the matter but no response has been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi. While the complainant has appeared in person, Shri Ram Parikha Singh, Sub-Inspector of Narhat Police Station appeared on behalf of the respondent-Superintendent of Police, Nawada.

The complainant is a correspondent of the Hindi newspaper, Dainik Jagran and his assertion is that he wrote many stories in regard to the irregularities in the hospital in which respondent, Dr. Satyendra Kumar Sinha is a Medical Officer. According to him, arson took place in the said hospital after the death of a patient and Dr. Sinha took this opportunity and got the complainant implicated in the case. Dr. Sinha admits that in relation to the incident of vandalism and arson, he lodged an First Information Report (FIR) dated 1st July, 2017 with the Narhat Police Station but in that he never named the complainant. He has further stated that during the course of investigation he did not name the complainant for playing any role in the crime in question.

The Inquiry Committee has heard the complainant, Shri Vijay Kumar and Mr. Ram Prikha Singh, Sub-Inspector/Investigating Officer of the Narhat Police Station. The Inquiry Committee has perused the First Information Report and the statement given by Dr. Sinha during the course of investigation and finds that he had not named the complainant either in the FIR or in the statement given during investigation. Hence, the grievance of the complainant against Dr. Sinha is thus misconceived. If the complainant's involvement in the said crime has been found by the Investigating Officer on the basis of any other material, Dr. Sinha cannot be blamed.

In the facts and circumstances of the case, the Inquiry Committee would expect from the Superintendent of Police, Nawada to look into the matter personally and to see as to whether the involvement of the complainant in the crime is on the basis of any other material.

With the aforesaid directions, the Inquiry Committee disposes of 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 dispose of the complaint with aforesaid directions.

Press Council of India

S.No. 21

F.No.13/23/19-20-PCI.

Complainant

Smt. Mahmooda Mansoori,
Publisher,
Dainik Avantika Herald,
Ujjain (M.P.)

Respondent

The Registrar,
Registrar of Newspaper for India,
New Delhi.

Adjudication dated 21.09.2020

This complaint dated 30.4.2019 has been filed by Smt. Mahmooda Mansoori, Publisher, Dainik Avantika Herald, Ujjain (M.P.) against the Registrar of Newspapers for India (RNI) for allegedly non-issuance of registration certificate to her newspaper.

According to the complainant, she had applied for new registration certificate of Dainik Avantika Herald on 10.10.2018 along with all required documents. In response thereto, she received a letter dated 13.11.2018 from the RNI for sending Demand Draft of Rs. 3,000/- and accordingly she had sent Demand Draft of Rs.3,000/- to the RNI on 15.11.2018. The complainant has alleged that she has not received registration certificate from the RNI till date. She has requested the Council to take necessary action in the matter.

A Notice for Statement in Reply was issued to the Registrar, Registrar of Newspapers for India, New Delhi on 30.5.2019.

Written Statement

The Deputy Press Registrar, RNI vide his reply dated 9.7.2019 has informed that they have received application from the complainant for publication of new edition of her newspaper. After perusal of the documents, a letter dated 24.5.2019 was issued to the complainant for removal of discrepancies. The respondent has further informed that after receiving complete documents from the complainant, registration certificate under title "Avantika Herald" (Hindi Dainik) RNI No.MPHIN/2018/77700 dated 3.7.2019 has been issued to the complainant.

Communication from Complainant

The complainant-Ms. Mahmooda Mansoori, Publisher, Avantika Herald, Ujjain vide her letter dated 17.2.2020 informed that the RNI has issued registration certificate No.MPHIN/2018/77700 dated 3.7.2019 to her newspaper Avantika Herald.

Communication from RNI

The respondent-Deputy Press Registrar, RNI vide his letter dated 25.2.2020 has reiterated that the complainant's newspaper Avantika Herald has been registered under certificate No.MPHIN/2018/77700.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi. There was no appearance on behalf of the complainant, while the respondent-RNI is represented by Shri Joy Saxena, Section Officer and Shri Dada Rao, Assistant Section Officer.

The grievance of the complainant is for non-issuance of Registration certificate to the newspaper by the Registrar of Newspapers for India (RNI). In the reply, the Registrar of Newspapers has stated that now the registration certificate has been issued to the complainant. The complainant in her letter dated 17.2.2020 has acknowledged this fact.

In view of aforesaid, the Inquiry Committee is not inclined to proceed in the matter any further but like to observe that whatever discrepancy is found in the application for Registration, Renewal, Title verification etc., all be pointed out at one go with the details thereof. The Inquiry Committee does not approve of pointing out intermittently discrepancies at different stages.

