

Press Council of India

Agenda Item No 5.

Adjudications based on reports of Inquiry Committee (Meetings held on January 5-6, 2015 at New Delhi and February 9-10, 2015 at New Delhi.)

Complaints by the Press

Section-13

Inquiry Committee-I Meeting held at New Delhi on January 5-6, 2015

1. Complaint of Dr. Praveen Gupta, Chief Correspondent, Public News, Delhi against the Press Information Bureau, Delhi. (13/65/11-12)
2. Complaint of Shri Ramashankar Singh Pasi, Chief Editor, Nyay Ki Kalam, Vidisha, M.P. against Shri Rajender Singh Thakur, Sub Inspector, M.P. (13/118/09-10)

Inquiry Committee-II Meeting held at New Delhi on February 9-10, 2015

3. Complaint of Shri Ramvir Singh, Journalist, Such Kahon, Gautam Budh Nagar, U.P. against Shri Prabhat Ram, Deputy General Manager (HR), NTPC Ltd., Post Vidyutndagar, Gautam Budh Nagar, U.P. (13/27/13-14)
4. Complaint of Shri C.S. Kalra, Editor & Publisher, University Today, New Delhi against Prof. Rajbir Singh, Director, Consortium of Educational Communication (CEC), New Delhi. (13/28/13-14)
5. Complaint of Shri Baljinder Kotbhara, Correspondent, Nawan Zamana, Bahatinda (Punjab) against Driver, Conductor and Helper of Orbit Bus Company, Bhatinda (Punjab). (13/139/13-14)
6. Complaint of Shri Sanjeev Kumar, Editor, Satta Ki Parakh, Meerut, U.P. against The Director, Information & Public Relation Department, U.P. Administration, Lucknow, U.P. (13/157/13-14)
7. Complaint of Shri Tribhuvan Poddar, Editor, Vishwasmat Times, Shakarpur, Delhi against, Shri Kishanveer Bhati, Sub-Inspector, P.S. Geeta Colony, Delhi (13/176/13-14)
8. Complaint of Shri Suresh Jaiswal alias Suresh Gandhi, Bureau Chief, Jansandesh Times, Bhadohi (U.P.) against Police & Administration, U.P. (13/3/13-14)
9. Complaint of Shri Mohammad Irshad Rhine, Working Journalist, Dainik Vishwa Pariwar, Mahoba (U.P.) against Shri Ram Khilawan, District Information & Public Relation Department, Mahoba (U.P.). (13/44/13-14)
10. Complaint of Shri Dharmender Sharma, General Manager, Adhunik Awashyкта, Pratapgarh, U.P. against I&PRD, U.P. (13/59/13-14)



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Sl. No. 1

F.No. 13/65/11-12-PCI

Dr. Praveen Gupta,
Chief Editor,
Public News, Delhi

Vs.

Press Information Bureau,
Ministry of Information &
Broadcasting,
Government of India,
New Delhi.

ADJUDICATION
Dated 13.3.2015

This complaint dated 8.8.2011 was filed by Dr. Praveen Gupta, Chief Editor, Public News against the Press Information Bureau, Ministry of Information and Broadcasting, Government of India for harassing small and medium newspapers by denying them Press Accreditation Cards. He alleged that he had applied for Press Accreditation Card on 18.5.2009 but his application was cancelled on 30.6.2010 by the Central Press Accreditation Committee (CPAC) for the reason that "News Contents were not satisfactory". He also alleged that when he asked for the definition of 'News Content', the respondent denied having such definition with their office. He also stated that earlier when he applied for accreditation for himself and his photographer, the respondent PIB asked him to get it from Chennai and when he cautioned them that he would lodge a complaint before the Press Council, they became ready to grant accreditation to him but not to his photographer. On protesting the denial of accreditation to his photographer, they even denied accreditation to him also.

Notice for Comments was issued to the respondent on 19.9.2011.

Comments

Smt. Neelam Kapur, Principal Director General(Media & Communication), Press Information Bureau forwarded on 25.7.2012 a copy of comments dated 24.10.2011 said to have been sent earlier. The respondent stated that the decision to accord accreditation to journalists rests with the Central Press Accreditation Committee (CPAC) set up by the Government of India. He further added that the decision of CPAC in this case was taken after going through the content of newspaper 'Public Asia' submitted by the applicant and also after due deliberation. The respondent further stated that denial of Press Card is in consonance with the relevant guidelines for issue of Press Cards and as such doesn't amount to attack on press freedom. The PIB requested the Council that the complaint filed by Shri Praveen Gupta may be rejected as the decision has been taken as per the approved guidelines.

Counter Comments

The complainant in his counter comments dated 21.9.2012 submitted that the reply of the respondent is a mere reiteration of their earlier stand in the matter and stated that the officers of Press Information Bureau intentionally did not want to give accreditation to him and they misguided the members of CPAC while taking the decision. He alleged that the respondent is harassing him mentally by not granting accreditation.

Hearing before the Committee

The matter first came up for hearing before the Inquiry Committee on 15.7.2013 at New Delhi. Dr. Praveen Gupta, Editor, Public News and Shri Amandeep Bharadwaj, Director (Legal Affairs) appeared for the complainant. Shri Nitin Wakankar, Director (Press Facilities), PIB appeared on behalf of the respondent.

The Inquiry Committee heard both the parties. It noted the grievance of the petitioner relates to denial of the accreditation by CPAC (Central Press Accreditation Committee) on the ground that the news contents were not satisfactory whereas no speaking order was given to him. It also noted that no details have been given by the CPAC as to how the news contents were unsatisfactory in the absence of the definition of news content and no presumption is valid. The Principle of Natural Justice requires citing of the reasons for any denial. The Inquiry Committee therefore directed the respondent to provide further clarification in the matter with copy to the petitioner. At the hearings on 28.10.2013 and 7.01.2014, the Inquiry Committee was informed that the matter pends consideration by the CPAC.

Vide letter dated 21.8.2014, Press Information Bureau informed that the matter of the complainant was placed before the CPAC meeting held on 20.6.2014 and following decision was passed:

"The CPAC members scrutinized the issue of 'Public Asia' in detail and observed that the quality of the paper and the print was poor. The photos were also smudged. They also noticed that news reports in the issues seen by them, were factually misrepresented and misleading. Therefore, the Committee decided to not to grant accreditation to Shri Pravin Gupta as Correspondent of Public Asia".

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 6.1.2015 at New Delhi. Dr. Praveen Gupta, Editor, Public News and Mr. Vinay Gupta, Pr. Secretary, INJS appeared for the complainant. Shri Nitin Wakankar, Director (Press Facilities), PIB appeared on behalf of the respondent.

The Inquiry Committee heard both the parties. The complainant contended that the respondent keeps on denying the accreditation to him. He alleged as to why the respondent has been denying the accreditation to him on the ground that 'News Contents were not satisfactory' when they are themselves unable to explain what constitutes satisfactory news content and further have no specific definition of 'News Content' with them. On the other hand, the respondent's representative contended that the accreditation is granted by the CPAC whose decision is final and thus PIB has no role in rejecting the complainant's accreditation.

The Inquiry Committee noted that the complainant is aggrieved with the denial of granting accreditation card to him. It opined that the issue does not call for any interference by the Council. The complainant is given liberty to take recourse to any other remedy available to him in Law. It therefore recommends 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 and adopts the report of the Committee and decides to dismiss the complaint.



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Sl. No. 2

F.No. 13/118/9-10-PCI

Shri Ramashankar Singh Pasi,
Chief Editor,
Nyaya Ki Kalam, Weekly,
Vidisha, Madhya Pradesh.

The Chief Secretary,
Government of MP,
Bhopal, Madhya Pradesh.

The Secretary,
Home (Police) Department,
Government of M.P.,
Bhopal, M.P.

The Superintendent of Police,
Vidhisha, Madhya Pradesh.

Shri Rajender Singh Thakur,
Sub-Inspector,
Kotwali Police Station,
Vidhisha, M.P.

ADJUDICATION
Dated 13.3.2015

This complaint dated 16.12.2009 was filed by Shri Ramashankar Singh Pasi, Chief Editor, 'Nyaya Ki Kalam', Vidhisha against Shri Rajender Singh Thakur, Sub-Inspector, Kotwali and police authorities alleging threats, assault and implication in false cases with the connivance of liquor contractors due to the publication of critical writings. According to the complainant, he published two news reports in his weekly on 30.11.2009 and 7.12.2009 regarding illegal trade of liquor and inaction of the police. Annoyed with these, Shri Rajender Singh Thakur, Sub-Inspector, Kotwali arrested him on 14.12.2009 evening and registered a false case u/s 151 of IPC. The complainant alleged that the respondent not only threatened him of dire consequences but also beaten him up in the presence of the liquor contractors. The complainant submitted that on 15.12.2009, the respondent handcuffed him and presented before the S.D.M. from where he got the bail. He apprehended that the respondent himself or through other persons may cause any untoward incident.

Written Statement

In response to the Notice for Statement in Reply dated 7.6.2010, the Superintendent of Police, Vidhisha, Madhya Pradesh in his written statement dated 17.6.2010 while denying the allegations levelled by the complainant stated that Shri Rajender Singh Thakur, Sub-Inspector had arrested the complainant after getting a call on telephone that he was abusing and fighting in the public place at Rajpoot Dhaba, Dholkhedi, near Indian Liquor Shop. He was arrested and a case was registered against him under Section 151, 107 and 116(3) of IPC.

Counter Comments

The complainant in his counter comments dated 21.6.2010 stated that the respondent submitted a completely false and wrong statement. He denied his presence at Dholkhedi as the Police arrested him from the Hospital road. The complainant in his further communication dated 5.10.2010 while reiterating his complaint alleged that the liquor mafia had threatened to kill him. The complainant apprehended danger to his family member's life.

Hearing before the Committee

The matter came up for hearing before the Inquiry Committee on 21.12.2012 at Bhopal. There was no appearance from the complainant's side whereas Shri M.P. Niranjana, Sub-Inspector, District Vidisha appeared for the respondent's side.

"The Inquiry Committee noted that the allegations in the complaint were primarily against Shri Rajender Singh Thakur, Sub-Inspector, presently posted in Hosangabad whereas the reply has been filed by the department, not by him. Hence, the Inquiry Committee directed to issue Notice to Shri Rajender Singh Thakur to file his response within a month through the Superintendent of Police. Further, Shri Rajender Singh Thakur should be personally present before the Committee at the next hearing and the response filed by him would be given to the complainant who may file his rejoinder within three weeks". The directions of the Inquiry Committee were conveyed to the parties on 5.3.2013.

In response, the respondent Shri Rajender Singh Thakur, Sub-Inspector filed his reply vide letter dated 16.3.2013 and stated that he was discharging his legal duties and had not done anything in personal capacity. He further stated that the charge Sheet No. 185/07 dated 29.4.2007 u/s 294/506/427 IPC has been filed before CJM, Vidisha at R.J. No. 1799 of 11.10.2007. Another complaint under Cr.P.C. was registered before SDM, Vidisha. He has stated that both the criminal proceedings are pending and requested for exemption in personal appearance.

At the next hearing on 19.9.2013, the Inquiry Committee decided to await the decision of the Court in the above proceedings.

Pursuant to the directions of the Inquiry Committee, Shri Dharmender Choudhary, Superintendent of Police, Vidisha vide letter dated 13.4.2014 informed that the Judicial Magistrate, First Class, Vidisha dismissed the application filed by the complainant against the respondents hearing on similar charges vide order dated 20.1.2014.

Shri Ram Shankar Singh vide his undated letter had also submitted the copy of the above Order and also the Review Application admitted by the Court.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 6.1.2015 at New Delhi. The Complainant, Shri Ram Shankar Singh Pasi appeared in person. Shri Rajender Singh Thakur, Sub-Inspector (main respondent), Tikamgadh and Shri L.N. Pandey, Police Inspector, Vidisha District appeared on behalf of other respondents.

The Inquiry Committee heard both the parties. The complainant reiterated that following his news reports against wine shops contractors, police harassed him and implicated him in false cases. The complainant accepted that the case is pending before the Court on the issue. On the other hand, the respondent denied all the allegations levelled by the complainant.

The Inquiry Committee noted that the complainant himself informed that the issue in question is sub-judice before the competent Court of Law. In that view, the Committee declined to proceed further in the matter. It, therefore, recommends 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 decides to dismiss the complaint.



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Sl. No. 3

F.No. 13/27/13-14-PCI

Shri Rambir Singh,

Reporter/Correspondent,
'Sach Kahun',
Gautam Budh Nagar,
U.P.

Manager,

Vs.

1. The General Manager,

NTPC Limited,
Gautam budh Nagar,
U.P.

2. Shri Prabhat Ram,
Deputy General

NTPC Limited,
Gautam budh Nagar,
U.P.

ADJUDICATION

Dated 13.3.2015

This complaint dated 1.5.2013 was filed by Shri Rambir Singh, Reporter/Correspondent, 'Sach Kahun', Gautam budh Nagar, U.P. against Shri Prabhat Ram, Deputy General Manager, NTPC Limited, Gautam Budh Nagar for alleged threats to kill and implicate him in false cases due to publication of critical writings and also for seeking information under RTI Act. According to the complainant, he sought some information under RTI Act from the NTPC and also exposed corruption and other misdeeds prevailing in the NTPC through his newspaper between Jan-April, 2013. Annoyed with these, the respondent' Shri Prabhat Ram, Deputy General Manager, NTPC met him and threatened to kill and implicate him in false cases. The complainant while apprehending danger to his life has sought security.

No Witten Statement

A Notice for Statement in Reply was issued to the respondent on 16.7.2013 for written statement followed by reminder dated 3.1.2014 but no written statement was filed. In response to notice for hearing the respondent vide his letter dated 28.1.2015 has submitted his contention that the charges levelled by the complainant are fictitious and malafide as he had never met the complainant. He requested the Council to decide the case on merits.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Shri Rambir Singh, the complainant appeared in person.

