

Adjudications Rendered by the Council on 09.10.2019

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PRESS COUNCIL OF INDIA

SI No. 1

File No.13/155/10-11-PCI

Suo-motu action taken by the Press Council regarding murder of a journalist of Nai Duniya at Raipur.

ADJUDICATION **Dated 9.10.2015**

The Press Council of India came across a news item dated 25.1.2011 published in 'Deccan Chronicle' under the caption 'Journalist killed for exposing graft'. It was reported in the news-item that "a senior scribe working with a local edition of Hindi daily 'Nai Duniya' was shot dead by two assailants at Gariyaband, at the outskirts of Raipur. Two shots were fired at Umesh Rajput from point range as he came out of his house responding to a call by two masked youths. The miscreants escaped on bikes after gunning him down. The Police seized letter of threat from his house. The letter was sent after publication of some reports highlighting corruption by some government officials. The police interrogated a woman health worker as the deceased had earlier filed a complaint against her for threatening to kill him. The resident editor of Nai Dunia said, if somebody has grievance against particular news, there are many forums where it can be raised. If reporters are murdered for the news they write, then it is a matter of grave concern. He appealed to the government for providing greater protection to journalists. According to the news-item, Umesh Rajput was the second journalist in the state who was shot dead in the past one month. Earlier, a senior journalist of Hindi daily, Dainik Bhaskar was gunned down at Bilaspur when he was returning home after his night shift."

On 17.2.2011, the then Hon'ble Chairman, Press Council of India addressed a letter to Chief Minister of Chhattisgarh and expressed grave concern over the incident which appeared prime facie to be an attempt to interfere with the freedom of the press and threat to its free functioning and while taking suo-motu cognizance of the matter, requested Chief Minister for his personal intervention to ensure that the media is able to discharge its functions without any fear or favour and provide protection to the life and property of journalists. The Chief Minister of Chhattisgarh vide letter dated 15.3.2011 informed the Council that the matter was being inquired into.

Response of Government of Chhattisgarh, Home Department, Raipur

Shri Kamar Ali, Under Secretary, Government of Chhattisgarh, Home Department, Raipur vide his letter dated 30.6.2015 informed that a criminal case no. 619/2010 was registered u/s 302, 201 IPC & 25, 27 Arms Act on 20.12.2010 in the Sarkanda Police Station, Bilaspur and investigation was initiated. During the investigation, the accused Badal Khan alias Bashir was arrested and presented before the Court. He further informed that the wife of the deceased has been granted a job of Assistant Teacher (Level-3) in Bal Mandir School, Tilak Nagar. He also stated that on 14.9.2011 the said case was handed over to the CBI for further investigation. He further stated that another criminal case no. 12/2011 u/s 302 IPC & 25, 27 Arms Act was registered on 23.1.2011 in Chura

Police Station, Gariyaband and investigation was initiated. During the investigation, Hon'ble High Court in a Writ Petition No. 6459/2001 passed an order dated 17.12.2014 in which it directed to hand over the matter to the CBI and in response they handed over the case diary along with all the documents on 5.3.2015 to the CBI for further investigation. The CBI registered an FIR No. RC-(S)/2015 SC/ND Date- 11/2/2015 u/s 302 IPC & 25, 27 Arms Act in this regard.

Response of Superintendent of Police, Gariyaband, Chhattisgarh

The Superintendent of Police, Gariyaband, Chhattisgarh vide his letter dated 3.8.2015 has submitted his reply in the matter in which he has reiterated the whole facts of the matter and further stated that by an Order dated 17.12.2014 of Hon'ble High Court of Chhattisgarh, Bilaspur at directed to hand over the case to the CBI for further investigation. Following the orders of the Hon'ble Court, they handed over the case diary along with all the documents on 5.3.2015 to the CBI for investigation. The CBI registered an FIR No. RC-(S)/2015 SC/ND Date- 11/2/2015 u/s 302 IPC & 25, 27 Arms Act in this regard. He informed that the Investigating Officer of the CBI started investigation on 18.3.2015 by visiting the place of incident and the investigation is underway.

Report of the Inquiry Committee

Following two adjournments dated 19.2.2013 and 7.4.2015, the matter came up for final hearing before the Inquiry Committee on 5.8.2015 at New Delhi. Shri Ravi Kumar Kurre, Additional SP, Gariyaband, Chhattisgarh appeared for the respondent.

The Inquiry Committee heard the respondent and also carefully perused the material available on record. It noted that as the matter is related to the murder of journalists and the Council took suo-motu cognizance in the matter and a Report was sought from the State government. Shri Ravi Kumar Kurre, Assistant Superintendent of Police, Gariyaband, who represented for the respondent, had brought to the notice of the Inquiry Committee that Hon'ble High Court of Chhattisgarh vide its Order dated 5.9.2011 passed in Writ Petition (CrI.) No. 6459 of 2011 had directed the Central Bureau of Investigation to take up the investigation in relation to the murder of the journalist. The CBI is investigating the matter.

In view of the aforesaid, the Inquiry Committee is not inclined to proceed further in the matter and recommended to the Council to dispose 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 decided to **dispose of** the complaint.