With the aforesaid observations, the Inquiry Committee disposes of 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 dispose of the complaint with aforesaid observations.

Press Council of India

S.No.22

F.No.13/115/19-20-PCI.

Complainant

Shri Avinash Saxena,
Reporter,
Modern Reporter Weekly,
Meerut Cantt (U.P.).

Respondent

Shri Mukesh Gupta,
Editor,
Dainik Aaj Ki Dastan,
Meerut (U.P.)

Adjudication dated 21.09.2020

This complaint dated 25.7.2019 has been filed by Shri Avinash Saxena, Reporter, Modern Reporter Weekly, Meerut Cantt (U.P.) against Shri Mukesh Gupta, Editor, Dainik Aaj Ki Dastan, Meerut for allegedly threatening to kill complainant due to publication of critical writing.

According to the complainant, he published a news item in his newspaper's issue dated 23.7.2019 under the caption “अवैध वसूली स्वीकार करने की विडियो हुई वायरल, ऐसे गैर जिम्मेदार संपादक के कारण पत्रकारिता की छवि हो रही धूमिल” on the basis of a viral video wherein the respondent-Shri Mukesh Gupta was taking money from a builder. The complainant has alleged that annoyed with publication of critical news, the respondent along with two other persons reached the printing press and started abusing and manhandling and also threatened to kill him at gunpoint. The complainant has further stated that the people present there saved his life. The complainant has submitted that he wrote to the police authorities in this regard on 25.7.2019 but no action was taken. While apprehending danger to his life and his family, the complainant has requested the Council to take necessary action against the respondents and also direct the police for security.

Notice for Statement in Reply was issued to the respondent-Shri Mukesh Gupta, Editor, Aaj Ki Dastan, Meerut on 27.11.2019.

Reply of the Respondent

The respondent-Shri Mukesh Gupta, Editor, Aaj Ki Dastan, Meerut vide his undated reply while denying the allegation levelled by the complainant has alleged that the complaint is misleading, fabricated and far from truth. The respondent has further submitted that the complainant published news item against him on the basis of fake viral video and thereafter the complainant accepted his mistake and apologised in writing stating that he published the news item due to lack of knowledge and with a view to defame him (respondent). The respondent has submitted that the complainant is of criminal nature and extorts money from the innocent people in the garb of journalism and in this regard many cases are registered against him. The respondent has further submitted that the complainant himself admitted in an interview given to the G-Channel on Press day that he does not know how to write and he publishes the news from the internet. The respondent has stated that he always follows the guidelines framed by the Press Council of India. He has requested the Council to dismiss the complaint.

Counter Comments of Complainant

The complainant vide his counter comments dated 11.2.2020 while reiterating his complaint has stated that the reply of the respondent is based on false facts. The complainant has alleged that the respondent came to his office along with his associates and started abusing and manhandling him and forcibly taken his signature on paper. The complainant has stated that the respondent also took his picture when he was writing news and sent to the PCI. The complainant has further stated that he is senior accredited journalist, therefore, allegation of the respondent that he does not know writing, is false. The complainant has also stated that no complaint is registered against him and on the contrary the respondent is of criminal nature person. He has requested the Council to take strict action against the respondent.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi.

Despite service of notice, the complainant has not chosen to appear. The respondent is represented by its reporters, Mr. Vibhu Gupta and Mr. Aditya Gupta. The Inquiry Committee has perused the complaint and the reply filed by the respondent and finds no merit in the grievance of the complainant and accordingly recommends for the dismissal of 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 dismiss the complaint.

Press Council of India

S.No.23

F.No.13/154/19-20-PCI.

Complainant

Smt. Mahmooda Mansoori,
Publisher,
Saptahik Avantika Herald,
Ujjain (M.P.)

Respondent

The Director General,
Directorate of Advertising & Visual
Publicity,
Bureau of Outreach and Communication
Ministry of Information & Broadcasting,
New Delhi.

Adjudication dated 21.09.2020

This complaint dated 10.10.2019 has been filed by Smt. Mahmooda Mansoori, Publisher, Saptahik Avantika Herald, Ujjain (M.P.) against DAVP (now Directorate of Advertising & Visual Publicity and Bureau of Outreach and Communication), New Delhi for non-renewal of advertisement rate contract.