The Inquiry Committee heard the complainant in person and also perused the material available on record. It held that the allegation made by the complainant that the respondent threatened him to kill and implicate in false case is not made out. In that view, the Committee opined that no action is warranted on the complaint. It recommends to the Council to dismiss the matter 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 case.



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Sl. No. 4

F.No. 13/28/13-14-PCI

Shri C.S. Kalra,
Editor & Publisher,
University Today,
Educational
New Delhi

Vs.

Prof. Rajbir Singh
Director,
Consortium of
Communication (CEC),
New Delhi.

ADJUDICATION

Dated 13.3.2015

This complaint dated 6.5.2013 was filed by Shri C.S. Kalra, Editor & Publisher, University Today against Prof. Rajbir Singh, Director, Consortium for Educational Communication regarding non issuance of advertisements to his newspaper and also for non-clearance of previous advertisement bills. The complainant stated that he had published two articles against the respondent in his newspaper under the caption “**Gupta and Kumar file petition before Chancellor**” on 15.12.2008 which carried some facts about Dr. Singh’s qualification and teaching experience and his bonafides as Professor of Journalism at Kurukshetra University, Haryana. The other news item published in his newspaper, University Today on 1.1.2013 questioned Dr. Singh’s qualification vis-à-vis Ph.d. Being aggrieved with the said news items against him, as a reprisal measure, Dr. Singh as a Director of CEC stopped all the advertisements to University Today and also stopped the payment for already published advertisements. He submitted that due to this action of the respondent, he suffered immense financial loss. He wrote to the respondent regarding his unpaid bills on 16.2.2013. In response, Shri Josie Mathew, Chief Administrative Officer, CEC vide his letter dated 9.4.2013 asked the complainant to indicate whether the bills sent were as per DAVP rates or not. If not, then the revised bills at DAVP rates may be sent to them. The complainant in his reply dated 16.4.2013 to the Director, CEC again requested to clear his unpaid bills.

Comments

The respondent, Prof. Rajbir Singh, Director, CEC in his comments dated 14.10.2013 stated that University Today had never been empanelled by CEC as an agency for release of advertisements. He further stated that after joining as Director, CEC, a file regarding approval for payment of bills dated 12.11.2012 submitted by University Today was placed before him on 6.12.2012. After looking into the matter, he sought some clarifications on norms and practice related to release of advertisements and payment thereof by CEC. He also stated that on the basis of information/status, it was observed that the Bills submitted for payment did not seem to have been raised on DAVP rates, whereas the Release Order for the same was issued to University Today on DAVP rates. To verify the same, a letter dated 9.4.2013 was written to University Today. He also submitted that previous bills in the past had been paid except three bills i.e. dated 1.12.2012, 15.12.2012 and 12.11.2013 amounting to Rs. 10, 149/-. He further submitted that the above mentioned facts clearly show that the stoppage of payment to University Today was only on account of the irregularities noted by the CEC regarding claim of payment by University Today contrary to Work Order related to publication of advertisement which clearly stipulated DAVP rate. He further stated that the action of CEC was neither intended to cause any harassment to complainant nor the same was the measure of reprisal.

Counter Comments

The complainant in his counter comments dated 20.1.2015 stated that they had chosen not to be on the panels of DAVP because of acute corruption and other accompanying factors. He also stated that the CEO continues to release advertisements and pay as per the Bills raised by them except the last three bills which coincide with the date of joining of the respondent as Director. He alleged that the denial of further advertisements and refusal to pay was mainly because of the news stories relating to the person of the respondent when he was at Kurushetra University, Haryana.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Shri C.S. Kalra, the complainant appeared in person. Shri Amitesh Kumar, Advocate, Shri Mukesh Prasad, Shri R.K. Kanchan and Shri Shashank Singh appeared for the respondents.

The Inquiry Committee heard the complainant in person as well as the counsel of the respondent. The complainant submitted that the CEC had been releasing the advertisements to University Today and setting the bills smoothly but ever since the new Director have joined, as a personal vendetta against University Today, the bill payment have been stopped for not being as per DAVP rates. According to him, he was not empanelled with the DAVP as such doesn't quote the rates of DAVP. The respondent on the other side defended their stand by asking the complainant to raise the bills as per DAVP rates as mentioned in the Work Order issued to University Today.

The Committee noted that from the Work Order itself, it is evident that the payment of Bills had to be raised/made on the basis of the stipulated DAVP rates. It was open to the complainant to publish or decline to publish the contents on such conditions but having published it, the grievance raised by the complainant is misconceived. The Committee held that the complaint made by the complainant is misconceived. It, therefore, recommends 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 decides to dismiss the case.



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Sl. No. 5

F.No. 13/139/13-14-PCI

Shri Baljinder Kotbhara,
Correspondent,
Nawan Zamana,
Bhatinda, Punjab.

Vs.

1. S.P., Bhatinda
2. The Driver, Conductor & Helper, Orbit Bus Company, Bhatinda, Punjab.
3. Shri Jaspreet Singh, Proprietor, Orbit Bus Service.
4. Proprietor, Orbit Bus Service

ADJUDICATION

Dated 13.3.2015

This complaint dated 9.12.2013 was filed by Shri Baljinder Kotbhara, Correspondent, 'Nawan Zamana', Punjabi Daily, Bhatinda, Punjab against the Driver, Conductor and Helper of the Bus of Orbit Bus Company run by Shri Prakash Singh Badal, Chief Minister of Punjab for alleged threats of dire consequences. Narrating the incident, the complainant stated that he was travelling in the bus on 4.12.2013 from Barnala to Bhatinda and found that the driver of the bus was not only playing dirty songs on LCD but was talking on cell phone while driving the bus carelessly and risking the lives of the passengers. As a correspondent, the complainant clicked his photo which irked the bus staff who (respondent) then started abusing him and pushed him out of the bus at Tapa Bus Stop despite the fact that the complainant was having the ticket of Rs. 60/-. The complainant thereafter boarded another bus without noticing that the other bus also belonged to Orbit Company. The driver of the previous bus then over took that bus and stopped it and asked the bus driver to throw him out of the bus and subsequently he was again forcibly pushed out of the bus. The complainant stated that he wrote a letter dated 9.12.2013 to the Superintendent of Police, Bhatinda and District Transport Officer, Bhatinda but no action was taken by them in the matter. The complainant also attached a copy of the photograph showing the bus driver was talking on the cell phone while driving the bus. According to the complainant, the staff of the bus service owned by the Chief Minister, Punjab had always been rude and threatened the passengers as they know that authorities would not take action against them.

A Notice for Comments was issued to the respondent Orbit Bus Company as well as the Government of Punjab on 5.3.2014.

Comments of the Proprietor, Orbit Bus Service

The Proprietor, Orbit Bus Service, Bhatinda Punjab in his comments dated 14.3.2014 stated that the complainant alleged that he had travelled in Orbit Bus No. PB 03F-7509 on 4.12.2013 but as far as his company is concerned, the Bus No. PB 03F-7509 did not exist in its fleet on 4.12.2013 and it was not among the buses owned by the Orbit Bus Company. He further stated that another bus bearing registration number PB 03 AF-7509 was registered in the name of Orbit Aviations Pvt. Ltd. but the said bus was registered on 7.2.2014 with the transport authorities, Bhatinda. He denied playing of dirty songs on the LCDs fixed in the buses of this transport company and asserted that none of the driver of any bus of this transport had ever used mobile phone while driving bus. Regarding photographs, the respondent submitted that it cannot be proved that the same was clicked when the bus was in motion. He also stated that the complainant re-boarded bus no. PB 3U-3735 which was their bus but the alleged occurrence had never taken place with this bus. He also stated that the complainant lodged this complaint to malign the reputation of one of the most reputed transport companies.

Counter Comments of the Complainant

In response to Notice for Statement in reply dated 28.7.2014, the complainant in his counter comments dated 10.5.2014 and 22.5.2014 stated that the Orbit Bus Company belongs to Shri Prakash Singh Badal's (Chief Minister of Punjab) family, hence, they did not follow the rules of the transport department. He alleged that the drivers of the company committed many crimes on the roads and no policeman dared to touch them. In support of his allegations, the complainant produced copies of clipping of many newspapers covering the incidents of traffic violations by Orbit Bus Service's bus.

Written Statement of Orbit Bus Company

The Proprietor, Orbit Bus Service, Bhatinda Punjab in his written statement dated 7.8.2014 stated that the complainant had filed the complaint on the basis of false, fictitious and concocted facts and was nothing but a bundle of lies. He reiterated that the Bus no. PB 03F-7509 did not belong to their Transport Company and the grievance which was allegedly caused to the complainant was by one bus bearing registration no. from Amritsar, i.e. PB 02F-7509. He furnished the attested Screen Report of Vehicle No. PB 03F-7509 showing the vehicle to be a Kinetic Honda scooter and not a bus. He alleged that the complainant not only misused his status of being a press correspondent but also tried his best to blackmail their Company. He also alleged that the complainant was habitual in filing false, frivolous and concocted complaints before the Council.

Letter from Government of Punjab

An endorsement of the letter dated 4.9.2014 addressed to State Transport Commissioner, Government of Punjab was received from the Superintendent, Transport Department, Government of Punjab which was in Punjabi language. The English version was not filed.

Comments of Sr. Superintendent of Police, Barnala

The Sr. Superintendent of Police, Barnala in his comments dated 28.10.2014 stated that the matter was got inquired through DSP Tapa who after going through all the facts reported that the allegations levelled in the complaint were not proved. In the report of Dy. Superintendent of Police, Tapa, dated 15.10.2014, it was stated that during enquiry, the complainant also joined in the inquiry and he failed to produce any witness/evidence regarding the incident of throwing him out of the bus. It was further stated that it is possible that the complainant took the picture of bus driver listening the mobile phone when the bus was not in motion. Moreover, the complainant had not made any complaint to the police station on the day of occurrence. The place of occurrence as stated by the complainant was just five hundred meters from the police station and if the situation was so bad, then being a reporter, he should have made a complaint in the police station but he did not make any complaint to the police nor had he given any statement to any Bus Stand incharge. Further, if there was any porn item displayed on the LCD of the bus then other passengers would have also made the complaint.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Shri Baljinder Kotbhara, the complainant appeared in person. Shri Sanchar Anand and Shri Anspinder Singh, Advocates, Shri Jaspreet Singh, representative from Orbit Bus Company and Shri Swaran Singh, Superintendent of Police, Barnala appeared for the respondent.

The Inquiry Committee heard both the parties. It noted that the allegation made by the complainant has been denied by the respondent. Respondent's Orbit bus company submitted that Vehicle No. PB 035-7509 is a Kinetic Honda Scooter and not a bus and the Chief Minister of Punjab has no business interest in the Orbit bus transport company as alleged by the complainant, the Senior Superintendent of Police. In his report, it is also found that the allegations levelled by the complainant are not true. The Inquiry Committee also observed that the allegation of assault raised by the complainant relates to the criminal conduct rather than threat of press freedom and he may seek remedy in this regard from the Court if so advised. In wake of these facts, the Committee opined that no action is required in the matter by the Press Council. It, therefore, recommends 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 case.



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Sl. No. 6

F.No. 13/157/13-14-PCI

Shri Sanjeev Kumar,
Editor, Satta Ki Parakh,
'Hindi Daily', Meerut, U.P.

Vs.

1. The Chief Secretary,
Govt. of Uttar Pradesh,
Lucknow, U.P.
2. The Chief Secretary,
Information Department,
Govt. of Uttar Pradesh
Lucknow, U.P.
3. The Director,
Information & Public Relation,
Department, Govt. of U.P.,
Lucknow.

ADJUDICATION

Dated 13.3.2015

This complaint dated 23.12.2013 was filed by Shri Sanjeev Kumar, Editor, "Satta Ki Parakh", Hindi daily, Meerut, U.P. against the Directorate of Information & Public Relations Department, Government of U.P. alleging discrimination in issuing Display advertisements to his newspaper. The complainant submitted that he has been publishing his newspaper from Meerut for the last 10 years and had also empanelled for getting the advertisements from Government of U.P. but his paper had been getting very few advertisements; that too only on the occasions such as 26th January and 2nd October, whereas the newspaper comparatively having less circulation are getting huge number of advertisements from the Government. He further stated that he met the senior officers in this regard, who demanded 40 to 50 percent commission from him and when he refused to pay, they stopped issuing advertisements to his newspaper. He wrote letters to the Information Department on 12.7.2013 and 18.11.2013 in this regard but received no response.

A Notice for Statement in Reply was issued to the respondent on 5.5.2014.

Comments

Shri Prabhat Mittal, Information Director, Information & Public Relation Department, Government of U.P., Lucknow vide his letter dated 22.5.2014 stated that the complaint was false and baseless. He further stated that the Information Department

issued Display and Tender advertisements worth Rs. 2,83,649.95 and Rs. 11,29,874.05 respectively to his newspaper from the period March 2012 to December 23, 2013.

Counter Comments

The complainant in his counter comments dated 16.6.2014 submitted that the respondent was misguiding the Council by giving particulars of advertisements released to Urdu Dainik 'Satta Ki Parakh' instead of Hindi Evening Daily 'Satta Ki Parakh'. He further alleged that the respondent indulged in partiality in issuing advertisements to his newspaper and in support of the contention, he informed that the respondent issued an advertisement under the caption "*Paschmi Uttar Pradesh v Haryana Pragati Ki Rah Par*" to all the newspapers on 18.6.2014 except his newspaper.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Shri Ashwani Johri appeared for the complainant while Shri Atul Mishra, Assistant Director represented on behalf of the Respondent No. 3. During the hearing, the representative of the complainant submitted a letter dated 10.2.2015 addressed to Hon'ble Chairman of the Council alleging that the respondent, out of 500 display advertisements released from March 2012 – February 2015, gave only Display advertisements on three occasions i.e. on 26th January, 15th August and 2nd October. He requested the Council to conduct an inquiry of the I&PRD for releasing advertisements from the aforesaid period from an independent agency.