Press Council of India

Sl. No.2

File No.13/64/14-15-PCI

Shri Kashmir Singh,
Journalist,
Crime Line, Monthly Magazine,
Alwar, Rajasthan

The Chief Secretary,
Govt. of Rajasthan,
Jaipur, Rajasthan

vs. The Secretary,
Home (Police) Department
Govt. of Rajasthan,
Jaipur, Rajasthan

The Superintendent of Police,
Alwar, Rajasthan

The SHO,
Kushkhera, District Alwar,
Rajasthan

ADJUDICATION **Dated 9.10.2015**

This complaint dated 7.8.2014 was filed by Shri Kashmir Singh, Correspondent, Crime Line, Hindi Daily, Alwar, Rajasthan against the police authorities alleging implication in false cases u/s 307/485 IPC as a reprisal measure for his attempts to collect information from Police Station concerning a crime story where he was threatened by the police officials. The complainant further alleged that the police authorities then falsely implicated his name in an incident of robbery that had happened at Alwar on 24th January while he was admitted in hospital from of 22nd Jan-25th Jan, 2015 due to accident.

Notice for Comments was issued to the respondent Chief Secretary, Govt. of Rajasthan, the Secretary (Home) Police Department, the Superintendent of Police and the SHO, Kushkhera Police Station, Rajasthan on 21.10.2014.

Comments of the Superintendent of Police

The Superintendent of Police, Alwar in his comments dated 7.11.2014 stated that an investigation report was filed by the Additional Superintendent of Police, Alwar in which the allegations levelled by the complainant were found unsubstantiated. It has been mentioned in the report that a notice regarding investigation of the matter was served to the complainant through post several times but he intentionally chose not to appear before the police due to which the version of the complainant has not been taken on record in the report. The Report also mentions that the complainant is an accused in a case of dacoity and

the Superintendent announced reward money of Rs. 2500 for his arrest. It has further been mentioned in the report that the complainant, being a correspondent of Crime Line filed several different complaints through his wife in the police station in order to pressurize the police with a view to save himself from being arrested in the case in which he is an accused.

Complainant's Letter dated 8.12.2014

The complainant vide his letter dated 8.12.2014 informed that the police came on 4.12.2014 at his house he went into hiding while his father and brother were taken away by the police with a threat to teach him a lesson for complaining against the police. A letter was issued to the Secretary (Home) Police Department on 23.12.2014 for providing security to the complainant and his family members.

Complainant's further letters

The complainant in his letter dated 18.12.2014 informed that his father and brother who were taken away by the police officials on 4.12.2014 were released on 14.12.2014 further stated that he was still hiding from the police.

The complainant in his another letter dated 7.1.2015 stated that the Superintendent of Police, Alwar misguided the Press Council and he was not satisfied with the reply of the S.P., Alwar.

The complainant's brother vide his e-mail dated 1.5.2015 stated that the editor of the newspaper, Crime Line demanded a sum of Rs. 40,000 for providing the requisite information whereas he had paid the money.

Reply of Superintendent of Police, Alwar

The Superintendent of Police, Alwar vide his letter dated 6.8.2015 submitted a Report of the Investigation conducted by the Additional Superintendent of Police (Rural), District Alwar in the matter in which it has been stated that he sent several notices to the complainant to appear before the police for the purpose of investigation but the complainant intentionally did not even appear once to get his version recorded in the Investigation Report. The Report mentioned several criminal cases registered against the complainant. It has also been stated in the Report that the Chief Medical Officer, District Hospital, Rampur, U.P. vide his letter no. C.M.M./D.H./2015 dated 4.6.2015 has affirmed that as per the records of the District Hospital, Rampur, U.P., no person in the name of Shri Kashmir Singh was admitted during the period from 22.1.2014 to 25.1.2014. It has been further stated that the Medical certificate and Discharge certificate produced by the complainant does not belong to the District Hospital, Rampur, U.P.

Report of the Inquiry Committee

Following one adjournment dated 7.4.2015, the matter came up for final hearing before the Inquiry Committee on 5.8.2015 at New Delhi. Shri Balvir Singh, brother of the complainant appeared. Shri Ajay Pal Lamba, SP, Alwar alongwith Shri Rajesh, SHO appeared for the respondent.

The Inquiry Committee noted that Shri Balvir Singh, brother of the complainant appeared on behalf of the complainant who is presently in jail. It further noted the allegation of the complainant that he was implicated in false cases as a reprisal measure on account of his critical writings. The Inquiry Committee heard both the parties and also carefully perused the material available on record. The respondent contended that during the period from 22.1.2014 to 25.1.2014, no patient in the name of Shri Kashmir Singh was admitted in the District Hospital and that the complainant has filed forged slip before the Council as the hospital has not issued any slip. He further informed that several cases of dacoity are registered against the complainant out of which in four cases charge-sheet has been filed. He was arrested in March, 2015 in a case in which he was absconding since 2012. The Committee also see the reply filed by the Superintendent of Police.

The Inquiry Committee opined that the allegations made by the complainant that he was implicated in false cases have no legs to stand. It recommended to the Council to dismiss 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 decided to **dismiss** the complaint.

Press Council of India

Sl. No.

File No.13/51/14-15-PCI

Shri Rajesh Kumar,
Editor, Ab Tak Nyay,
Bharat Pratidin & Bahujan
Sangathan, Hindi Newspaper &
Magazine, Janpad, Sitapur, U.P. vs.

1. Shri Ravi Shrivastava,
SHO, Gudamba PS
Lucknow, U.P.
2. The Chief Secretary,
Govt. of U.P.,
Lucknow, U.P.
3. The Secretary (Home)
Police Department,
Govt. of U.P.,
Lucknow, U.P.
4. Shri Ram Babu Yadav,
SHO, Mandiyav PS,
Lucknow, U.P.
5. Shri Habibul Hasan,
Superintendent of Police,
Janpad, Lucknow, U.P.
6. Shri Ahmed Hussain,
Agra, U.P.