According to the complainant, the advertisement rate contract of her newspaper Avantika Herald Weekly was till March, 2019. She applied online for renewal of rate contract along with all required documents. In response thereto, the respondent had pointed out some discrepancies in the documents. The complainant has alleged that despite removal of all discrepancies on 29.4.2019 and 20.7.2019 the respondent has declared her weekly as "Block in Regularity" in online Renewal Status and sought copies of newspaper for the last two months issues and original Annexure-XII (Proforma for Certificate to be issued by Cost/Chartered Accountant for Circulation of Newspaper/Journal). The complainant has submitted that the required documents were provided to the respondent-department on 14.9.2019 and 30.9.2019. The complainant has stated that the respondent issued only 2-3 advertisements worth Rs.4-5 thousands in a year and thereby doing injustice by not issuing even low price advertisements. She has requested the Council to take necessary action in the matter.

Notice for Comments was issued to the respondent-DAVP on 21.11.2019.

Comments

Ms. Maushumi Chakravarty, Additional Director General, DAVP vide her comments dated 12.12.2019 has stated that the rate of complainant's weekly has not been renewed due to lack of source of news in the issues and non-submission of original Annexure-XII for the year 2018-19, which was intimated to the complainant vide email dated 23.7.2019. The respondent has further stated that the complainant has not submitted the required document/issues so far, as per record available. The respondent has informed that the complainant has also not submitted physical file for the rate renewal in the year 2019 as per records available. Therefore, it is not possible to consider complainant's weekly for rate renewal as the complainant neither submitted the required documents/issues nor applied for rate renewal in the month of September, 2019.

Further Communication from Complainant

The complainant vide her letter dated 9.1.2020 has informed that she has provided all required documents to the Additional Director General, DAVP vide her letter dated 4.1.2020. She has also forwarded a copy of the said letter dated 4.1.2020 along with documents to the Council. She has requested the Council to take necessary action in the matter.

Further Communication from Respondent

The respondent-DAVP vide its letter dated 3.2.2020 has informed that the rate of the complainant's weekly has been resumed in BOC panel with effect from 27.1.2020 after receipt of required documents/issues.

Communication from Complainant

The complainant vide her letter dated 17.2.2020 informed that the rate contract of her weekly newspaper Avantika Herald has been resumed in BOC panel with effect from 27.1.2020 to 31.12.2021.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi. There was no appearance on behalf of the complainant, while the respondent-DAVP is represented by Shri Pankaj Nigam, Media Executive.

The complainant is aggrieved by non-renewal of the rate contract. The respondent has filed the reply and stated that it has been renewed on 27th January, 2020, which the complainant can see on the website of the DAVP.

As the grievance of the complainant has been remedied, the Inquiry committee is not inclined to keep the matter pending and directs for its disposal.

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.

Press Council of India

S.No. 24

F.No.13/211/18-19-PCI.

Complainant

Ms.Priyanka Borpujari,
Independent Journalist, and
Member, Mumbai Press Club
Mumbai.

Respondent

The Chief Secretary,
Government of Maharashtra,
Mumbai.

The Secretary,
Home (Police) Department,
Government of Maharashtra,
Mumbai.

The Commissioner of Police,
Maharashtra Police,
Mumbai.

Adjudication dated 21.09.2020

Shri Gurbir Singh, President, Mumbai Press Club vide his email dated 7.3.2019 has forwarded a copy of the complaint dated 6.2.2019 of Ms. Priyanka Borpujari, Independent Journalist and Member of Mumbai Press Club against Mumbai Police for filing false case against her while she was discharging her journalistic duty.

Ms. Priyanka Borpujari, Independent Journalist and Member of Mumbai Press Club has informed that on December 26, 2017, she went to Hans Bhugra Road to cover the demolition of slums by the police. During the coverage, police began to ask her about her credentials and they did not want to believe that she was a journalist. Soon, someone ordered that her phone be taken away. She was dragged by her hair by a policewoman, and shoved into the police van and taken to the Bandra Kurla Complex Police Station, where her phone was confiscated. She was, however, able to call her friend, Shri Peter Griffin, who is also the Deputy Editor of The Hindu in Mumbai, to inform him of the incident. After an hour, she was allowed to make a phone call and an hour later, an intern from The Hindu arrived and told her that a case has been filed against her for inciting the crowd to be violent. According to the complainant, one of the women in the slum had bitten the arm of a policewoman and the blame was put on her for instigating this. Later, several other journalists joined her and a lawyer also appeared. She was let go that same evening, after several hours at the Police Station. Her colleagues took her to Guru Nanak Hospital where the resident doctor wrote a medico-legal report. The complainant has further informed that she did not file any charges against the Bandra Kurla Complex Police Station, however, a year later i.e. on December 30, 2018, she received a call from the Investigating Officer, Sub-Inspector, Shri Sachin Patil that they are ready to file a chargesheet. She applied for anticipatory bail, which was granted by the Mumbai Sessions Court on January 30, 2019. As per the court order, she appeared before the Bandra Kurla Complex Police Station on 4.2.2019. The complainant has stated that the charges against her under Sections 353/332/114/141/143 of IPC are grievous and false. She has not committed any crime by performing her duty as a journalist. This case aims to interrupt her life and profession and drain her emotionally as well as financially. The complainant has also stated that she has all the recorded evidence of

the police beating women and children at the slum demolition site, which is unjust and unlawful.