The Inquiry Committee heard the representatives of both the parties. The representative of the complainant contended that no advertisement has been issued to 'Satta Ki Parakh' since March 2012. He alleged that the officials of respondent department I&PRD, Lucknow demand bribe of Rs. 40-50 thousand for issuing advertisements to his newspaper and only three advertisements were issued in the last three years to his newspaper 'Satta Ki Parakh'. He further stated that the other newspapers have been better placed in getting advertisements from I&PRD. He also stated that they had filed a complaint in this regard to the Chief Secretary, I&PRD but he has not taken any action on it. On the contrary, the representative of the respondent contended that advertisements worth Rs. 2,23,000 were issued to the complainant's newspaper. He further stated that a good amount of advertisement was issued to the complainant newspaper as compared to other newspapers in wake of facts that there are around 3,000 newspapers empanelled with the I&PRD. He further informed that the Urdu edition of the complainant's newspaper also gets a good amount towards Classified Advertisements. In support of his contentions, he filed a letter dated 5.2.2015 enclosing therewith a statement of details of advertisements given to complainant's newspaper, Hindi & Urdu edition of Satta Ki Parakh.

The Committee carefully perused the facts of the case and opined that the issue does not involve threat to the freedom of the press. Hence, no action is warranted by the Council in the matter. The Committee recommends to the Council to dismiss the case.

Held

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



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Sl. No. 7

F.No. 13/176/13-14-PCI

Shri Tribhuvan Poddar,
Editor,
Vishwasmat Times,
Delhi.

Vs.

1. Shri Kishanveer Bhati,
Sub-Inspector, Delhi Police,
Station, Delhi.
2. The Chief Secretary,
NCT of Delhi, Delhi
3. The Secretary,
Home (Police) Department,
NCT of Delhi, Delhi
4. Shri Ajay Kumar,
Ex DCP, Delhi Police,
Delhi
5. Shri Vivek Tyagi,
SHO, Delhi Police,
Geeta Colony Police Station,
Delhi

ADJUDICATION

Dated 13.3.2015

This complaint dated 12.2.2014 followed by further communication dated 18.2.2014 was filed by Shri Tribhuvan Poddar, Editor, Vishwasmat Times, Delhi against Shri Kishanveer Bhati, Sub-Inspector, Delhi Police, Geeta Colony Police Station, Delhi and Other Police Authorities, Delhi for physically assaulting and harassing him. The complainant stated that in a quarrel between his wife, Smt. Rajni Devi and his neighbour on 19.11.2013, a call was made to the Police helpline number 100 after which one Mr. Kishanveer Bhati, Sub-Inspector, Geeta Colony Police Station came to his house without any lady police and forcibly took away his wife to the police station at 10.15 pm for taking her statement. After that the police sent his wife to SDN Hospital, Shahdara for medical inspection where MLC was obtained in a fraudulent manner. He further stated that after returning from the hospital to police station at around 2.15 am, the sub-inspector, Mr. Kishanveer Bhati demanded bribe from his wife and on refusal, his wife was abused, beaten up and arrested by him. After that he asked the complainant to sign the arrest slip but when the complainant asked him about his offence, that sub-inspector started beating him and also put him behind the bars. He also stated that at the time of this

incident, one social worker, Shri Gurdeep Singh was also present there who was also beaten by that sub-inspector when he tried to stop him. He further stated that the sub-inspector, Mr. Kishanveer Bhati took his camera, mobile phone, money, visiting cards and his glasses which were not returned back by the police to him till date. The complainant alleged the due to his critical writings against the police on various issues, the police acted malafide against him and his wife. The complainant wrote several letters to authorities' viz. on 1.11.2013, 20.11.2013, 21.11.2013, 22.11.2013, 28.1.2014 and 24.3.2014 but received no response.

A Notice for Statement in Reply was issued to the respondent police authorities on 3.4.2014.

Written Statement of Shri Vivek Tyagi, SHO, Geeta Colony Police Station

Shri Vivek Tyagi, SHO, Geeta Colony Police Station, Delhi in his undated comments received in the Secretariat of the Council on 23.4.2014 stated that on the intervening night of 19/20.11.2013, Sub-Inspector, Shri Kishanveer Bhati was on emergency duty at police station Geeta Colony and on receiving a call of quarrel, he alongwith Ct. Praveen Kumar reached at the spot where three persons namely, Shri Tribhuvan Poddar, Shri Virender and Shri Anil were found quarrelling with each other. Some person namely, Smt. Rajni Devi (wife of Shri Tribhuvan Poddar), Smt. Dhan Devi (wife of Shri Jagdish Dev) and Shri Vipin were also alleging that they suffered injuries caused by S/Shri Tribhuvan Poddar, Anil and Virender. He further stated that the Sub-Inspector, Shri Kishanveer then called the lady police from the police station at the spot and all eight persons were got medically examined at S.D.N. Hospital. Shri Tribhuvan Poddar had also misbehaved with doctors on duty and refused to sign on MLC with allegation that his MLC had not been prepared in right manner. Since these persons had misbehaved with intent to provoke a breach of the peace and also in the presence of Police Officers, it was inevitable on the part of Sub-Inspector to take legal action against the erring persons and to stop such nuisance. Therefore, after due warning, the trio were apprehended u/s 92/93/97 DP Act while other all were relieved after medical examination including the wife of the complainant. He also stated that two persons namely Virendra and Anil obeyed the lawful direction of the officer but the complainant refused to sign and again misbehaved while extending threats furiously. He also stated that the complainant threatened the land lady when she came for collection of rent from tenants of her property Rs. 6500/-. He further stated that on the basis of inquiry conducted in the matter it can be said that the complainant is not a person of good repute in the area and he was not on good terms with any of his neighbors or landlord and he wants to take undue advantage in the name of freedom of Press.

Counter Comments of the Complainant

The complainant in his counter comments dated 13.6.2014 stated that due to the publication of several critical news items exposing the police department, illegal activities of land mafia, corruption spread in the society, activities of drug mafia, activities of dishonest persons in his newspaper, the police and several other persons became his and his family member's enemy. He alleged that the Sub-Inspector of Geeta Colony Police Station brutally beaten him up and also tortured his wife by beating her on 19-20.11.2013 midnight. He further stated that the said incident was recorded in the CCTV camera installed in the police station but he alleged that the police authorities either destroyed the recording or removed it.

Inquiry Report filed by Dy. Commissioner of Police, East District, Delhi

The Deputy Secretary (Home-I), Shri Alok Garg vide his letter dated 24.6.2014 requested the Special Commissioner of Police (Vig.), Delhi Police Headquarter to inquire into the matter and directly sent the action taken report to the complainant as well as Council. In response, Shri Ajay Kumar, Deputy Commissioner of Police, East District, Delhi vide his letter dated 10.9.2014 submitted the Inquiry Report. While reiterating the incident as mentioned in written statement of the SHO, Geeta Colony, it was stated in the report that as per the statement of independent witnesses no misbehavior was done by S.I. Kishanveer Bhati with the complainant and Sardar Gurdeep Singh. It has been further stated that the complainant doesn't enjoy good image in locality as other residents blamed that he occasionally uses the filthy language and being a mediaperson he had good relations with senior officers. This was his tactics to put pressure on police staff by making false complaints. It was also stated that the act of S.I. Kishanveer Bhati was bonafide. He took the action against the errant persons as per law and situation. However, S.I. Kishanveer Bhati had already transferred from PS Geeta Colony.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Shri Tribhuvan Poddar, the complainant appeared in person. Shri Shiv Dayal, A.C.P.,P.G.C./East appeared for D.C.P./East, Shri Vivek Tyagi, Inspector, Crime Branch, ER (the then SHO/GC) and Shri Kishanveer Bhati, Sub-Inspector, P.S. Preet Vihar appeared for the respondents.

The Inquiry Committee heard the complainant as well as the respondents. The complainant contended that there were no allegations against him since last 20 years. While narrating the incident whereby he and his wife were harassed allegedly by the local police, he submitted that it is all due to critical writings against local police wherein he had raised various questions of corruption prevailing in local police department. He further alleged that the local police have made several attacks on him and also conspired to implicate him in false cases. He stated that the police sent him behind the bars without any complaint made by anyone against him. He also stated that a case was filed by him regarding the incident in question in the Woman Commission but Shri Kishanveer Bhati never appeared before the Commission. He further stated that he had no dispute with his landlord. His wife made a call during quarrel on Tel. No. 100 as she apprehended danger to her life during the course of ruckus. The complainant while giving an account of alleged treatment meted out to him in Police Station submitted that CCTV cameras must have the footage thereof but the police have not provided him the same. On the other hand, the representative of the respondent, Shri Shiv Dayal, ACP, Public Grievance Commission contended that the matter in question is not related to journalism. He stated that no such record that MLC was done found on record as alleged by the complainant and also no injury was found on the complainant's body on medical checkup. He further submitted that a complaint was made by the complainant in Public Grievance Commission but now it stands closed. With regard to the dispute, the respondent contended that it was a matter related to quarrel with the local landlord and arrests were made of the people involved in it for disturbing the public peace. The incident has no relation with his duties as journalist. Further, the police have not registered any case against the complainant. The Investigation Officer only warned the complainant under DP Act. He further stated that under DP Act, only a Kalandra (Report) was made which is sub-judice in the Court. He also submitted that they do not have any recording facilities in the CCTV cameras installed in the police stations. He further stated that the allegations

made by the complainant are false and baseless as they do not have any reasons to implicate the complainant in false cases.

The Inquiry Committee carefully perused the material available on record. On being asked by Committee, the complainant failed to produce any evidence to substantiate that he and his wife were physically assaulted by the police. The Committee was therefore unable to accept the allegations made by the complainant that he was brutally beaten and his family members were harassed by the police.

In view of the aforesaid, the Committee 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 case.



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Sl. No. 8

F.No. 13/3/13-14-PCI

Shri Suresh Gandhi,
Bureau Chief,
Hindi Daily Jansandesh Times &
Aaj Tak TV Channel,
Sant Ravi Das Nagar Bhadoi,
Uttar Pradesh

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

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

Shri Amrit Tripathi,
District Magistrate,
Badhoi, U.P.

The Superintendent of Police,
Sant Ravidas Nagar, U.P.

Shri Sanjay Nath Tiwari,
SHO, Kotwali, Bhadoi,
U.P.

ADJUDICATION

Dated 13.3.2015

This complaint dated 25.3.2013 was filed by Shri Suresh Jaiswal @ Suresh Gandhi, Bureau Chief, Hindi Daily, Jan Sandesh Times & Aaj Tak TV Channel, Sant Ravidas Nagar, Bhadoi (U.P) against Police authorities and District Administration alleging harassment in connivance with a local leader. The complainant alleged that due to publication of critical writings in his newspaper regarding wrongful acts, irregularities, failure of district administration and the police, the respondents began harassing him and pressurizing him not to publish news against them. The complainant submitted that he had published a series of news items regarding incidents, which occurred in Sant Ravidas Nagar, Bhadoi at different places. He further stated that he also published news items captioned “Loktantra Ke Parva Par Hanfta Raha Tantra” and “Updrava par danga” in the issue of the newspaper dated 28.6.12 and 25.11.12, respectively. Annoyed with this, Shri Amrit Tripathi, D.M., Shri Ashok Shukla, S.P. and Shri Sanjay Nath Tiwari, Kotwal, Police Station Bhadoi as a reprisal measure falsely implicated him in a case under Section 3(1) of U.P. Goodas Prevention Act 1970. According to the complainant, in a case registered against him, Cr.No. 1688/09 u/s 147/148/336/435/436/323/504/506/IPC and 7C,L,A, Act, D.M.,

Bhadhoi issued a Notice dated 23.3.13 u/s 3(1) of U.P. Goondas Prevention Act, 1970. The complainant submitted that on 9.4.2013 the respondent D.M. passed an Order directing him to leave the District for six months from the date of said Order and intimate the concerned police station of his destination. Aggrieved with the decision of D.M., the complainant filed a Writ petition before the Hon'ble High Court of Allahabad and the Hon'ble High Court vide its Order dated 20.5.13 stayed the Orders of the D.M. with direction to the Commissioner to dispose of the Appeal on its intrinsic merits within a period of two months

Notices for Comments were issued to the Respondents on 22.1.2014.

Comments of Shri Sanjay Nath Tiwari, Inspector-in-charge

The respondent Shri Sanjay Nath Tiwari, Inspector-in-charge vide his letter dated 18.2.2014 denied the allegations of the complainant and stated that the complainant was present at Tazia peroration on 28.12.2009 and tried to disturb peace and provoked the Muslim community leading to quarrel between two groups. There was also an incident of fire due to provocation to the Muslim. A case No.1688/09 u/s 147/148/336/435/436/323/504/506/IPC and 7C,L,A, Act, was registered against the complainant and other miscreants. The respondent asserted that the complainant has a criminal record.

Comments of Shri V.K. Dikshit, Superintendent of Police, Sant Ravidas Nagar Bhadoi

The respondent Shri V.K. Dikshit, Superintendent of Police, Sant Ravidas Nagar Bhadoi in his comments dated 11.3.14 stated that investigation in the matter was conducted through the Circle Officer, Bhadoi who after inquiry found that the allegations levelled by the complainant could not be proved.

Comments of Shri A.K. Shukla, Superintendent of Police, Varanasi

The respondent Shri A.K. Shukla, the then Superintendent of Police, Bhadoi, and presently S.P., Varanasi in his comments dated 15.3.14 has also stated that Shri Suresh Gandhi had a criminal record and enclosed a statement of criminal history of the complainant and a copy of the Investigation Report of dated 21.9.2013 showing him as a controversial man. He further stated that the allegations of the complainant were totally false and baseless. The respondent submitted that the action initiated against the complainant u/s 3(1) of U.P. Goonda Prevention Act, 1970 had no nexus with the freedom of the press.

Counter Comments of the Complainant

In his counter comments dated 26.3.14, the complainant reiterated his complaint and alleged that the reply of the respondents as DM and the S.P. are totally false and misleading. Alleging that the respondents to hide their misdeeds, harassed him by implicating in false case under Section 3(1) of U.P. Goondas Prevention Act, 1970.