ADJUDICATION Dated 9.10.2015

This complaint dated 3.7.2014 was filed by Shri Rajesh Kumar, Editor, 'Ab Tak Nyay', 'Bharat Pratidin' and 'Bahujan Sangathan', Hindi Newspapers and Magazine, Janpad, Sitapur, U.P. against the police administration and anti-social elements for threatens to kill and to implicate him in false cases for publication of critical news items against the illegal activities of police authorities. The complainant submitted that he exposed several illegal activities in his newspaper such as production of raw liquor, brothel, theft and loot going on within the area of Madiyav Station, Kamlapur Station, etc. and being aggrieved with this, the police authorities threatened him and his family members to stop such publication else, they would kill him or implicate in false case and put him behind the bars. The complainant also alleged that he was kidnapped by the respondent on 3.3.2013. He further submitted that he also captured some illegal activities of Mr. Hussain and Sarfaraz in his camera. Knowing this, Ahmed Hussain first offered money to him but when the complainant denied the offer, he threatened to kill him. He also alleged that Ahmed Husaain shot at him causing injury one he was hospitalized. He sent a complaint by post from the hospital in both the police stations but no action was taken by them.

A Notice was issued to the respondents on 17.11.2014 for their comments.

Comments from Shri Ahmed Hussain

The respondent, Shri Ahmed Hussain in his comments dated 22.12.2014 submitted that the complainant took Rs. seven lakhs from him and he filed a false and fake application before the SHO, Madiyav, Janpad, Lucknow so that he may not have to return the money. He further submitted that the police investigated the matter and found that the report filed by the complainant was wrong, false and baseless. He also submitted that in this regard an FIR was registered u/s 156(3) and a charge-sheet was presented in the Court against him. He further submitted that case No. 01/2014 u/s 420/467/468/471 IPC was pending against the complainant in the said matter before the Additional Civil Judge, Janpad, Lucknow. He stated that the complainant made false and wrong allegations against him before the Council. He further alleged that the complainant furnished a false Declaration in the Council.

Comments of Senior Superintendent of Police, Lucknow

The respondent, Senior Superintendent of Police, Lucknow in his comments dated 28.1.2015 submitted that the complainant filed a case No. Nil/13 u/s 395/397 IPC and 3(2)5 SC/ST Act against Ahmad Hussain for kidnapping him on 3.3.2013 and for firing at him on 9.3.2015 in the Kamplapur Police Station, Sitapur. In the above said case, an investigation was conducted and allegations were not proved against Ahmed Hussain. The Police, therefore, filed a Final Report on 2.9.2013. He also submitted that Ahmed Hussain had also filed a case No. 158/13 u/s 420/392 IPC against the complainant and after investigation in this case the charges were framed on the basis of the evidence u/s 420/467/468/471 IPC. He submitted that the allegations levelled by the complainant were not proved in the investigation.

No Written Statement from SHO, PS-Mandiyaon, Lucknow

The Notice for Comments issued to the respondent, SHO, PS-Madiyon, Lucknow on 17.11.2014 returned undelivered with the postal remarks "*praptkarta ka sthanantaran ho chukka hai- wapas*", was served at the new address provided but no comments were filed by him.

Counter Comments

The complainant in his counter comments dated 12.2.2015 while reiterating his complaint submitted that the police of Lucknow and Sitapur tried to mislead the Council by furnishing false evidences in order to save their criminal fellows.

The complainant vide his another letter dated 11.3.2015 stated that he was harassed by the police authorities and the criminals/anti-social elements. He further stated that the respondent furnished false facts before the Council.

Further Comments from Shri Ahmed Hussain

The respondent, Shri Ahmed Hussain in his further comments dated 5.8.2015 stated that the complainant was reiterating his false, baseless and factless contentions before the Council. He too reiterated his defense.

Report of the Inquiry Committee

Following one adjournment dated 8.6.2015, the matter came up for final hearing before the Inquiry Committee on 5.8.2015 at New Delhi. There was no appearance on behalf of the complainant, whereas except respondent no. 6, Shri Ahmad Hussain of other respondents was not present.

The Inquiry Committee perused the complaint of complainant alleging that he was implicated in false cases as a reprisal measure. It heard respondent no. 6, Shri Ahmad Hussain who assured before the Inquiry Committee that the complainant is notorious person who is running several newspaper offices from a 100 yard plot whereas the papers are non-existent. He has also opened the office of International Press Council of which he is President and seeks membership fee from journalists for becoming its member. According to the respondent as he has been asking the complainant to return his money, he has made false complaint against him. On the basis of the contention of the respondent, it opined that the allegations made by the complainant are absolutely unfounded. It further noted that the complainant claims to be the President of a body called "International Press Council" having its office at Semra-Godi (Khadri) Madiyav, Sitapur Road, Lucknow – 226 020. The Inquiry Committee calls upon from the Superintendent of Police of the District to make an inquiry in this regard and submit a Report to the Council within eight weeks.

In view of the aforesaid, the Inquiry Committee declined to proceed further in the matter and recommended to the Council to dismiss the complaint accordingly.

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 decided to **dismiss** the complaint on the aforesaid term.

Press Council of India

Sl. No. 4

File No.13/55/14-15-PCI

Shri Gopi Prasad Bharti,
Chief Editor,
Sashakt Bundelkhand,
Lalitpur, U.P.

vs.

