

Agenda Item No.3

Adjudications Rendered by the Council

Section 14 – Complaints against the Press

**Cases heard by Inquiry Committee-I in its meeting held on
26.08.2022 at New Delhi.**

<u>S.No.</u>	<u>File/Case No.</u>	<u>Subject</u>
1	14/304/17-18	Complaint of Secretary of Sandesh, Jagpati Niwas against the Editor of Hindustan, Patna, Bihar.

Press Council of India

Item No. 1

File No. 14/304/17-18-PCI

Complainant

Shri Amarnath Chakravarty,
Secretary,
Sandesh,
Patna (Bihar).

Respondent

The Editor,
Hindustan,
Budha Marg,
Patna, Bihar.

Adjudication dated 22.9.2022

This complaint dated 13.09.2017 has been filed by Shri Amarnath Chakravarty, Secretary, Sandesh, Patna, Bihar against the Editor, Hindustan, Patna, Bihar for allegedly publishing misleading advertisements in its issues dated 11.09.2017, 12.09.2017, 13.11.2017 and 20.11.2017.

The complainant has alleged that the publications of impugned advertisements which deviate the minor or teenagers should be banned. The job seekers aspirants are being befooled by vested interest through such advertisements offering job opportunity on mobile numbers. The complainant has further alleged that the respondent newspaper, Hindustan is also regularly publishing advertisements convincing cure for sex related problem. The complainant has prayed the Council that in public interest, preventive measures required to be taken against such vulgarity.

The complainant vide notice dated 22.11.2017 drew attention of the respondent towards impugned advertisements but received no response.

A Show Cause Notice dated 08.01.2018 was issued to the respondent for filing Written Statement but received no response despite issuance of reminder dated 17.5.2018.

The matter came up for hearing before the Inquiry Committee on 9.7.2019 at Patna. The respondent neither filed any reply nor appeared before the Inquiry Committee. Thereafter, Inquiry Committee directed to serve Summon to the respondent for appearing before the Committee and matter was adjourned.

The matter again came up for hearing before the Inquiry Committee on 21.1.2020 at New Delhi. The Inquiry Committee observed that "The repeated violation and disobedience of the law and Norms of Journalistic Conduct by the respondent newspaper, 'Hindustan' published from various places in the country have come to the notice of the Council. The Council on several occasions have commented about such advertisements and in fact Censured the newspaper. Despite that the respondent has not stopped the same. In view of the gravity of the matter, the Inquiry Committee is of the opinion that the Editor of the Hindustan published from Patna and the Chief Editor of the said newspaper be asked to appear personally before the Inquiry Committee and explain the matter.

With the aforesaid directions, the Inquiry Committee adjourned the case."

The complainant vide email dated 02.08.2022 has stated that the objectionable/misleading advertisements are still being published by the respondent newspaper, Hindustan in its various issues.

Written Statement filed by Hindustan, Patna

The respondent vide written statement dated 23.08.2022 received in the office on 24.08.2022 has stated that he has approached the Hon'ble High Court of Delhi under its extraordinary writ jurisdiction for issuance of appropriate writ, including a writ of certiorari and/or necessary directions in the nature of quashing of the Order dated 22.01.2021 passed by the Press Council of India in case Nos.:29/SM/2020-A and 278/SM/2020-A. He has further stated that impugned order was stayed by the Hon'ble High Court of Delhi vide order dated 03.03.2021 in accordance with the respondent's fundamental right to freedom of speech, including commercial speech, and freedom of trade under Article 19(1)(a) and 19(1)(g) of the Constitution of India respectively.

The respondent while denying the allegations levelled by the complainant has stated that advertisements were published based on the relevant provisions of law as envisaged under Indian Constitution. He has stated that the said advertisements have been received from the respective advertisers, subsequently, the said advertisements are used to send for publication in the newspaper. He has stated that advertisements in relation to "Job" offer however in any manner are not explicit in nature and do not in any form represent which may have leave an adverse impact on it's readers. He has stated that said advertisements published in his newspaper were based on the release order provided by the concerned advertisers as well.

The respondent has further stated that advertisements dated 11.07.2017 and 12.09.2017 which were published in his newspaper relates to a general promotion/awareness about availability of an Ayurvedic Medicine for getting instant strength and youth etc. He has stated that advertisements are purely for the purposes of information and publicity. He has stated that they do not, in any way intend to cater to the prurient interest or titillate the minds of adolescents and minors, as entailed in the various penal provisions of the country, and thereby create any sort of adverse impact on them. He has requested the Council to dismiss the complaint.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 26.8.2022 at New Delhi. There was no appearance on behalf of the complainant, while S/Shri Govind Vijay, Prateek Mishra and Arun Pathak, authorised representatives appeared on behalf of the respondent newspaper.

Shri Amarnath Chakravarty, Secretary of Sandesh, Patna, Bihar has filed a complaint dated 13.09.2017 against the Editor, Hindustan, Patna, Bihar for publishing misleading advertisements in its issues dated 11.09.17 and 12.09.17 and 13.11.17, 20.11.17 and 25.11.17 to substantiate his claim.