Counter Reply of Shri A.K. Shukla, S.P. Varanasi on the counter comments of the Complainant

Shri A.K. Shukla, Superintendent of Police (Arthik Apradh Anusandhan Sanghathan) Varanasi in his counter reply dated 6.6.14 provided details of the cases registered against the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Shri Suresh Gandhi, the complainant appeared in person. Shri Vivek Upadhyay & Shri Arvind Kumar, Advocates and Shri Ramesh Chaubbh, PS Kotwali, Badhoi appeared for the respondents.

The Inquiry Committee heard the complainant in person and the Counsel as well as representative of the respondents. The complainant submitted that he has been regularly harassed by the police and have been living under threat to his life and his family including children who are suffering and leading a pathetic life. He further contended that police have re-opened 15-16 year old cases filed under the Goondas Prevention Act, 1970 before the SDM as a reprisal measure. He stated that he was acquitted in all the above mentioned cases. On the other hand, the respondent contended that no such riot (danga) took place as reported by the complainant in his newspaper as it was just a small bickering and not even a complaint was also lodged in this matter. He further stated that no proceedings were initiated against the complainant under Goonda Prevention Act, 1970.

The Inquiry Committee carefully perused the material available on record and held that the allegation of the complainant that the action of the respondent is a reprisal measure due to publication of critical writings, is not made out. The Committee recommended that no action by the Council is warranted in 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 dismiss the complaint.



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Sl. No. 9

F.No. 13/44/13-14-PCI

Mohd. Irashad Raheen,
Journalist,
'Vishva Parivar' Daily,
Mahoba, U.P.

Vs.

1. Shri Ram Khilawan,
District Information Officer,
Mahoba, U.P.
2. The Director,
I&PRD,
Govt. of U.P.,
Lucknow (U.P.)

ADJUDICATION

Dated 13.3.2015

This complaint dated 7.5.2013 was filed by Mohd. Irashad Raheen, Journalist, Dainik 'Vishva Parivar', Mahoba, U.P. against Shri Ram Khilawan, District Information Officer, Mahoba, U.P. regarding cancellation of Certificate of free medical facilities and working journalist card conferred to him vide letter dated 26.9.2011 issued by Shri Ram Khilawan, District Information Officer, Mahoba. The complainant stated that he published a news item in Dainik 'Vishva Parivar' under the caption "**Nirvachan aayog ke aadesh ki udi dhajjiyan: Zila Nirvachan Adhikari sandeh ke ghere mein**" and in 'Lauh Stambh' weekly issue dated September 10-16, 2011 under the caption "**BSP sarkar ke raaz mein adhikari belagaam**". The complainant alleged that aggrieved with these critical writings, the respondent as a reprisal measure cancelled the certificate of his free medical facilities on 26.9.2011 which caused him financial loss and mental agony. He further alleged that due to this action of the respondent, his image was badly tarnished in the society. The complainant also alleged that the action of the respondent was illegal and far from truth and amounts to curtailment of freedom of press.

A Notice for Statement for Reply was issued to the respondents on 3.1.2014.

Written Statement

Shri Ram Khilawan, District Information Officer, Mahoba in his written statement dated 31.1.2014 stated that the complainant was a non-accredited journalist and he had no office in Mahoba. He further stated that the newspaper Dainik Vishva Parivar is published from Jhansi, Janpad which is 150 kms away from Mahoba. He also stated that a Certificate was issued to the complainant for medical benefit to his wife who had suffered burns and no Medical Card was issued to the complainant. The complainant tried to show the Proof Certificate as the Medical Certificate. He further stated that it was clear from the Order of I&PRD dated 2.2.1972 that Identity Card is compulsory for a journalist for availing the free facilities but the complainant neither submitted a copy of

his Identity Card to the office nor he furnished it to the Council along with his complaint. Thus, the complainant being a non-accredited and part time journalist, was not eligible for the medical card and the complaint was completely baseless as the medical card was never issued to the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. While Mohd. Irshad Rasheen, the complainant appeared in person, Shri Atul Mishra, Assistant Director, Information, U.P. appeared for the respondent.

The Inquiry Committee heard both the parties. The complainant failed to show his accreditation card when enquired by the Committee. The complainant has only the recognition certificate which is not validated by Information Department, Govt. of U.P. The Committee asked the complainant to show his older cards for the year 2000-2014 but he again failed to produce the same. The Committee noted the contentions of the respondent that the medical facilities provided to those journalists who hold accreditation card duly authenticated by District Magistrate and issued through Directorate of Information.

In view of the above facts, the Committee held that the complainant is not an accredited journalist as he failed to produce the documents to substantiate the claim. The Committee, therefore, held that the grievance put forth by the complainant is unjustified and lacks of substance. It accordingly recommends 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 decides to dismiss the complaint.



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Sl. No. 10 F.No. 13/59/13-14-PCI

Shri Dharmendra Nath Sharma,
Chief Manager,
Aadhunik Aavshyakta,
Pratapgarh, U.P.

Vs.

1. The Chief Secretary,
Govt. of U.P.,
Lucknow
2. The Director,
I&PRD,
Govt. of U.P.,
Lucknow
3. District Information
Officer, Pratapgarh,
U.P.

ADJUDICATION
Dated 13.3.2015

This complaint dated 9.5.2013 was filed by Shri Dharmendra Nath Sharma, Chief Manager, Aadhunik Aavshyakta, Pratapgarh, U.P. against the Director, I&PRD, Lucknow alleging non-disposal of his application for empanelment for advertisements to his newspaper pending for more than three years. The complainant stated that initially he made an application for empanelment before the Information Department, Pratapgarh but the Information Officer, Pratapgarh refused to accept his application and suggested him to apply at Mandal Office, Allahabad. Thereafter, he sent his application to a clerk named Shri Mahashiv Ojha at Allahabad Office where the clerk demanded bribe of Rs. 5000 for clearing his application but he refused to give it. Aggrieved with the refusal, Shri Mahashiv Ojha (clerk) kept his application with him for almost 6 months which caused huge financial loss to him. Further, he made a complaint against Shri Mahashiv Ojha (clerk) regarding demand of bribe to Deputy Director, Mandal Information Office, Allahabad but no action was taken against the clerk.

A Notice for Statement in Reply was issued to the respondents on 22.11.2013.

Written Statement

The respondent, District Information Officer, Pratapgarh in his written statement dated 9.12.2013 stated that the case of empanelment of complainant's newspaper was forwarded to the Deputy Director (Information), Mandal Information Officer, Allahabad

vide their letter 24.7.2010 as the authority of empanelment of newspaper for advertisement at that time was with the Deputy Director (Information). He further stated that the authority of empanelment of newspaper for advertisement was thereafter taken back by the Director (Information), U.P. due to which the Deputy Director (Information), Allahabad sent back the matter to Director, I&PRD, Lucknow vide letter dated 20.8.2010.

Counter Comments

The complainant in his counter comments dated 9.1.2014 stated that he received a letter dated 13.5.2010 from Assistant Director (Information), Pratapgarh in which it was stated that his application for empanelment is under process. He further stated that in this regard, the Mandal Information Office sought some information from him which he had furnished vide his letter dated 15.5.2010. He further alleged that delay of around 6 months in transferring his application from Pratapgarh to Allahabad Office clearly indicates the malafide intention and corrupt practice of the respondent.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Mr. Dharmendra Nath Sharma, the complainant appeared in person. Shri Atul Mishra, Assistant Director, Information, Govt. of U.P. and Shri H.R. Gupta, District Information Officer, Pratapgarh, U.P appeared for the respondents.

The Inquiry Committee heard both the parties and took on record the written averments dated 9.1.2015 and 10.2.2015 of the complainant and 4.2.2015 of the respondent intimating that decision regarding empanelment of the newspaper will be considered by the Directorate. The complainant contended that the respondent department intentionally delayed his application as many empanelments were granted to other newspapers after his application. On the other hand, the respondent submitted that earlier the authority to finalize empanelment was given to Mandal Office but now the jurisdiction lies with the Directorate Committee and the decision on the complainant's application for empanelment will be taken shortly.

The Committee noted that the application of the complainant for empanelment has been pending for five years. While newspaper cannot claim advertisements as a matter of right, these empanelment for issuance of advertisements has to be ensured by the authorities within the bounds of the duly notified policy and a given time framework. It is the duty of authorities acting as custodian of public funds, to ensure that such power is fair and equitable and is not misused. However, the representative of the respondent states that the final decision with regard to the complainant's empanelment application will be taken within a month. It directed the respondent to inform the complainant as well as the Council after taking the decision in the aforesaid matter. In view of the assurance given by the respondent's representative, the Committee recommends 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 decides to dismiss the complaint.

Press Council of India

Agenda Item No 6.

Adjudications based on reports of Inquiry Committee
(Meetings held on January 5-6, 2015 at New Delhi and
February 9-10, 2015 at New Delhi.)

Complaints by the Press

Section-14

Inquiry Committee-I Meeting held at New Delhi on January 5-6, 2015

1. Complaint of Shri Hemant Kumar, In-charge, Public Relations, NCERT, New Delhi against the Editor, Outlook, New Delhi. (14/556/12-13)
2. Complaint of Smt. Arti Luniya, Executive Director (CAD), Steel Authority of India, Ltd., New Delhi against the Editor, Sakal Times, Pune, Maharashtra. (14/362/12-13)
3. Complaint of Shri Pradeep Kumar Singh Kasliwal, Member, Digambar Jain Samaj, Indore against the Editor, Lok Ka Vishwas, Indore. (14/605/12-13)
4. Complaint of Shri Syed Sahabuddin, IFS (Retd.) & Ex-MP, Delhi against the Editor, Sahafat, Laxmi Nagar, Delhi. (14/683/12-13)
5. Complaint of Shri T. Umamaheswara Rao, Visakhapatnam, A.P. against the Editor, India Today, Noida. (14/542/12-13)
6. Complaint of M/s. Cochin Minerals & Rutile Ltd., Kerala against the Editor, Mangalam Daily, Kerala. (14/12/13-14)
- 7-8. Complaints of Shri Bhimsen, New Delhi against the Editors (i) The Times of India, New Delhi (ii) Mail Today, Noida. (14/777-778/12-13)
9. Complaint of Dr. Terence Nazareth, Mumbai against the Editor, DNA, Mumbai. (14/575/12-13)
- 10-11. Complaints of Shri Kuldeep Rai Sood, Advocate, Agra, U.P. against the Editors (i) Hindustan, Agra, U.P. (ii) Dainik Jagran, Agra, U.P. (14/447-448/12-13)
- 12-13. Complaints of Shri Jai Singh Parihaar, Fatehpur, U.P. against the Editors, (i) Dainik Jagaran (ii) Rashtriya Sahara, U.P. (14/310-311/12-13)
14. Complaint of M/s Rajasthan Patrika Pvt. Ltd. Jaipur (Raj.) against the Editor, 'Dainik Bhaskar', Jaipur, Raj. (14/696/11-12)
15. Complaint of Ms. Odette Katrak, Gurgaon, Haryana against the Editor, Hindustan Times, New Delhi. (14/555/12-13)
16. Complaint of Shri P.K. Sharma, New Delhi against the Editor, 'Umar Ujala', Aligarh (U.P.). (14/754/12-13)

Inquiry Committee-II Meeting held at New Delhi on February 9-10, 2015

17. Complaint of Shri Kailash Soni, Jodhpur (Raj.) against the Editor, Jodhpur Jagat, Evening Daily, Jodhpur, Rajasthan. (14/71/12-13)
- 18-20. Complaint of Shri Pramal Kumar Ohri, District Kapurthala, Punjab against the Editors, 1) Kapurthala-Phagwara Bhaskar, 2) Kapurthala Jagran City and 3) Phagwara-Kapurthala Kesari, Punjab. (14/108-110/12-13)
- 21. Refer back to Inquiry Committee.**
22. Complaint of Shri Rupesh Singhvi, (IRAS), Senior Divisional Finance Manager, North Western Railway, Jodhpur (Raj.) against the Editor, 'Dainik Navjyoti', Jodhpur (Raj.). (14/684/12-13)
23. Complaint of Shri Santu alias Shri Sarvesh Kumar Lodhi, Banda (U.P.) against the Editor, Dainik Aaj, Kanpur (U.P.). (14/712/12-13)
- 24-25. Complaint of Shri Puneet Agarwal Agra, U.P. against the editors (i) Hindustan (ii), Dainik Jagran, Agra, U.P. (14/20-21/13-14)
26. Complaint of Shri Ravinder, Project Director, National Highway Authority of India, Gaziabad, U.P. against the Editor, Dainik Jagran, Kanpur, U.P. (14/312/13-14)
27. Complaint of Shri Jaspal Singh Chugh, Advocate, Ex.-Additional District & Session Judge, Ludhiana against the Editor, The Tribune, Chandigarh. (14/109/13-14)
28. Complaint of Dr. Charanjit Singh Pruthi, Managing Director, Baba Budha Sahib Cardiac Centre Ltd., Pruthi Hospital, Jalandhar against the Editor, The Tribune, Chandigarh, Punjab. (14/252/13-14)
29. Complaint of Smt. Vimlesh alias Guddi Sharma, Aligarh, U.P. against the Editor, Amar Ujala, Aligarh, U.P. (14/377/13-14)
30. Complaint of Shri Surender Bhadur Yadav, Assistant Superintendent of Posts Office (Head Quarter), Banda, U.P. against the Editor, Rashtriya Sahara, Kanpur, U.P. (14/370/13-14)
31. Complaint of Shri Vakul Goyal, Saket, Meerut, U.P. against the Editor, Aaj Ki Dastan, Meerut Cantt., U.P. (14/422/13-14)
32. Complaint of Shri Harish Batra, President, Bhartiya Janta Party, Adarsh Nagar, Delhi against the Editor, Ravivar Delhi, Delhi. (14/296/13-14)



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Sl. No. 1

F.No. 14/556/12-13-PCI

Shri Hemant Kumar
In-charge, Public Relations
National Council of Educational
Research and Training, New Delhi

Vs.