1. The Chief Secretary,
Government of Uttar Pradesh,
Lucknow (UP).

2. Secretary,
Home (Police Department),
Government of Uttar Pradesh,
Lucknow (U.P.).

3. Shri O.P. Verma,
District Magistrate,
Lalitpur (U.P.).

4. Shri Vijay Yadav,
Superintendent of Police,
Lalitpur (U.P.).

5. Shri Ram Suresh Verma,
Sub-District Magistrate,
Lalitpur (U.P.).

6. Shri Mahesh Kumar,
Station House Officer,
Dailwara Police Station,
Lalitpur (U.P.).

7. Shri Mangla Prasad Tiwari,
Inspector In-charge,
Police Station,
Lalitpur (U.P.).

8. Shri Surat Singh Chauhan,
Police Filed Officer,
Lalitpur (U.P.).

9. Shri Kirpal Singh, Advocate,
Village Dailwara, Post Delwara,
Police Station Lalitpur,
Lalitpur (U.P.)

ADJUDICATION

Dated 9.10.2015

This complaint dated 23.7.2014 was filed by Shri Gopi Prasad Bharti, Chief Editor, Sashakt Bundelkhand, Hindi monthly, Lalitpur against police authorities for harassing him as a reprisal measure due to his critical publications. The complainant stated that he published a news item on 2.3.2014 under the caption "*Dabang Kar rahe hai jameen par Kabja, Chowki In-charge Delvara Mahesh Kumar ke sarankshan mein*" criticizing the police authorities. Due to this, Shri Mahesh Kumar, Police Station In-charge got annoyed and called him to the police station and put him behind the bars. When the complainant asked the reason, respondent threatened to implicate him in false case. The complainant further stated that in this regard, he filed a complaint to the higher authorities also but they refused to take the complaint.

A Notice for Statement in reply was issued to the Government of U.P. on 12.9.2014.

Written Statement

The Additional District Magistrate, Lalitpur in his written statement dated 14.11.2014 informed that the matter was inquired into through the Superintendent of Police, Lalitpur who in his report dated 29.10.2014 stated that investigation by the Circle Officer, Lalitpur disclosed that the complainant had a family dispute regarding distribution of land. Both the parties filed the case in Court of the S.D.M. Lalitpur. Both parties were called by the Deputy Director and Station-in-Charge, Daillwara on 20.7.2014 to investigate the matter. The complainant had asked the other party to remove the newly constructed tapra. The Deputy Director did not accede to his request as the matter was already pending consideration before the Court and as such the complainant got annoyed and tried to link this matter through his newspaper whereas the case has no relevance with the journalistic activities. The respondent also stated that the complainant's sister had filed a case 1588/12 under section 406/420/471/120B in police station and a charge-sheet has been filed. The respondent stated that the allegations levelled by the complainant could not be proved.

Report of the Inquiry Committee

Following one adjournment dated 9.6.2015, the matter came up for final hearing before the Inquiry Committee on 5.8.2015 at New Delhi. The complainant appeared in person whereas Shri Ratnakar Mishra, SDM appeared on behalf of the respondent.

The Inquiry Committee heard both the parties. The complainant while narrating the whole facts of his complaint alleged that he has been harassed as a reprisal measure by the police due to his critical publications. He informed that the land dispute with the sister is already settled and that he has been falsely implicated in a

case and behind the bars when the Inquiry Committee conducted its first hearing in the matter. He further alleged that the police have not conducted the investigation fairly. On the other hand the respondent contended that the complainant has a family dispute related to land. He alleged that the complainant had dragged the police in this dispute through columns of his newspaper.

The Inquiry Committee carefully perused the material available on record and the contention of parties. It noted that because of family dispute between the complainant and his sister, certain cases have been registered against him. The Inquiry Committee is not inclined to accept the contention of the complainant that he has been harassed for his critical writings.

In view of the aforesaid, the Inquiry Committee declined to proceed further in the matter and recommended to the Council to dismiss 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 decided to **dismiss** the complaint on the aforesaid term.

Press Council of India

Sl. No. 5

File No.13/97/13-14-PCI

Shri Bhagwati Prasad Alias
Babloo Chakrvarti,
Journalist, Etah, U.P.

vs.

1. The Chief Secretary,
Govt. of U.P,
Lucknow, U.P.
2. The Secretary (Home)
Police Deptt., Govt. of U.P.
Lucknow, U.P.
3. Shri Satyendra Singh,
Inspector-in-charge,
Police Station Etah, U.P.
4. Shri Manveer Singh,
Police Station Etah, U.P.
5. Shri S.S. Pradhan,
SHO, Patyali Gate,
Police Station Etah, U.P.
6. Shri Sher Singh
Aka Chetan, Rewari,
Etah, U.P.

ADJUDICATION

Dated 9.10.2015

This complaint dated 29.7.2013 was filed by Shri Bhagwati Prasad alias Babloo Chakrvarti, Journalist, Etah, U.P. against the police authorities and anti-social elements for harassing him and threatening him and his family members to implicate them in false cases as a reprisal measure as he had published some news articles against the respondents. He further submitted that the police with the help of a lady implicated his younger brother in a false case and put him behind the bars for which a case was pending in the court of law. The complainant stated that the act of the respondent amount to suppression of press freedom faced financial loss also.

Comments of Sr. Superintendent of Police, Etha

The Sr. Superintendent of Police, Etha in his comments dated 20.4.2014 addressed to the Under Secretary, Govt. of U.P, Lucknow alongwith an endorsement to the PCI furnished a copy of the Investigation Report filed by the Circle Officer, Etha. It was stated that one Smt. Priti Kashyap lodged a case No. 735/12 u/s 376/511 IPC against Shri Ajay @ Vissu in PS Kotwali City, Etha which is pending

consideration before the court of law. The respondent further stated that the other allegations levelled in the complaint by the complainant could not be proved.