Notices for Statement in Reply dated 22.4.2019 were issued to the Government of Maharashtra through its Chief Secretary, Secretary Home (Police) and Commissioner of Maharashtra Police.

Reply

Ms. Kalpana Gadekar, Sr. Inspector of Police, Bandra Kurla Complex Police Station, Mumbai vide reply dated 6.6.2019 has submitted that on 26.12.2017, Brihan Mumbai Municipal Corporation (BMC), Mumbai had a demolition drive of illegal hutments in the jurisdiction of Bandra Kurla Police Station, Mumbai at Hansbhugra Road, Kalina. Appropriate Police arrangement was deployed as per the request of BMC officials for conducting the drive. At about 13:00 hrs 10 to 15 women started protesting against the demolition drive and also started shouting and abusing the BMC officials i.e. government servants while performing their lawful duty. While this agitation was going on a lady named Ms. Priyanka Borpujari (which was recognized later) started recording the protest in her personal mobile phone and she also started provoking the group of women on the spot against the BMC officials and also against the police personnel on duty by purporting herself as journalist and started provoking the mob by saying 'the BMC official has no right to demolish houses and police are doing injustice to them by helping the BMC' and also stood before government allotted JCB vehicle along with other protesting women and prevented the government officials in discharging their duty as public servant. The respondent has further stated that on provocation of Ms. Priyanka, the group of other women and men started abusing and hitting the BMC workers and police on duty. The police officers and BMC officials tried to convince Ms. Priyanka and other women by showing them the demolition orders but they refused to pay heed to them and continued their obstacles. Further, on demanding Ms. Priyanka Borpujari to produce her Identity Card she refused it by saying she does not possess it. According to the respondent, on the complaint of Sub-Engineer of H Ward, BMC, a criminal case was registered at Bandra Kurla Complex Police Station vide CR No.397/2017 under Sections 353/333/141/143/114/34 of IPC against five women including the complainant. No arrest was made in this case and Notices under Section 41A Cr.PC were served to them. The respondent has further stated that it was disclosed later that the lady, who was recording the protest was Ms. Priyanka Borpujari and she was a freelance journalist. The respondent has also stated that no women was ill-treated or harassed in the incident. According to the respondent, Ms. Priyanka was called by the Investigating Officer for filing of charge-sheet, he was filing charge-sheet in the Hon'ble Metropolitan Magistrate Court No.71, Bandra East, Mumbai without her arrest but she did not attend Police Station and appear before the Court for anticipatory bail. Subsequently, she got anticipatory bail even after she did not attend the police station to avail it. The respondent has further stated that the status of an offence is, charge-sheet has been filed against other accused women in the Hon'ble Metropolitan Magistrate, Bandra East, Mumbai vide CCNo.202/PW/19 dated 21.3.2019. Before this, Ms. Priyanka has not made single complaint against police officers or BMC officers to any higher authorities and even she has not complained to the Hon'ble Session Court, Mumbai, while availing anticipatory bail. She just wants to exempt her name from the charge-sheet of mentioned offence; hence she made this complaint to Hon'ble Council. The respondent has stated that she was not bitten or mishandled by police, though she is an accused in the said

offence all the liberty were given to her, even charge-sheet without arrest also offer but she did not turned up. The respondent has also stated that if Ms. Priyanka wants to quash her name from FIR, she has to appear before Hon'ble High Court, Mumbai.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 26.2.2020 at New Delhi. Shri K. Amarnath, Former Member, Press Council represented Ms. Priyanka Borpujari, Journalist & Member, Mumbai Press Club, Mumbai. Shri Dayanand Kamble, Dy. Director, appeared on behalf of the Chief Secretary, Govt. of Maharashtra.

The President of the Mumbai Press Club has endorsed the complaint of Ms. Priyanka Borpujari, a journalist in which she has prayed for quashing of the criminal charges against her. Reply has been filed by the respondent and it has been stated that during the course of investigation the involvement of journalist was found and accordingly charge sheet has been submitted against her.

The Inquiry Committee is of the opinion that the relief prayed for by the complainant cannot be granted by the Council. However, the complainant if so advised, may take recourse to any other remedy available to her in law.

With the aforesaid observations, the Inquiry Committee disposes of 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 dispose of the complaint with aforesaid observations.