The Editor-in-Chief
Outlook
New Delhi

ADJUDICATION

Dated 13.3.2015

This complaint dated 23.10.2012 has been filed by Shri Hemant Kumar, In-charge, Public Relations, (NCERT) National Council of Educational Research and Training, New Delhi against the editor Outlook, New Delhi for publication of an allegedly malicious and inaccurate news-article in its issue dated 10.9.2012 under the caption "**Learning to Earn**". It was reported in the impugned news-item that the NCERT Director has procured paper and pulp board meant for textbooks in violation of the tender rules. It was also reported that the Central Vigilance Commission (CVC) has recommended an inquiry against the Director. Further it was stated that the Audit Report pointed out violation of tender rules in procurement of paper and pulp board for text books. Giving reference to the Audit Reports, it was alleged that the paper samples received from the bidders were tested before the opening of the tenders. The complainant while enclosing a copy of the reply sent to the Ministry of Human Resource Development (MHRD) on CAG Audit para, stated that as far as the issue of Audit Report is concerned, the tender document showed that there is no clause or even mention of the samples received along with the bid documents having to be tested before proceeding further as reported in the impugned news-item. He further stated that procurement of the paper, the tender process and all other formalities are under the domain of the Publication Division and the case was sent to the Director for approval after tender issued, bid closed and the firm was finalized. The Director/Secretary was not directly involved in the tender process and it is the sole responsibility of the Publication Division. He alleged that the magazine Outlook acted in an irresponsible and reckless manner, only with an object to provide cheap sensationalism. The complainant vide letter dated September 6, 2012 informed the respondent about the inaccuracies and malicious content of the story and demanded the publication of an apology with due prominence but was taken aback by his attitude which highlighted respondent's biased, irresponsible and malicious conduct. The complainant had requested the Council to Censure the magazine, its editor and the correspondent and to pass necessary directions to publish an apology at a prominence place.

Written Statement

The Editor-in-Chief, Outlook in his written statement dated February 23, 2013 stated that page 7 of the Report by Office of the Director General of Audit (Central Expenditure), clearly and unambiguously stated that “The test report of sample paper is a part of a technical bid. Therefore, opening of the financial bid before the completion of process of evaluation of technical bid is highly irregular on the part of the Council.” The Audit Report further notes; “The sample papers of the mills were sent for testing to two lab viz. CPPRI and IIT Roorkee but before the receipt of lab report the financial bids of all eight mills were opened on 13.1.2012 which is irregular.” He further stated that against the submission of NCERT that there was no clause or even mention in the Audit Report of the samples received to be tested before proceeding further with the tender process, he drew the attention towards the letter date 11/12 September, 2012 to Shri Gulab Singh, Under Secretary, HRD, which notes that “Committee had submitted its report duly evaluated by the Technical Committee with two recommendations; (i) to ignore testing before opening of the financial bid to save time, which was also not mentioned in the tendered documents and; (ii) disqualification of two mills on technical grounds. However, it was decided that the samples of papers, in respect of the six short listed mills by the tender committee will be immediately sent to the laboratories for testing.” Further, he stated that NCERT insists that there was no inquiry instituted to look into the irregularities in the tender process to procure pulp and paper. But the documents available with them tell a different tale. He stated that an official note by the Vigilance Section, Department of Higher Education, dated 21.9.2012 states “Since the allegations levelled in the complaints are serious in nature, it is proposed that a fact finding inquiry into the allegations levelled in the complaints under reference to one of the following officers: 1) Ms Vrinda Sarup, Additional Secretary (SE), 2) Shri Amarjit Singh, Joint Secretary (EE-I)”. The respondent further stated on the allegations of the complainant that “before receiving the reports, Prof. Sinclair had the sealed tenders opened and began the process of allocating contracts- which is against the rules” clarified that the Audit Report stated that “the test report of sample papers is a part of technical bid” and therefore, opening the tender documents before the testing results is nothing but irregular, and is against the rules as noted above by the auditors. He stated that Outlook only reported the facts. He further alleged that many questions were raised on the whole bidding process as the technical committee in December 2011 recommended that the Council wait for the test results from the Government laboratories to check the conformity of BIS specifications before awarding the contract but financial bids were opened on 13.1.2012 without waiting for the test results. The respondent further stated that the Special Correspondent of the magazine tried to reach both the Director as well as the Secretary but despite repeated attempts, could not be contacted. The respondent further stated that Outlook is a responsible and reputed magazine and practices ethical journalism of the highest degree.

Counter Comments

The complainant in his counter comments dated 21.3.2014 stated that the contentions submitted by the respondent are false and baseless. He further stated that the respondent has made the basis of the information the page 7 of the Report of the Director General of Audit (Central Expenditure) but it is false as it was not an Audit Report but a set of Audit observations as part of the Inspection Report, signed by Sr. Audit Officer (AMG-IV). He added that it is just one stage of the complete Audit exercise and no one can jump to any final conclusion on the basis of this, especially when such an act severely damages the reputation and the public image of some important public functionary. He further denied of any violation of tender rules which is the basic premise on which the Special Correspondent,

Ms. Chandranee Banerjee built the story. He also stated that Mr. Krishna Prasad's claim that the Special Correspondent had tried to reach both the Director (Prof. Pravin Sinclair) and then Secretary (Mr. Alok Verma) is completely false. He has requested the Council to issue Censure against the magazine with the direction to publish an apology at a prominent place.

Report of the Inquiry Committee

Following four adjournments dated 29.10.2013, 7.1.2014, 24.3.2014 and 15.5.2014 where the Committee decided to seek details of the matter from the Ministry of Human Resource Department, the matter came up for final hearing before the Inquiry Committee on 5.1.2015 at New Delhi. Shri J.S. Mehra appeared for the complainant whereas there was no appearance on behalf of the respondent.

The Inquiry Committee noted that no reply has been received from the Ministry of Human Resource Department seeking status of the inquiry initiated against the complainant. The Committee heard the representative of the complainant. The prayer made on behalf of the complainant for adjournment was declined observing that if one individual officer was not available, the complainant being an organization ought to have deputed another officer. The Committee perused the complaint and the relevant papers. It opined that in the facts and circumstances of case recorded above, the article published in the magazine 'Outlook' cannot be said to be baseless, calling for action by the Council. It, therefore, recommends 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.



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Sl. No. 2

F.No. 14/362/12-13-PCI

Smt. Arti Luniya,
Executive Director (CAD),
Steel Authority of India,
Lodhi Road, New Delhi.

Vs.

The Editor,
Sakaal Times,
Pune,
Maharashtra.

ADJUDICATION

Dated 13.3.2015

This complaint dated 27.7.2012 was filed by Ms. Aarti Lunia, Executive Director (CAD), Steel Authority of India, New Delhi through her Advocate Shri J.P. Mishra against the Editor, Sakaal Times, Pune alleging publication of false and baseless news item under the caption "Over Rs.1,000 crore steel scam in SAIL" in its issue dated 28.5.2012. It was reported in the news item that in a major scam huge stock of steel of five to seven lakhs metric tonnes worth over Rs.1,000 crore is missing from the stock. It was further published that the discrepancy was discovered by SAIL management in November 2010 but no investigation in the alleged scam was initiated by the management. It was further alleged that the top management of SAIL is trying to cover up the scam by manipulating the records of the company.

The complainant alleged that the only intention behind such statement was to show the management of SAIL in bad light and to tarnish the image of SAIL in public esteem. Complainant submitted that the allegations made in the news-item are completely baseless and without an iota of truth. The reporting by the respondent was motivated not only to defame and tarnish the image of SAIL but also intended to derive benefit of publicity etc. at the cost of goodwill, business credibility of SAIL. The complainant through his advocate drew the attention of the respondent (correspondent) and denied the allegation and sought their withdrawal and publication of clarification but the respondent gave a vague reply and evaded answer.

In response to the complainant's notice, Shri Rajeev Sharma (correspondent) vide his letter dated 28.6.2012 through advocate replied that the news item was published in good faith and for public good and is based on information obtained from internal documents and sources. He denied the allegations levelled by the complainant and stated that there was no question of withdrawal of relevant newspaper reporting and to issue a clarification apologizing for the impugned news-item.

Written statement

The Resident Editor, Sakaal Times in his comments dated 18.9.2012 submitted that he had not offended any standards of journalistic ethics or public taste. The impugned news-item was based on information obtained from internal documents of SAIL. The concerned journalist made every effort to meet SAIL, Chairman but he was not available for comments. He met two other senior officials and published their clarification in the impugned news item.

Counter comments

The counsel for the complainant in his counter comments dated 17.10.2012 & 26.7.2013 reiterated his averments made in the complaint which caused immense prejudice to the complainant. According to him, the reply of the respondent does not reflect their bonafide attitude or regrets for the irresponsible news-item. The stand of good faith claiming that reporting was based on information obtained internal documents of SAIL was neither factually correct nor borne the testimony of any official as far veracity of the correctness of the publication was concerned. According to him, it amounted to distortion of facts to undermine SAIL in public esteem and served no public good, as claimed. The lay out, manner of presentation including headline speaks volume of the intention of sensationalization depicting fallen standards of journalistic ethics.

Report of the Inquiry Committee

Following numerous adjournments, the matter came up for final hearing before the Inquiry Committee on 5.1.2015 at New Delhi. Shri J.P. Mishra, Advocate appeared for the complainant. Smt. Neela Gokhale, Advocate appeared on behalf of the respondent and initially sought Passoverto discuss a settlement. On being unsuccessful thereof, they appeared for oral argument.

The Inquiry Committee heard both the parties and perused the record. The complainant contended that the news-item is completely false, frivolous and without any proof. The respondent contended that the proof had not been filed as a settlement was being waived out. He contended that no clarification has been provided by the complainant on merits till date and that they are ready to publish the clarification of the complainant if the same is provided.

The Committee has examined the matter and is of the opinion that the news item published in 'Sakaal Times' cannot be said to be baseless calling for action by the Council. Accordingly, it decided to recommends 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 decides to dismiss the complaint.



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Sl. No. 3

F.No. 14/605/12-13-PCI

Shri Pradeep Kumar Singh Kasliwal,
President, Digambar Jain Samaj,
Indore, M.P.

Vs.

The Editor,
Lok Ka Vishwas,
Indore, M.P.

ADJUDICATION
Dated 13.3.2015

This complaint dated 8.10.2012 was filed by Shri Pradeep Kumar Singh Kasliwal, President, Digambar Jain Samaj, Indore, M.P. against the Editor, Lok Ka Vishwas, Indore, M.P. alleging publication of false, baseless and defamatory news item under the caption "***Nishkasan ka virodh, regal par dharna***" in its issue dated 24.8.2012. It was alleged in the impugned news item reported that the President of Digambar Jain Samaj, Shri Pradeep Kumar Singh Kasliwal terminated three senior members viz. Shri V.K. Jain, Shri Sanjay Patodi and Shri Deepak Kasliwal in the meeting held at the office of Digambar Jain Samaj. It was further stated that many people gathered on Wednesday morning protesting against the president by shouting the slogans like 'samaj ke log mere gulam hai' and 'Main ghamandi hun'. It was further alleged that the President has terminated the three members without prior notice or any show cause notice.

The complainant while denying the allegations levelled in the impugned news item stated that the news item was published without pre-publication verification and was completely false, baseless and intentionally published to malign his image in public at large. He clarified that the membership of three members was terminated because they had not performed their duties properly and had tried to form a separate organization. The complainant sent a letter to the respondent editor on 14.9.2012 requesting him to publish the contradiction and in response, the respondent editor vide letter dated 26.9.2012 had stated that the news item was published on the basis of the facts.

Written Statement

The respondent in his written statement dated 11.3.2013 while denying the allegations levelled by the complainant has stated that the news item was not published with bad intention and was published after due verification. He also counter alleged that the complainant had carried out unauthorized construction on the land of Mahavir Trust and the same was stayed by the Madhya Pradesh Administration. He clarified that as per order

dated 8.11.2012 of Registrar Public Trust, Indore it is clear that Shri Pradeep Kumar Kansliwal was not the trustee of Mahavir Trust.

The respondent vide his further letter dated 9.5.2014 has stated that he has not published the news item intentionally to malign the image of the complainant. He has also stated that other newspapers too had also published the similar news.

Complainant's Rejoinder

The complainant in his rejoinder dated 14.8.2014 denied the allegations made in the reply of the respondent. He submitted that that respondent had used his publication for personal vendetta by publishing the articles/news items and alleging his removal from the post which had no relevance to present day and related to past events, 10-12 years old. He further submitted that the publication was motivated by revenge and ill will against him for the losing election and respondent's and his allies expulsion from Digambar Jain Samaj, Indore. He also stated that he was neither allotted the land nor has any share in Singapore market as alleged by the respondent. The land in question was allotted to Mahavir Trust and only after obtaining requisite permission from government authorities commercial construction was done on part of the land allotted. The complainant further submitted that the respondent failed to investigate the present status of the matter or inquire from either party as he was interested only in tarnishing his image in the society.

Respondent's Reply

The respondent in his undated reply received on 25.9.2014 stated that the complainant made himself trustee of Mahavir Trust. He added that the land which was given by the administration to the Mahavir Trust, the complainant made Singapore Market on the said land and shops were given on rent by taking 'Pagdi' (earnest money). He also submitted that the shops of the Trust have been let out to tenants on a very low price which was thereafter sublet by the tenants at much higher rent. He further submitted that the brother of the complainant made himself the President of the land which was donated by Seth Hukumchand and sold out the shop by making incorrect maps. The respondent stated that the complainant had admitted that the impugned news was also published earlier by other newspapers.

Report of the Inquiry Committee

Following three adjournments dated 8.1.2014, 24.3.2014 and 15.5.2014, the matter came up for final hearing before the Inquiry Committee on 5.1.2015 at New Delhi. Shri Amit Singh Chauhan, Advocate appeared for the complainant whereas Shri Dinesh Salvi represented on behalf of the respondent.

The Inquiry Committee heard both the parties and perused the complaint, news-item and other papers. The counsel of the complainant contended that the news-item intermixed current and 12-14 years old events so as to malign him. The respondent was unable to explain why the complainant had been denied his right of reply.