Counter Comments

The complainant in his counter comments dated 2.6.2014 stated that there are seven respondents in this case out of which one Shri Rajkumar had expired. No response was filed by other respondents. He submitted that the comments were sent by the Sr. Superintendent of Police who was not the respondent in this case then who made him the Investigation Officer. He alleged that the investigation report was discriminatory which saves the guilty police officers. He stated that the police illegally detained his brother in the lock up and in this regard, he had filed a complaint in the police station but no action was taken by them. He further alleged that during the investigation, they had not recorded the statement of anyone (i.e. neither the accused nor the respondents).

Complainant Further Letter

The complainant in his further letter dated 10.7.2014 has stated that the harassment by the police authorities is still continuing. He alleged that the respondent police authorities pressurized him to withdraw his complaint.

Comments of Shri Roop Kumar

The respondent, Shri Roop Kumar, Etah, U.P. in his comments dated 24.7.2014 has stated that the allegations of the complainant are based on false facts. He informed that on 16.7.2013 he was at his home and around 9 pm, he heard a voice of a lady screaming. He went outside and saw that one Shri Ajay (complainant's brother) was misbehaving with the wife of one Sher Singh but when people gathered there Ajay ran away. He submitted that he was an eyewitness to this incident.

Further Written Statement of Sr. Senior Superintendent of Police, Etah

The Sr. Superintendent of Police, Etah in his written statement dated 16.10.2014 addressed to the Under Secretary, Govt. of U.P, Luknow alongwith an endorsement to the PCI stated that Investigation Report filed by the Circle Officer, Etah wherein it was stated that one Smt. Priti Kashyap had lodged a case against Shri Ajay @ Vissu in PS Kotwali City, Etah on 19.7.2013. The matter was investigated by Inspector, Satyavir Singh and Shri Ajay was arrested and sent to jail on 20.7.2013. He further stated that a case No. 229/14 was lodged against the complainant's brother, Shri Ajay on 30.3.2014 by the former Additional Inspector which is pending in the court of law.

Report of the Inquiry Committee

Following an adjournment dated 9.6.2015, the matter came up for final hearing before the Inquiry Committee on 5.8.2015 at New Delhi. The complainant appeared in person whereas Shri Dashrath Singh, SSP, PS Kotwali, Etah, U.P. and Shri S.S. Pradhan, Police Inspector, Patyati gate Police Station, Etah appeared on behalf of the respondent.

The Inquiry Committee heard both the parties and also carefully perused the material available on record. It noted the assertion of the complainant that because of his critical writings, his brother was implicated in false case no. 735/13 u/s 452/376/511 IPC. The Committee further noted that the respondent in his written statement stated that the said case was registered on the basis of the complaint lodged by Ms. Priti Kashyap and in this regard a statement was given by her u/s 164 of CPC before the Magistrate.

Having considered the matter, the Inquiry Committee opined that the allegations made by the complainant that his brother was implicated in false case because of his critical writings, is not fit to be accepted. It recommended to the Council to dismiss the complaint accordingly.

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 decided to **dismiss** the complaint on the aforesaid term.

Press Council of India

Sl. No. 6

File No.13/39/14-15-PCI

Shri Dharmendra Nath Sharma,
General Manager,
Adhunik Avashakta,
Hindi Daily/Weekly,
Pratapgarh (U.P).

vs.

The Director General,
D.A.V.P.
New Delhi.

ADJUDICATION **Dated 9.10.2015**

This complaint dated 11.6.2014 was filed by Shri Dharmendra Nath Sharma, General Manager, Adhunik Avashakta, Hindi Daily/Weekly, Pratapgarh(U.P) against DAVP, New Delhi alleging deliberate delisting of his newspaper from advertisement empanelment since 2010 on different grounds. The complainant stated that he wrote to DAVP so many times and submitted all required documents but the DAVP held discriminatory attitude towards small and medium newspapers. He also levelled allegations of bribery against specific employees of DAVP.

A Notice for Statement in Reply to the respondent DAVP was issued on 15.7.2014.

Written Statement

Shri B.P. Meena, Media Executive, DAVP in his written statement dated 13.8.2014 stated that the publisher of Adhunik Avashyakta had applied online for empanelment in February 2014 but the publisher had submitted the physical file of daily edition in DAVP only on 24.3.2014. The physical file of the weekly was not received as per records available. The respondent further stated that the allegations of bribery made against the DAVP officials will be processed for disciplinary action once the hard evidence is made available to the DAVP.

Counter Comments

The complainant in his counter comments dated 18.9.2014 stated that the he applied for empanelment for his newspaper Adhunik Avashyakta in February, 2014 for which he sent the physical file on 13.3.2014 through registered parcel. He further stated that the requisite documents were submitted by him several times to the DAVP and the documents which were provided along with the application marked as 'Yes' and which was not provided marked as 'No'. He also stated that he had furnished all the documents either in original or self-attested copies. He submitted there was no compulsion for sending any document and the Panel Advisory Committee-DAVP could give its approval on the points only on the documents which had been marked as 'Yes'. He alleged that the DAVP, while ignoring this point, had wronged him. The complainant further alleged that the DAVP had not furnished a positive reply in the matter rather it gave an incomplete reply which was unsatisfactory. He also alleged that the DAVP harassed him by intentionally pointing out several times the unnecessary shortcomings in his application and on that basis rejected his application for

empanelment. He asserted that one Shri Poonam Lal, an employee of DAVP demanded a bribe of Rs. 16,000 from him for facilitating empanelment.