It is stated that these advertisements may have adverse effect on the minds of teenagers and they may deviate from their path of good behaviour. Such advertisements should be banned. It is further stated that certain advertisements are issued for the benefit of job seekers. The job seekers are being befooled by persons having vested interests. Jobs are offered through advertisements only by giving mobile numbers. It is not possible for these advertisers to offer jobs in Government

and private institutions. It is further stated that the advertisers should send their advertisements to the newspapers on their letterheads and for identity they should give their PAN Card details to save the aspirants from being deceived. Such advertisements should be banned.

Show-Cause Notice dated 08.01.18 was issued to the respondent. Reminder dated 17.05.18 was issued. However, despite service of notice, the respondent neither appeared nor filed any written statement. The Committee noted the same on 09.07.2019 and ordered to Summon, the respondent editor, Hindustan, Patna, thereafter the Summon was issued on 01.01.2020 to the Editor, Hindustan, Patna to appear before the Inquiry Committee on the next date. The matter was adjourned. On 21.01.2020, the Committee observed the following:

“the repeated violation and disobedience of the law and Norms of Journalistic Conduct by the respondent newspaper, ‘Hindustan’ published from various places in the country have come to the notice of the Council. The Committee then observed that in view of the gravity of the matter, the Inquiry Committee is of the opinion that the Editor of the Hindustan published from Patna and the Chief Editor of the said newspaper be asked to appear personally before the Inquiry Committee and explain the matter. With these observations, the Inquiry Committee adjourned the matter”.

Despite these observations the Editor and the Chief Editor have not chosen to remain present before the Committee.

The respondent vide email dated 01.04.21 had requested the Council to provide a copy of the complaint to file reply in the matter. In response thereto, the Council had handed over a copy of complaint to the Advocate of the respondent, on 01.04.21.

Though the copy of the complaint was served upon Advocate of the respondent as far back on 01.04.21, the reply is filed in this Council on 24.08.2022 and it is being handed over to the Committee today i.e. on 26.08.2022 during the hearing of the case. The Committee have perused the reply and it does not contain any explanation which can be accepted by the Committee. The Committee has perused the advertisements published by the Hindustan. Some of the advertisements claim to solve sex related problems of people. They are undoubtedly vulgar. Besides, tall claims are made that the person suffering from sexual problems would be cured. Such advertisements are not only vulgar but may result in serious health complication in persons who may take medicines prescribed by such persons. No particulars are given of the medicines. No details are given of the name and educational qualifications of the persons making these tall claims. It is not known from where these persons are operating; only mobile numbers are given. It is also necessary to refer to Norms of Journalistic Conduct. Norm 2(v) under the caption Advertisements reads as under:

“Newspapers should not publish an advertisement containing anything which is unlawful or illegal, or is contrary to public decency, good taste or to journalistic ethics or propriety.”

Norm 2(x) under the caption Advertisements reads as under:

“The editors should insist on their right to have the final say in the acceptance or rejection of advertisements, specially those which border on or cross the line between decency and obscenity.”

Norm 28(i) under the caption Obscenity and Vulgarity to be Eschewed reads as under:

“Newspapers/journalists shall not publish anything which is obscene, vulgar or offensive to public good taste.”

Certain advertisements offer jobs, they are equally objectionable. Jobs are offered in foreign countries like Canada, Switzerland, Australia without giving any particulars of the nature of the job, the organisation and the company in which the job is being offered and who is offering it. Except mobile number, no particulars are given. Plight of such persons who go in search of jobs at such places is well known. In this connection, it is advantageous to again turn to Norms of Journalistic Conduct. Norm 2(xxvii) under the caption Advertisements reads as under:

Publishing advertisement of jobs, only with phone numbers and without any further details such as the nature of work to be done by the prospective candidate in case of selection and identity of the employer is unethical and be not published as it may facilitate “human trafficking” as lots of unsuspected boys and girls shall become victim.

Newspapers intending to publish such advertisements should publish the nature of work to be done, so as to avoid promoting unethical practices.

** “Disclaimer” published shall not absolve the newspaper from its responsibility.*

In this connection, it is also necessary to refer to Norms of Journalistic Conduct 2020. Norm 12(viii) under the caption Editors’ Discretion reads as under:

The editors must bear in mind their duty towards society while publishing Job/employment advertisement with insufficient details as it may facilitate Human Trafficking and be done only after proper inquiry.

The Committee feels that there should be an internal process by which these advertisements are vetted so that the contents of the advertisements do not become misleading to the public.

In the circumstances, the Committee feels that publishing such advertisements is a breach of Norms of Journalistic Conduct. It lowers the high standard of journalism. It shows scant regard to Norms of Journalistic Conduct. The Inquiry Committee, therefore, advises the Council to severely **Censure** the newspaper, ‘Hindustan’.

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 **Censure** the respondent newspaper, Hindustan.