The Committee having perused the records and heard the parties opined that the editor of the newspaper 'Lok Ka Vishwas' was swayed by personal consideration in carrying the impugned publication. The complaint is accepted to the extent indicated above. It cautioned the editor to be careful in future. Accordingly, the Committee recommends 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 decides to dispose of the complaint while cautioning the respondent editor against allowing personal consideration to impact his reporting.



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Sl. No. 4

F.No. 14/683/12-13-PCI

Shri Syed Shahabuddin
IFS (Retd.), Ex-M.P.
Delhi

Vs.

The Editor,
Sahafat Urdu daily
Delhi

ADJUDICATION
Dated 13.3.2015

This complaint dated 9.1.2013 was filed by Shri Syed Shahabuddin, IFS (Retd.) & Ex-M.P. against the editor, Sahafat Urdu daily, Delhi alleging publication of false and derogatory article under the caption “If Shahabuddin was not in Politics, Babri Masjid would not have been demolished –English Translation” in its issue dated 5.12.2012. In the impugned news-item, it has been alleged that the complainant was persuaded by Shri Atal Bihari Vajpayee to enter politics when he made many statements attractive to the Muslims. Thereafter, he shook hands with S/Shri L K Advani, Murlī Manohar Joshi, Atal Bihari Vajpayee, Pramod Mahajan, Uma Bharti and Kalyan Singh to awaken the idea of construction of Ram Mandir and to make it an international issue. Further, it has been alleged that in the chain of events Shahabuddin fulfilled his responsibility but his name was so much read and heard in the media that he appeared to many (Muslims) as the fulfilment of their dreams and moved towards his objective. The article questions his authority to declare that if Modi apologized, the Muslims Qaum would be with him. The impugned article also questioned his reluctance to take up the issue of recruitment of Muslims in the Parliament Secretariat when he was an M.P. The complainant alleged that the purpose of publishing such article was to denigrate him in the eyes of the community and the people. The complainant vide his letter dated 5.1.2013 called upon the respondent to publish apology for having made false and derogatory accusations against him on the front page, but in vain.

Written Statement

The respondent (through Advocate) in his written statement dated 28.5.2014 stated that the contents of the complaint are false and misleading. He submitted that the impugned article was based on a personal interaction, experience and views of Mr. Athar Siddiqui, which were directly and indirectly related to Shri Syed Shahabuddin and thus the newspaper could not be said to either directly or indirectly involved in the article. He also stated that in case Shri Syed Shahabuddin responded against the article, the newspaper assures to publish the same as well either in contradiction or clarification or an explanation forwarded by Shri Syed Shahabuddin.

Report of the Inquiry Committee

Following two adjournments dated 25.3.2014 and 15.5.2014, the matter came up for final hearing before the Inquiry Committee on 5.1.2015 at New Delhi. Shri Azmat H. Amanullah, son of the complainant represented whereas S/Shri Amir Jia and Maroof Ahmad, advocates appeared for the respondent.

The Inquiry Committee heard the representatives of both the parties. In the written statement, respondent has stated that in case, the complainant would respond against the impugned article, he would publish the same. This satisfied the complainant.

In view of the above, the Committee directed the complainant to furnish his version to the respondent editor within two weeks. It also directed the respondent to publish the same in its newspaper within three days from the receipt of the version from the complainant at the same page with same prominence as the original article was published. With the above directions, it recommends 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 the reasons and adopts the report of the Committee and decides to dispose of the complaint.



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Sl. No. 5

F.No. 14/542/12-13-PCI

Shri T Umamaheshwara Rao,
Visakhapatnam, A.P.

Vs.

The Editor,
The India Today,
Noida, U.P.

ADJUDICATION
Dated 13.3.2015

This complaint dated 16.11.2012 was filed by Shri T. Umamaheswara Rao, Visakhapatnam against the Editor, India Today alleging publication of derogatory and defamatory article under the caption "***The Jairam Ramesh Coal Scandal***" in its issue dated 17.9.2012. The impugned article commented that "the coal scandal was engineered largely between 2009 and 2011 by the incompetent Environment Minister, Shri Jairam Ramesh and facilitated by an impotent Prime Minister, Shri Manmohan Singh". It was further stated in the impugned article "that Singh should have objected to Ramesh's arbitrary style of policy making but he did not".

The complainant stated that the remarks- "incompetent environment minister and impotent prime minister" are highly objectionable, crude and unacceptable against the then Hon'ble Minister of Environment & Forest for State, Shri Jairam Ramesh and the then Hon'ble Prime Minister of India, Shri Manmohan Singh. He further stated that the learned author merely addressed the above dignitaries as "Jairam, Ramesh" and "Singh" even without prefixing any salutation such as Mr./Shri. The complainant sent a copy of his complaint to the editor, India Today advising him to "withdraw the said unwarranted and unlawful derogatory and defamatory comments made in the article forthwith by expressing their regrets or else be ready to face consequences and asserting that Press cannot belittle institution and dignitaries in the name of Press freedom. The complainant also requested the respondent not to publish derogatory and defamatory articles in their newspaper in future.

Written Statement

The respondent in his written statement dated 20.1.2014 while denying the allegations asserted that the complainant was trying to harass the respondent. He submitted that the contents of the article constitute fair comment on the policies adopted by the then Environmental Minister, Mr. Jairam Ramesh and the Hon'ble Prime Minister which had been made in public interest and for protection of public good and without any malice towards the people in question or their respective personal characters. He further alleged that the complainant has filed this complaint with malafide intention of harming the hard earned reputation of the respondent. He also stated that merely not preferring salutation or not referring to a person while using surname does not amount to defamation.

Report of the Inquiry Committee

Following two adjournments dated 10.2.2014 and 13.5.2014, the matter came up for final hearing before the Inquiry Committee on 5.1.2015 at New Delhi. Shri A.K. Singh, advocate appeared on behalf of the respondent. The Inquiry Committee noted that an adjournment request was received from the complainant. It heard the counsel of the respondent and perused the available record. After perusal of the article, the Committee opined that the use of expression “incompetent” or “impotent” cannot not be construed to be derogatory in the context of the political community in the impugned article. Accordingly, the Committee declined to proceed further in the matter. It recommends 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 decides to dismiss the complaint.



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Sl. No.6

F.No. 14/12/13-14-PCI

Shri P. Gopinath Menon,
Advocate, Kochi

The Editor,
Mangalam Daily,
Kottayam, Kerala

Vs.

On behalf of his client
M/s Cochin Mineral & Rutile Limited,
Aluva, Kerala

ADJUDICATION
Dated 13.03.2015

This complaint dated 20.4.2013 was filed by Shri P. Gopinath Menon, Advocate, Kochi on behalf of his client M/s Cochin Mineral & Rutile Limited, Aluva, Kerala against the Editor, Mangalam Daily, Kottayam, Kerala for publication of false, incorrect and defamatory news items in its several issues which are as follows:

Sl. No.	Caption (English Version)	Dated
1.	C.M.R.L. eyeing on black sand	27.8.2012
2.	Attack is sure if 'Dalam' is formed; 'Operational Brahmagiri' with caution	15.2.2013
3.	Environmentalists are being tried to be made Maoist by the black sand lobby	24.2.2013

Written Statement

The respondent in his written statement dated 17.8.2013 stated that the impugned news items published in the newspaper, are not defamatory and he doesn't know anything personally about the complainant or his activities and establishment. The respondent further stated that the main news items were published on the basis of the statement given by one Shri Purushan Ellor, a social activist and it was published in public interest.

Report of the Inquiry Committee

Following two adjournments dated 11.2.2014 and 13.5.2014, the matter came up for final hearing before the Inquiry Committee on 5.1.2015 at New Delhi. There was no appearance from either side.

The Inquiry Committee noted that the complainant sent a letter intimating that he does not want to pursue the matter and prays for withdrawal of the complaint. The Committee accepted the prayer of the complainant. Accordingly, it recommends the Council to dismiss the complaint as withdrawn.

Held

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



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Sl. No. 7-8

F.No. 14/777-778/12-13-PCI

Shri Bhimsen,
On behalf of his wife
Dr. Saroj Sharma,
New Delhi

Vs.

1. The Editor,
The Times of India,
New Delhi
2. The Editor,
Mail Today,
Noida, U.P.

ADJUDICATION
Dated 13.03.2015

This complaint dated 22.2.2013 was filed by Shri Bhimsen, New Delhi on behalf of his wife Dr. Saroj Sharma against the editors, Mail Today and The Times of India for publication of false and defamatory news item under the caption "***IP University Dean caught copying (Mail Today-1.2.2013)***", "***Varsity panel to probe Deans-Both accused of plagiarism (TOI-1.2.2013)***" and "***Dean in plagiarism row cries sex abuse (Mail Today-13.2.2013)***". It was stated in the impugned news item of Mail Today that the IP Teachers Associations had alleged that the two Deans, Dr. Saroj Sharma and Prof. Suman Gupta had lifted articles from various sources and reproduced them as their own in different journals. The Association had alleged that the varsity was not taking action against Dr. Saroj Sharma, Dean, University of Law and Legal Studies. The Times of India reported that Guru Gobind Singh Indraprastha University has set up an inquiry committee to probe into allegations of plagiarism against two deans. A three member panel will look into the complaint filed by the Teachers Association claiming Prof. Suman Gupta (Dean, School of Law) and Prof. Saroj Sharma (Dean, School of Education) have published articles under their own names which are not their original work.

The complainant while denying the allegations levelled against his wife stated that the respondents published a false and defamatory news item. He further stated that just one day before these publications, the correspondents of both newspapers called his wife over phone to know about her stand on the subject but his wife informed them that an independent committee had already been constituted by the University to examine and verify the matter and her comments on this issue will not be appropriate at this stage as this will be against the conduct rule of service. He also stated that all these news items were

published in haste and their authenticity were not judged before its publication whereas the journalist concerned did not appear to be properly aware about plagiarism and was highly influenced a group of scoundrel persons of GGSIP University. The article dated 13.02.2013 in Mail Today referred to the other Professor but used the photograph of Dr. Saroj Sharma in the inset. The complainant sent an e-mail dated 17.2.2013 to the respondent editor, Mail Today and The Times of India and requested them to publish the rejoinder. While he received an unsatisfactory reply dated 22.2.2013 from Mr. Vikas Singh of the Times Group, no reply was received from the respondent editor, Mail Today.

Written Statement (Mail Today)

The Counsel for the respondent in his written statement dated 26.9.2013 while denying the allegations levelled by the complainant stated that the complaint is purely a reactionary step on part of the complainant's husband issued with malafide intention. According to him the news article published on 1.2.2013 was entirely based on true and correct facts. The report stated that the IP University Teacher's Association has alleged that the two Deans had lifted articles and reproduced them as their own. He also stated that the contents of the news article are also fair comments written in matter of public interest. He has stated that his intention was bonafide and they did not and do not have any intention whatsoever of defaming the persons in question. He further stated that he had taken due steps to verify the news and contacted Ms. Saroj Sharma regarding the same but she refused to comment stating that the matter was still being investigated upon and therefore not appropriate to comment. He argued that the use of photograph of the accused Ms. Saroj Sharma is ethically correct as it is a general practice to show relevant photographs along with news items by all leading newspapers.

Written Statement (The Times of India)

The respondent in his written statement dated 2.9.2013 while denying the allegations levelled by the complainant stated that the news report was without malice as there was absence of improper purpose. He stated that it was a fair and balanced article with an objective of public information and there was no intention on part of respondent to defame anybody. He further stated that they have given complainant's wife an opportunity to counter the allegations of the Teacher's Association and has taken her views/comments which were carried in the article. It is also important to mention that the article published in U-Focus has only picture of complainant's wife and not even the name of Mr. Parth J. Shas is mentioned. He also stated that he had simply reported the complaint of Teacher's Association to the University and an inquiry ordered by the University in this regard. According to the respondent's Counsel, the complaint was uncalled for, unwarranted and without any cause of action.

Hearing before the Inquiry Committee

The matter first came up for hearing before the Inquiry Committee on 13.5.2014 at New Delhi. Shri Bhimsen and Prof. Saroj Sharma, complainant appeared in person whereas

Smt. Unnati Agarwal, Advocate appeared for the respondent, Mail Today. There was no appearance on behalf of the respondent, The Times of India.

The Inquiry Committee heard both the parties and carefully perused the impugned news item. It noted that the factum of charge against the complainant of plagiarism was not denied. The Committee was informed that the University has set up an inquiry into this and a report has since been filed in this matter. Thus, the Inquiry Committee decided to adjourn the matter with the direction to the complainant to produce the above said report in the next hearing.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 5.1.2015 at New Delhi. There was no appearance on behalf of the complainant. Shri Aditya Singh, Advocate appeared for the respondent, The Times of India and Shri Nitin Bhatia, Advocate appeared for the respondent, Mail Today.

The Inquiry Committee heard the counsel of the respondents and perused the impugned news items carefully. It observed that in view of the facts on record, the impugned news items cannot be said to be unfounded. It also noted that the complainant has not carried out the direction of the Inquiry Committee given to him on 13.5.2014. Accordingly, it recommend 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 decides to dismiss the complaint.



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Sl. No. 9

F.No. 14/575/12-13-PCI

Dr. Terene Nazareth,
Mumbai (Maharashtra)

Vs.