Reply of the Media Executive, DAVP

Shri B.P. Meena, Media Executive, DAVP, New Delhi in his letter dated 4.06.2015 submitted that the complainant had applied online for empanelment from February, 2010 to February, 2014 but the weekly was not recommended by Panel Advisory Committee (PAC) for the above period due to publication repetitive matter, blurred and smudgy photographs and had not given source of news items in its issues. He further stated that the Daily was not recommended vide online application February, 2014 due to shorter print area i.e. 6600 sq. Cms instead of 7600 sq. cms which is mandatory as per the empanelment policy. He also stated that in the DAVP Advertisement Policy it is clearly mentioned in clause-8 that the "Print matter and photographs should be legible, neat, clear and without smudges, overwriting and tampering and there should be no repetition of news items or articles from other issues." Therefore the complainant had to apply again online and submit the physical file to the DAVP. The respondent also stated that the recommendations of the PAC as accepted by the DG, DAVP regarding empanelment of a newspaper shall be final as given in clause-5 of Advertisement Policy.

Further Reply of the Media Executive, DAVP

Shri B.P. Meena, Media Executive, DAVP, New Delhi in his letter dated 5.08.2015 submitted that with regard to the allegation made by the complainant that bribe was demanded by the DAVP official, Sh. Poonam Lal, the DAVP had issued a memo to Sh. Poonam Lal on 24.7.2015 for explanation refuted the allegations made by the complainant. He further submitted the details of the decision taken by Panel Advisory Committee (PAC), which is the competent authority for empanelment of Hindi daily/weekly 'Adhunik Aavashyakta' published from Pratapgarh.

Report of the Inquiry Committee

Following one adjournment dated 9.6.2015, the matter came up for final hearing before the Inquiry Committee on 6.8.2015 at New Delhi. The complainant appeared in person whereas Dr. Dheeraj Kakadia, Director, DAVP and Shri S.K. Mohanty, AME, DAVP appeared for the respondent.

The Inquiry Committee heard both the parties and also carefully perused the material available on record. It noted that it was the allegation of the complainant that his application for empanelment was not being considered by the DAVP as he refused to bribe one of its employees. It further noted that the above said allegation had been denied by the respondent. In fact, the respondent stated that they conducted an inquiry in the matter and the allegations made by the complainant were not found to be substantiated. Be that as it may be, the Inquiry Committee opined that the complainant, if so advised, may file afresh application for empanelment.

The Inquiry Committee observed that in large number of cases it has been pointed out to the Inquiry Committee that the defects in the application for empanelment are not pointed out by the DAVP and the same is rejected without giving one opportunity to cure the defects which results into miscarriage of justice. It advised that, during the scrutiny of applications by the DAVP if defects are found, it must clearly indicate those defects on its website giving opportunity to the applicants to remove those defects within a specified time limit. It is expected from the DAVP that it places the issue of empanelment before the Panel Advisory Committee (PAC) only after the applicants have been given opportunity to remove defects.

The Inquiry Committee had been informed by the respondent that the names of the newspapers which are empanelled are displayed on the website. It advises that the names of all those newspapers who have not been empanelled be also put on the website indicating reasons for their non-empanelment. It is of the opinion that, if the DAVP adopts the aforesaid procedure, many of the allegations which are made against it regularly will levelled minimise.

With the above observations and advice, the Inquiry Committee recommended to the Council to dispose of the complaint accordingly.

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 decided to **dispose of** the complaint on the aforesaid term.

Press Council of India

Sl. No.7

File No.13/104/14-15-PCI

Shri Sarvesh Kumar Suyash,
Independent Journalist
& National President,
All India Freelancer Journalists
Federation, Kanpur, U.P.

vs.

- 1.The Chief Secretary,
Govt. of U.P., Lucknow, U.P.
- 2.The Secretary,
Home (Police Department)
Govt. of U.P., Lucknow, U.P.
3. The District Magistrate,
Kanpur City, U.P.
4. The SSP, Kanpur City, U.P.
5. The ADM, Kanpur City, U.P.
- 6.The Police Field Officer,
Kalyan Pur, Kanpur City (U.P.)
7. Shri Akhilesh Singh Yadav,
C.O. Police, Sadar, Kanpur City,
U.P.
8. Shri Yogender Kumar Yadav
A.C.M.-I, Kanpur City, U.P.

ADJUDICATION **Dated 9.10.2015**

This complaint dated 4.10.2014 was filed by Shri Sarvesh Kumar Suyash, Independent Journalist and National President, All India Freelancer Journalists Federation, Kanpur, U.P. against the SDM, Sadar and the Circle Officer, Kanpur, U.P. for denying him to cover the inaugural function of Iskcon temple. The complainant stated that on 3.10.2014, he went to Kanpur for covering the inaugural function of the Iskcon Temple but the S.D.M. Sadar and the Circle Officer stopped him from entering the premises of the temple and when he told him that he was an accredited journalist, the respondents misbehaved with him. He was told that only representatives of Daily Newspapers are allowed inside the premises of temple as per the Orders of District Magistrate. He was further told that fake journalists would not be allowed to enter. The complainant further informed that SDM, Sadar told him that he is the relative of the Chief Minister. He alleged that the police misbehaves with the journalists in Kanpur. The complainant sent his complaint to the Director, Information Department, the Chief Minister of U.P. and to the PCI through e-mail as well as by post on 4.10.2014. Further, he sent an e-mail on 6.10.2014 to the Officers of District Administration drawing their attention towards this incident but in vain. The complainant vide his another letter dated 29.10.2014 sought reply from the DM

and the SSP Kanpur regarding his complaint but received no response. The complainant alleged that when he complained to the DM over phone, he disconnected the phone. He also alleged that the higher officials of the Information Department infringed the rights of press freedom as guaranteed by the Constitution by denying him the opportunity to cover the Government functions.

A Notice for Statement in Reply was issued to the respondents on 27.11.2014 for their written statements.