The Editor,
Daily News & Analysis,
Mumbai (Maharashtra)

ADJUDICATION
Dated 13.03.2015

This complaint dated 16.11.2012 was filed by Dr. Terene Nazareth, Mumbai, Maharashtra against the editor, "DNA" for publication of an article under the caption "Hundreds suffer as ICICI Bungles" alleging breach of journalistic ethics. The news-item reported that ICICI Bank flouted all rules and closed more than 2,00,000 accounts and suspended 50,000 accounts across branches in the city because records were lost in 2005 deluge and the bank did not have any back-up of the records. It questioned the role of regulators viz. the Securities & Exchange Board of India which did not take any action. The SEBI (Depositories and Participants) Act, 1996 says banks have to ensure that records are not lost, destroyed or tampered with. Banks have to maintain multiple back-ups or records at various places. Even the Prevention of Money Laundering Act, 2002 says banks have to keep multiple hard and soft copies in a manner as may be specified by the RBI. But the ICICI did no such thing. Apart from closing and suspending accounts, the bank lost three-in-one online trading account opening forms of 4,40,000 customers and account opening forms of 55,000 NRIs, according to information obtained under the Right to Information (RTI). The ICICI did not even inform SEBI, which forced the body to take suo-motu notice of it. An RTI reply says "ICICI has not informed SEBI regarding loss of records in the deluge of July 26, 2005. However, SEBI has written to ICICI to confirm that the bank has reported the loss to the National Securities Depository Ltd.

The complainant submitted that the article claims the information was obtained through RTI, but argued that it is source based (paid news). The documents with him indicated that the truth is much worse, possibly that clients documents were not damaged in floods at all. The complainant alleged that DNA claims that the statement published in the article were obtained through RTI, whereas the complainant's contention is that the information in the article was actually source based and not obtained through RTI. The complainant added that before publishing the article DNA should have confirmed and

verified whether RBI had inspected the KYC documents carried out on ICICI Bank during August 2005 to December 2005 or whether the KYC documents were not available for inspection. The complainant submitted that he is pursuing issues related to the ICICI 'floods' under several different jurisdictions. The complaint is specifically against DNA regarding 'journalistic ethics' which is in the domain of the Press Council. The complainant said that he has no problem if any one uses leads provided in this complaint to investigate this story further and would appreciate if his contribution was acknowledged in any story on the topic. The complainant further submitted that he awaits a decision from the Press Council holding that the DNA 'Investigative' article was not based on RTI applications as claimed and DNA should print a public apology and also print the correct facts.

Written Statement

The respondent in his written statement dated 11.6.2013 denied the allegations made therein by the complainant. The respondent submitted that the narration given by the complainant is nothing but the academic and research based information provided by him which does not carry any significance of whatsoever nature with the present issue. The respondent further submitted that the complaint filed by the complainant only because he wanted to seek credit for bringing out the issue pertaining to the ICICI bank and that too he wanted the same at the instance of the respondent. The respondent submitted that the contents of the complaint are incorrect and denied.

Counter-comments

The complainant in his counter-comments dated 22.7.2013 has requested the Council to direct the respondent to reveal the identity of the 'reliable source' relevant to the complaint and produce all the documents in support of his claim.

Report of the Inquiry Committee

Following previous adjournment dated 13.5.2014, the matter came up for final hearing before the Inquiry Committee on 6.1.2015 at New Delhi. Dr. Terence Nazareth appeared in person. S/Shri Vikram Mehta, Guarav Kr. Tikmani and Shikhar Garg, Advocates appeared for the respondent.

The Inquiry Committee heard the complainant in person as well as the counsel of the respondent. The complainant contended that the respondent did not get the information through RTI and it published incorrect as ICICI bank only terminated his trading account and not his saving account. He alleged that either the bank paid for the news or the article is written by the ICICI bank itself. He further contended that the respondent is not producing the RTI which is the source of the impugned article and until the respondent produces the copy of the RTI document, it is not possible for him to proceed further in the matter. The Counsel of the respondent on the other hand contended that in the impugned article, the DNA criticized more ICICI bank and there is nothing in the article to support the charge of 'Paid News'. He submitted that they only published the information which they got through an RTI. The journalist need not to disclose the source of information but if the Committee

wants to see the RTI document, they will produce the same. He alleged that the complainant is aggrieved because DNA newspaper criticized the ICICI bank but not in the manner the complainant feels it should have.

The Inquiry Committee having considered the facts of the case holds that the respondent has not breached any journalistic ethics so as to call for action by the Press Council of India. It, therefore, 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 decides to dismiss the complaint.



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Sl. No. 10-11

F.No. 14/447-448/12-13-PCI

Shri Kuldeep Rai Sood,
Advocate, Shastri Puram,
Agra, U.P.

Vs.

1. The Editor,
Hindustan,
Agra, U.P.
2. The Editor,
Dainik Jagran,
Agra, U.P.

ADJUDICATION
Dated 13.03.2015

This complaint dated 4.9.2012 was filed by Shri Kuldeep Rai Sood, Agra against the editors, 1) Hindustan and 2) Dainik Jagran, Agra, U.P. for publication of false and defamatory news item under the captions "**farzi chief food inspector dabocha**" and "**hathe chadha farzi food inspector**" in their respective issues dated 19.8.2012. Hindustan reported that a person named Chotu Chahar S/o Shri Chandan Singh Chahar was caught red handed while inspecting a sweet shop as a fake Food Inspector and further that during interrogation it was found that he had been delivering fake Food Licences for around one and a half year in connivance with Shri Kuldeep Rai, his neighbour who had been making fake I.D. Cards of Food Inspector for him. In the news item it was alleged that Shri Kuldeep Rai indulges in illegal activities for money as Chotu used to extort around 10-12 thousand rupees in a day from the shopkeepers posing as Chief Food Inspector and Shri Kuldeep Rai gave only 10 percent of it to Chotu. In the impugned news item of Dainik Jagran, it had also been reported that Shri Kuldeep Rai, a retired employee of Municipal Corporation was the master mind of this illegal business of making fake Food Licences.

The complainant while denying the allegations levelled in the impugned news items stated that the allegations are completely false and defamatory. His image has also been maligned in the public due to these publications, causing him mental agony. He also submitted that no such clear allegations were levelled in his name in the F.I.R. The complainant had sent a letter of objection to both the editors of Hindustan and Dainik Jagran newspapers on 19.8.2014 but received no response from any of them.

Written Statement from Hindustan

The respondent newspaper, Hindustan in its written statement dated 19.9.2014 while denying the allegations levelled by the complainant stated that the complaint was baseless and frivolous. It was further stated that the complainant intentionally wants to allege the publication as defamatory, which was published on the basis of the correct facts and circumstances. The impugned news item carried statement given by the person who was arrested at the time of police raid and it was published in the interest of public at large. He asserted that there are no grounds for taking any action against the respondent for publishing the news item which is well within the ambit of the Fundamental Right of Press.

No Written Statement from Dainik Jagran

No written statement was filed by the respondent editor, Dainik Jagran in the matter.

Counter Comments

The complainant in its counter comments dated 10.11.2014 contended that the accused Rahul @ Chotu had given his statement in police custody and the newspaper published the news item without verifying the authenticity of his statement. He prayed that the newspapers should not publish the name of an accused until he is proven guilty.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.1.2015 at New Delhi. Shri Kuldeep Rai Sood appeared in person. Shri Arun Pathak, Advocate appeared on behalf of the respondent, Hindustan. There was no appear on behalf of the Dainik Jagran.

The Inquiry Committee heard both the parties and perused the record of the case. The Committee opined that the news item published in the newspapers 'Hindustan', Agra as well as 'Dainik Jagran', Agra was based on the statement recorded U/s 161 Cr.P.C. and cannot be said to be unfounded so as to call for action. It therefore recommends 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 reason, finding in the report of the Committee and decides to dismiss the complaint.



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Sl. No. 12-13

F.No. 14/310-311/12-13-PCI

Shri Jai Singh Parihar,
Fathepur, Uttar Pradesh.

Vs.

1. The Editor,
Dainik Jagran,
Civil Lines, Fathepur.
2. The Editor,
Rashtriya Sahara,
Kanpur, U.P.

ADJUDICATION
Dated 13.03.2015

This complaint dated 30.6.2012 was filed by Shri Jai Singh Parihar, Fathepur, Uttar Pradesh against the editor, 'Dainik Jagran' and 'Rashtriya Sahara' for publication of an allegedly false news item under the caption "***Ex.En ne pakdi vidhyut chori, hoga mukadma – (English Translation – Executive Engineer catches electricity theft, case to be registered***" and "***Gharelu connection par submersible chala rahe upbhogta par mukadma darj- (English Translation-Case registered against consumer running submersible on residential connection)***" in their issues dated 5.5.2012 and 6.5.2012 respectively. It was alleged in the first news item that the Executive Engineer along with S.D.O. Shri Ravindra Prakash, & Junior Engineer Shri Rajpal conducted a raid and found three phase connection instead of residential electricity connection on which factory owner, Shri Jai Singh was running his factory. The news item dated 6.5.2012 reported that the team was surprised to find that Shri Jai Singh had been running submersible on residential electricity connection. It was further reported that electricity department had registered a theft case on the consumer who had been running submersible pump on residential connection. The complainant denied having submersible pump and stated that he had residential electricity connection bearing No. is 118928/1681. He further stated that the news items in question were completely false and published with the intention to malign his reputation in the society. The complainant drew the attention of both the respondents through letters dated 11.6.2012 but in vain.

No Written Statement

Show Cause Notices dated 30.1.2013 followed by a reminder dated 8.8.2013 were sent to both the respondents but no reply was received in the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.1.2015 at New Delhi. Shri Amit Singh Parihar, son of the complainant appeared and Mr. Birendra Mishra and Ms. Poonam Atey appeared on behalf of the respondent, Dainik Jagran while Smt. Anita Mahapatra appeared for the respondent, Rashtriya Sahara.

The Inquiry Committee heard the parties and perused the record of the case. The complainant's representative contended that the impugned news items were imaginary as there is no factory operating. The respondent Dainik Jagran cited the F.I.R. dated 4.05.2012 in support of the impugned report.

The Committee having considered the matter holds that the impugned news item published in the newspapers 'Dainik Jagran', Fatehpur as well as 'Rashtriya Sahara', Kanpur cannot be said to be without foundation, therefore, recommends 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.



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Sl. No. 14

F.No. 14/696/11-12-PCI

Rajasthan Patrika,
Rajasthan Patrika Pvt. Ltd.,
Kesargarh, Jaipur

Vs.

The Editor,
Dainik Bhaskar,
Jaipur, Rajasthan

ADJUDICATION

Dated 13.03.2015

This complaint dated 19.3.2012 was filed by M/s Rajasthan Patrika Pvt. Ltd., Jaipur against the editor, 'Dainik Bhaskar' alleging publication of false and fraudulent news item under the caption "***Kesargarh aur Patrikayan ko Kurki ka Notice-(Notice of Attachment to Kesargarh and Patrikayan -English translation)***" in its issue dated 16.3.2012. It was reported in the news item that Rajasthan Patrika had been issued notice of attachment for not depositing the property tax in respect of its Head office at Kesargarh and Patrikayan office at Jhalana. It was also alleged that the Rajasthan Patrika had not deposited remaining UD & House Tax for the last many years.

The complainant stated that his newspaper had published few news items against the ill activities /mal-practices of the Mayor of Jaipur city highlighting some misdeed and decisions taken by her which were against public interest and damageable to the state revenue. The complainant alleged that Mayor of Jaipur first tried to stop/restrict them from publishing such news against her and subsequently in connivance with respondent newspaper got published a false news item mentioning that Nagar Nigam has issued Notice of Attachment due to non deposition of tax relating to the Kesargarh, head office of Rajasthan Patrika and Patrikayan building at Jhalana. He further alleged that the respondent has with malafide intention to tarnish the image and reputation of the Rajasthan Patrika published the alleged Notice as Notice of Attachment (Kurki notice). He submitted that they have never been served such Notice as has been published by the Dainik Bhaskar. The complainant also stated that contents of the Notice as published by respondent newspaper amply make it clear that the Notice in question was only a Demand Notice which the respondent virtually highlighted as "Kurki Notice". The complainant further stated that they haven't received any reply to their legal notice dated 21.3.2012.

Vide Council's letter dated 6.12.12, the respondent was requested to consider publication of the rejoinder of the complainant issued to him but no response received from the respondent despite a reminder dated 30.4.2013.

No Written Statement

A Show Cause Notice was issued to the respondent-editor, Dainik Bhaskar on 18.11.2013 followed by a reminder dated 1.4.14 but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.1.2015 at New Delhi. Shri Indresh Sharma, Advocate appeared for the complainant whereas S/Shri Jitendra and Sumit Vyas appeared for the respondent.

The Inquiry Committee heard both the counsel of the complainant as well as the representative of the respondent. The complainant's representative contended that the headline of the impugned news item showed the malafide intention of the respondent.

The Committee carefully perused impugned news item. It noted that the said notice issued by the Municipal Corporation was a demand letter informing that failure would lead to attachment. It therefore was of the opinion that the offending news item cannot be said to be false or concocted so as to call for action. It, therefore, recommends 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 and adopts the report of the Committee and decided to dismiss the complaint.

{Foot Note:- Shri Prakash Dubey recused from the proceedings due to his interest in Dainik Bhaskar.}



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Sl. No. 15

F.No. 14/555/12-13-PCI

Ms. Odette Katrak,
Gurgaon, Harayana

Vs.

The Editor,
Hindustan Times,
New Delhi

ADJUDICATION
Dated 13.03.2015

This complaint dated 3.11.2012 was filed by Ms. Odettee Katrak against the Editor, Hindustan Times for wrongful publication of matter in her name in its issue dated 25.10.2012 under the caption ***“We can’t grin and bear this”*** in its letters column ‘Vox Pox’. The impugned matter attributed to the complainant read ***“The editorial You’ve smiles to go (The Pundit, October 23) has hit the nail on the head about road signs in Gurgaon. Driving in Gurgaon is nothing less than a nightmare. There are not enough road signs but potholes and speed bumps are aplenty. Most of the drivers are impatient, have little regard for traffic rules and absolutely no fear of the police. On the top of this, the police now want people to simile while driving. It can’t get any more ridiculous than this.”*** The complainant stated that the contents of her original letter were changed significantly conveying a completely different message in breach of journalistic ethics. The impugned information purported to point finger at the Gurgaon police for various problems listed whereas she had not made such reference. She further stated that her intention was to draw attention mainly to undisciplined drivers on Gurgaon’s road as well as to the poor plight of roads. Her original letter read ***“Your editorial on Gurgaon’s ‘Smile while driving’ signs hits the nail of the head – for that is genuinely difficult in Gurgaon! (23 Oct). When first moved here, besides the potholes, tractors, cattle, etc. on the roads, it shocked me that people behind honk when you stop at a red light, drive on the wrong side of the road with impunity or take U-turn to avoid roundabouts! What is worse, they will now do it with a smile on their face! One must however appreciate the intent of the signs – namely, to bring much-needed courtesy to our roads. In tandem with signs like ‘Follow Traffic Rules’, perhaps it will be a timely reminder for Gurgaon’s overly aggressive drivers.”*** According to her, publication of letter under her

Foot Note:- Shri Prakash Dubey recused from the proceedings due to his interest in

name was highly objectionable as it attributed what she never wrote and added points not mentioned by her in the original letter. She stated that impugned publication had embarrassed her because she works closely with Gurgaon Traffic Police to bring courtesy and discipline to our roads. She e-mailed her objection on 25.10.2012 to the respondent editor, Hindustan Times to publish the contradiction but received no response.