Written Statement of the SDM, Sadar, Kanpur

The SDM, Sadar, Kanpur in his written statement dated 19.12.2014 stated that on 3.10.2014 the Iskcon Temple was inaugurated by the Governor and owing to security reasons, the devotees were stopped from entering into the temple for specific time only. He further submitted that no journalist was stopped for covering the inaugural function. He also submitted that neither he nor the Circle Officer had misbehaved with anybody and therefore, the allegations levelled by the complainant are completely false and baseless. The respondent further stated that he always honoured the freedom of press.

Counter Comments

The complainant in his counter comments dated 25.1.2015 while reiterating his complaint stated that the contents of the written statement of the respondent were absolutely false. He alleged that the officers of the District Administration had been depriving him from covering government functions for last five years which is curtailment of freedom of press

Written Statement of the SSP, Kanpur

Shri Shalabh Mathur, SSP, Kanpur, U.P. in his written statement dated 8.3.2015 enclosed a report of Dr. Anil Mishra, SP, Kanpur whereby he apprised that they had called the complainant several times on his mobile phone for submitting his version in the matter but he did not respond nor he came. He further stated that on the occasion of inauguration of Iskcon Temple, he was present there but no journalist was stopped to enter in the premises for covering the function. The allegation levelled by the complainant was not substantiated in the investigation.

Further Counter Comments

The complainant in his counter comments dated 5.5.2015 to the comments of SSP, Kanpur while reiterating his complaint stated that the officers of District Administration denied him covering Govt. functions for last five years and the comments of the respondent SSP were completely false and baseless. The complainant also stated that Shri Anil Mishra SP (Rural), Kanpur Nagar has not interacted with him after the incident. He alleged that the act of the respondent was curtailment of freedom of press and the respondent also misled the Press Council.

Written Statement of Additional District Magistrate (City) and Shri Akhilesh Singh, CO, Sadar, Kanpur City

Shri Avinash Singh, Additional District Magistrate (City), Kanpur City and Shri Akhlish Singh, CO, Sadar, Kanpur City, U.P. in their written statement dated 6.7.2015 & 3.8.2015 respectively submitted that an investigation was conducted in the matter by the Additional DM (Revenue & Tax), Kanpur City and in his report while denying allegations stated that on the occasion of inauguration of Iskcon Temple, he was himself present there but no misbehavior was done with any journalist by Shri Yogendra Yadav, the then SDM, Sadar & presently Additional City Magistrate (First) and Shri Akhilesh Singh, Circle Officer.

Further letter of the Complainant

The complainant in his letter dated 3.8.2015 alleged that since the incident took place in the premise of the District Administration, it had been trying to save their colleagues by sending false reports to the Council. The complainant while narrating the facts of the complaint alleged that the respondent tried to prove him as a fake journalist and had been harassing him. He further alleged that a big conspiracy was initiated by the respondents against him.

Report of the Inquiry Committee

Following one adjournment dated 9.6.2015, the matter came up for final hearing before the Inquiry Committee on 6.8.2015 at New Delhi. The complainant appeared in person whereas there was no appearance on behalf of the respondents.

The Inquiry Committee heard the complainant in person. The complainant alleged that despite being accredited journalist the respondents are not allowing him to cover the functions. He further alleged that the respondents specifically denied him to cover prominent government functions, while other journalists are allowed to cover government functions or press conferences. The Inquiry Committee noted that despite service of notice nobody appeared on behalf of the respondents. It carefully perused the material available on record and held that so long the accreditation of the complainant is valid, he should like other accredited journalists be allowed to cover the State government functions. However, exceptions can be made out only when there are overriding reasons that must be communicated to the complainant.

In view of the aforesaid, the Inquiry Committee recommended to the Council to dispose of the complaint in the aforesaid terms.

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 decided to **dispose of** the complaint.

Press Council of India

Sl. No. 8

File No.13/153/14-15-PCI

Shri Vimlesh Gupta,
Journalist,
Shahjahanpur, U.P.

vs.

1. The Chief Secretary,
Govt. of Uttar Pradesh,
Lucknow.
2. The Secretary,
Home (Police) Department,
Govt. of Uttar Pradesh,
Lucknow.
3. District Magistrate,
Shahjahanpur, U.P.
4. Superintendent of Police,
Shahjahanpur, U.P.
5. Station House Officer,
Thana : Khutar,
Shahjahanpur, U.P.
6. Shri Surjan Lal,
Thana – Puwanya,
Shahjahanpur, U.P.

ADJUDICATION **Dated 9.10.2015**

This complaint dated 17.1.2015 was filed by Shri Vimlesh Gupta, Journalist and Bureau Chief, Hindi weekly, 'Swadesh Raj' against Shri Surjan Lal brother-in-law of Samajwadi Party MLA, Smt. Shakuntala Devi and brother of former M.P. alleging his implication by him in false case. The complainant submitted that due to publication/transmission of critical news item in print as well as electronic (web portal/face book) media against the respondent for illegally grabbing the land of Sardar Swarn Singh, the respondent implicated him and Sardar Swarn Singh in false case No. 534/14 u/s 307/352/504/506/327 SC/ST Act. The complainant submitted that the police arrested Sardar Swarn Singh and put him in jail and he on other hand had been hiding from the police.

No Comments

A Notice for Statement in Reply was issued to the Respondents on 4.2.2015 but despite reminder dated 1.5.2015 no response was filed.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 6.8.2015 at New Delhi. Shri Vimlesh Gupta, the complainant along with Shri

Swarna Singh Namdhari appeared. Shri Umesh Sharma, Circle Officer & Dy. Superintendent of Police, Puwanya and Shri Surjan Lal appeared for the respondents.

The Inquiry Committee heard both the parties. The complainant reiterated his grievance that the respondent implicated him and Sardar Swarn Singh Namdhari in false case as a reprisal measure. On the other hand, the respondent contended that while charge-sheet had been filed against Sardar Swarn Singh Namdhari, there had been no evidence against the complainant other than holding a camera and the Inquiry is in its final stage. In response to Inquiry Committee's query about the allegations levelled on Sardar Swarn Singh Namdhari in an FIR, the respondent replied that Sardar Swarn Singh Namdhari was carrying an illegal pistol.

The Inquiry Committee carefully perused the material available on record. It noted that it was an allegation of the complainant that he is being implicated in false case at the instance of respondent, Shri Surjan Lal who happened to be the brother-in-law of MLA of Samajwadi Party and also brother of a former M.P.

The Committee further noted the assurance of the Circle officer, Puwanya that fair investigation in respect of the allegation made in the complaint shall be conducted. Taking this assurance on record, the Committee directed the Circle Officer to submit a Report after completion of the investigation to the Council within four weeks.

In view of the aforesaid, the Committee decided not to proceed further in the matter and recommended to the Council to dispose of the complaint in terms of the assurance.

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 decided to **dispose of** the complaint on the aforesaid terms.

Press Council of India

Sl. No. 9

File No.13/57/14-15-PCI

Shri Ashok Kumar Singh,
Correspondent, Aaj,
Janpad, Mau,
Uttar Pradesh.

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

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

Director General of Police,
Lucknow, U.P.

Superintendent of Police,
Mau, Uttar Pradesh.

District Collector,
Mau, Uttar Pradesh.

S.H.O.
Kopaganj, Mau, U.P.

ADJUDICATION Dated 9.10.2015

This complaint dated 21.7.2014 was filed by Shri Ashok Kumar Singh, Correspondent, Aaj, Janpad, Mau, U.P. against police authorities and anti-social elements. The complainant stated that he published a news item in his newspaper on 15.7.2014 captioned "**Sharabion Ne Machaya Utpat**". According to him on 13.7.2014 at 10.00 p.m. two drunken men fired twice from the pistol in air at Ramlila Maidan, Mohalla Hussainabad and the information was given to the police authorities by the local public which did not take any action in the matter. The complainant further submitted that due to the publication of this news item in his paper, Shri Satyanand Chaubey on 15.7.2014, in connivance with two others i.e. Shri Dilip Singh and Shri Dibbu Singh, threatened to kill him. He stated that he brought the matter to the notice of police authorities and the District Magistrate but no action was taken.

A Notice for Statement in Reply was issued to the respondent police authorities on 7.10.2014.

Comments of the Superintendent of Police, Mau and District Magistrate, Mau

The S.P. Mau vide his letter dated 7.11.2014 while forwarding a copy of the Investigation Report received from the Circle Officer, Ghosi, Janpad, Mau

stated that the allegation of the complainant levelled in the complaint could not be substantiated. He also stated that the respondent, Shri Satyanand Chaubey is also a reporter of "Tarun Mitra" and the police could not get any evidence in the matter. In his support, he enclosed a statement of some people of the village in this matter.

The District Magistrate, Mau vide his letter dated 15.11.2014 also forwarded a copy of the same report received from S.P. Mau in this matter.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 6.8.2015 at New Delhi. There was no appearance on behalf of the complainant whereas Shri Shiv Sagar Chaudhary, Sub-Inspector appeared on behalf of the respondent.

Since there was no appearance on behalf of the complainant, the Inquiry Committee recommended to the Council to dismiss the complaint for want of prosecution.

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 decided to **dismiss** the complaint for non-prosecution.

PRESS COUNCIL OF INDIA

Sl. No. 10

File No. 13/31/13-14- PCI

Shri Lavlesh Pandey,
Chief Editor,
'Charcha Aaj Ki', Hindi Weekly,
Indore, M.P.

vs.

1. The Chief Secretary,
Govt. of M.P., Bhopal,
M.P.
2. The Superintendent of
Police.,
Bhopal, M.P.
3. Shri Nageshwar Vaishya,
TI, Mahu Kotwali,
District Indore, M.P.
4. Shri C.P. Singh, S.D.O.P.,
Mahu District Indore,
M.P.

ADJUDICATION **Dated 9.10.2015**

This complaint dated 22.4.2013 has been filed by Shri Lavlesh Pandey, Chief Editor, Charcha Aaj Ki, Hindi Weekly, Indore, M.P. against the anti-social elements and police authorities, Mhow Police Station, Indore, M. P. for implicating him in false cases as a reprisal measure due to the critical writings. The complainant submitted that he had exposed many illegal activities of the police and Shri Sumit Sharma through the publications and being aggrieved with this the police implicated him in false case in order to harass him. He further submitted that such act of the police is suppression of the freedom of the press. He wrote letters to the President, the Chief Minister, M.P., the Governor, M.P., the Additional Chief Secretary, Govt. of M.P. and the Director General of Police requesting to intervene in the matter and dispose of the matter by getting it investigated by the CID.

No Comments

A Notice for Statement in Reply was issued to all the respondents on 17.12.2013 for their comments but no comments were filed.

Report of the Inquiry Committee

Following one adjournment dated 7.7.2015, the matter came up for final hearing before the Inquiry Committee on 7.9.2015 at Nagpur. There was no appearance from either side.

The Inquiry Committee noted that since there was no appearance on behalf of the complainant, it recommended to the Council to dismiss the complaint for want of prosecution.

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 decided to **dismiss** the complaint for non-prosecution.