Written Statement

In response to the Show Cause Notice dated 21.10.2014, the respondent Hindustan Times in its written statement dated 21.10.2014 submitted that they have already retracted the publication in dispute from their website and the archives which was erroneously published by them. The screenshot shows that the result on the internet search for the publication in dispute is unavailable and had thus been diligently removed by the respondent.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.1.2015 at New Delhi. Mrs. Odette Katrak appeared in person. Shri Arun Pathak, Advocate appeared for the respondent.

The Inquiry Committee heard the complainant in person and the Counsel of the respondent. The complainant submitted that she has had to approach the Council as the respondent newspaper 'Hindustan Times' after altering her statement and putting words in her mouth declined to publish her version. She further stated that her views were against the undisciplined drivers but the respondent newspaper conveyed them as being against Traffic Police. She asserted that being an insignificant public, her objection to distortion of her letter had been ignored. The respondent on the other hand submitted that the entire content has been removed from their website after receipt of notice from the complainant. The respondent further stated that they are ready to publish an apology.

The Committee carefully perused the impugned publication as well as the original letter and noted that the respondent had admitted the error and taken steps to remove the content from the website. However, the fact remains that the impugned publication carried contents materially different from those wrote by the complainant and she was denied right of correction. Disapproving such conduct it noted that the respondent had undertaken to apologize and inform the complainant w.r.t. mistake in publication. It, therefore, decided not to proceed with action under Press Council Act and directed the complainant to furnish her version to the respondent. Further, it directed the respondent to publish the version of the complainant without any alteration/addition. The compliance report be submitted to the Council immediately. With these directions, it decided to recommend to the Council to dispose of the matter is 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 decide to dispose of the complaint as above.



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Sl. No. 16

F.No. 14/754/12-13-PCI

Shri P. K. Sharma
Chamber No.685-B,
Patiala House Courts,
New Delhi.

Vs.

The Editor,
Amar Ujala,
Aligarh (U.P.)

ADJUDICATION
Dated 13.03.2015

This complaint dated 9.2.2013 was filed by Shri P.K. Sharma, New Delhi against the Editor, 'Amar Ujala' alleging publication of objectionable and wrong information captioned "***Bhojpur Gainpur walon ne kiya pradarshan***" in its issue dated 10.10.2012. It was stated in the news item that the villagers were protesting that some persons had managed an ex-parte order from the High Court so as to snap off the road going from Bhiojtal to Dabur Station and merge the area in their own fields thereby blocking the way for general public. The villagers demanded to measure again the land of those people. The complainant submitted that after reading the news, he met the reporter and asked for a copy of the relevant evidence on the basis of which they had published the impugned news but he flatly refused to give the same and stated that the news was absolutely correct. The complainant further stated that Shri Ram Ratan (Pradhan) and his associate namely Shri Banwari Lal and others were spreading false information amongst the public and trying to cause hindrance to the proceedings of the Hon'ble High Court. According to the complainant, a Writ Petition had been filed by him for issue of direction for removal of the road passing through his properties. The complainant sent a letter dated 22.10.2012 drawing the attention of the respondent editor, Amar Ujala to the impugned news item and requested him to publish the rejoinder but received no response.

The Council vide its letter dated 26.8.2013 had given an opportunity to the respondent to consider the publication of the rejoinder in order to give the complainant his right of reply, under intimation to the Council. When no response was received from the respondent, the Council issued a Show Cause Notice to the respondent on 13.2.2014 for his written statement.

Written Statement

The respondent editor in his written statement dated 6.3.2014 while denying the allegation levelled by the complainant submitted that the impugned news items was fair reporting made in good faith in discharge of public duty devoid of any malice and based upon true fact. By reading the entire complaint the only incorrect fact, which came into light is that Hon'ble High Court of Allahabad has not passed any ex-parte order but the complainant had not understood the substance of news item. The respondent further stated that newspaper had only reported an incident where some villagers of village Bhojpur-Gainpur came together and showed their protest before Tehsildar. These protests were reported without any specific comments by the newspaper. The respondent alleged that the complaint is nothing but an attempt to restrain the fundamental right of freedom of press implicit in the right of freedom of speech and expression. He asserted that the duty of press is to present the fact in free, fair and impartial manner and not to adjudicate the matter.

Counter Comment

The complainant in his counter comments dated 6.5.2014 alleged that respondent has not done his duty and has misled the Council. The complainant requested the Council to direct the respondent to supply the documents/evidence.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.1.2015 at New Delhi. Shri P.K. Sharma appeared in person whereas Shri Amit Kumar Choudhary represented on behalf of the respondent.

The Inquiry Committee heard the complainant in person as well as the representative of the respondent. The complainant contended that there is no ex-parte Order of High Court and also there is no closure of way as reported in the impugned news item. He further stated that until the matter is sub-judice in the High Court, the District Magistrate cannot initiate any action on it. The respondent on the other hand contended that it is a general news item and they have only referred to the statements of the villagers. It is a fair reporting. He further submitted that the complainant himself furnished the Ex-parte Order of the Allahabad High Court. He also stated that the complainant's name was nowhere published in the news item.

The Committee after carefully perusing the impugned news item opined that the impugned publication is not unfounded so as to call for an action by the Council. It, therefore, recommends 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 and adopts the report of the Committee and decides to dismiss the complaint.



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Sl. No. 17

F.No. 14/71/12-13-PCI

Shri Kailash Soni,
Jodhpur, Rajasthan

Vs.

The Editor,
Jodhpur Jagat,
Sandhya Dainik,
Jodhpur, Rajasthan

ADJUDICATION

Dated 13.3.2015

This complaint dated 20.4.2012 was filed by Shri Kailash Soni, Jodhpur (Rajasthan) against the editor, 'Jodhpur Jagat', Sandhya Dainik, Jodhpur, Rajasthan for publication of a series of false and baseless news items from 30.3.2012 to 4.4.2012 under the captions "*Kukhyat thag kaislash ke khilaf maarpeet v loot kaa mukadma darz*", "*Shehar mein talash raha hai shikaar Natrwarlal, aap bhi ban sakte hain thagi ke shikaar*", "*Aatmhatya ki dhamki bhi thagi kaa shikaar bani*", "*Dukaane badal badal kar thag liya logo ko*" and "*Jaalsaaz Soni ke viruddh ek aur mukadama*". It was stated in the impugned news item dated 30.3.2012 that a case u/s 323/341/143/392/379/427/336 had been registered against Shri Kailash Soni for cheating the public. In the impugned news item dated 31.3.2012, photo of the complainant was published reporting therein that a Conman is openly roaming in the city who can make anybody his victim. Another news item dated 2.4.2012 reported that Soni cheated many people giving threats to commit suicide and to influence people, he thrice attempted fake suicide thrice. Further, in the impugned report item published on 3.4.2012, it was stated that the complainant changes his shop every six month and has at least five times opened it with different names. The last news item of 4.4.2012 stated that another case u/s 452/323/427/327 IPC and under section 3(1)(x) SC/ST Act was registered in Khanda Falsa PS against the complainant.

The complainant denied the allegations levelled in the impugned news items and stated that the charges were completely false and baseless. He stated that the respondent filed a false case against him before the Court in order to save himself. He further stated that no case of cheating had ever been filed against him in any Court but the respondent published false news items with the intention to defame him. The complainant further stated that the husband of the owner of Jodhpur Jagat newspaper alongwith other persons came to his home on 21.3.2012 and demanded money for the publication of advertisement and on refusal to pay the same, they began beating him and his family member. He lodged a complaint in this regard in the police station, Chaupasni Housing Board. The complainant stated that through his advocate sent a notice to the respondent editor on 4.4.2012 drawing his attention towards the impugned publication but received no response.

A letter was issued to the respondent editor on 13.9.2012 giving him an opportunity to publish the version of the complainant in order to afford the complainant his right of reply.

Written Statement

In response to the aforesaid Council's letter dated 13.9.2012, Smt. Santosh Sanga, Editor, Jodhpur Jagat in her written statement dated 8.11.2012 stated that the complainant earlier worked for Jodhpur Jagat as a photographer but he was sacked from the job as he indulged in some anti-newspaper activities. Being aggrieved with this, he filed the present complaint with malafide intention. She further stated that this complaint was filed on the basis of false facts as a case No. 75/2012 was registered against the complainant by her husband u/s 452/147/323 IPC on 21.3.2012 in PS Chaupasni Housing Board. Another case No. 40/2012 was also registered against the complainant on 5.4.2012 u/s 452/323/427/327 IPC and u/s 3(1)(x) SC/ST Act by one Shri Manoj Kumar Parmar in PS Khanda Falsa. She further stated that all the news published against the complainant were completely true as these were published only after one Shri Vijay Singh Choudhary, Advocate sent a legal notice to the complainant in the matter of cheating the people by filing false cases. She also stated that an arrest warrant was also issued by the Court of Upper Civil Judge and City Magistrate in a cheating case filed by Shri Mahesh Kumar. She further stated that several reports against the complainant were also published in Dainik Bhaskar and Rajasthan Patrika. According to her, the complainant filed a false complaint against her in the Council.

Counter Comments

The complainant in his counter comments dated 19.3.2013 stated that he had not filed the complaint with any ill motive as alleged by the respondent. The complainant denied the statement of the respondent that he ever worked with the respondent's newspaper as a photographer and he was sacked from the job for being involved in anti-newspaper activities. He alleged that the respondent presented a fake letter pad having his photo on it as neither the photo printed on it was his original photo nor the letter pad contained signature of the respondent or any witness anywhere. He further stated that the contentions of the respondent in her written statement were false and baseless as no cheating case had ever been filed against him by the respondent's husband in PS Chaupasni Housing Board, Jodhpur. He stated that an FIR was registered against the husband of the respondent in PS Chaupasni Housing Board, Jodhpur. He also stated that in the case filed by Shri Manoj Parmar in PS Khanda Falsa, FR (Final Report) was presented before the Court by the Investigating Officer in which it was stated that no case had been established against the complainant. He further stated that the case which was filed by one Shri Mahesh Kumar is pending and the respondent is nowhere related to this case as she had no relation with Shri Mahesh Kumar.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. While there was no appearance on behalf of the complainant, Shri Shyam Shanga represented on behalf of the respondent.

The Inquiry Committee heard the representative of the respondent and also carefully perused the complaint. The respondent's representative contended that the complainant has been involved in many cases of fraud (thagi) from past several years and

presently also a case has been filed against him in the High Court on the charge of fraud (thagi).

The Committee noted that the complainant has not chosen to appear despite service of Notice. It, therefore, recommends to the Council to dismiss the complaint for not being perused.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decides to dismiss the complaint for non-prosecution.



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Sl. No. 18-20

Shri Pramal Kumar Ohri,
H.No. 250,
Hargobind Nagar,
Phagwara, District Kapurthala,
Punjab.

File No. 14/108-110/12-13-PCI

1. The Editor,
Kapurthala-Phagwara Bhaskar,
Subsidiary of (Dainik Bhaskar),
Jalandhar (Punjab).
2. The Editor,
Kapurthala Jagran City,
Subsidiary of (Dainik Jagran),
Kapurthala (Punjab).
3. The Editor,
Phagwara- Kapurthala Kesari,
Subsidiary of (Punjab Kesari),
Chandigarh.

ADJUDICATION

Dated 13.3.2015

This complaint dated 19.04.2012 was filed by Shri Pramal Kumar Ohri, Phagwara, Punjab against the Editors, i) Dainik Jagran, ii) Punjab Kesari and iii) Dainik Bhaskar alleging publication of misleading and false news items against him. The name of the newspaper, caption of the impugned publications and dates are as follows:-

S.No.	Name of the Newspaper	Caption	Date
1.	Dainik Jagran	धोखाधड़ीमेंकांग्रेसनेतावउसकेभाईयोंकोसम्मन	4.02.2011
		दोसगेभाईयोंकेखिलाफगैरजमानतीवारंट-	15.01.2012
2.	Punjab Kesari	कांग्रेसीनेताकेखिलाफसम्मनजारी	4.02.2011
		ओहरीपरिवारकीकलहनेऔरतलखरूपधारणकिया	15.01.2012
3.	Dainik Bhaskar	आरोपहड़पीजायदाद। : चचेरेभाईयोंनेफर्जीवसीयततैयारकर धोखाधड़ीमामलेमेंभाईयोंकेविरुद्धगैरजमानतीवारंट	15.01.2012

The impugned publications reported about the case registered U/s 420/467/468/471/120-B IPC against the complainant, who happened to be Congress leader and his two brothers who live aboard. The case was in connection with forged 'Will' alleged to have been prepared by them to grab a property. The publications separately reported the development of the said case chronically.

The complainant alleged that the respondents did not verify the facts from him before publishing these baseless news items. According to him, the Heading "Summons to a Congress Leader along with his brothers for cheating" (published in Dainik Jagran, Kapurthala Edition) was totally misleading as it conveyed as if he was convicted in the said case. According to the complainant, widespread misleading publication of such news led to irreparable damage to his reputation. The complainant further stated that he sent individual legal notices to the respective Editor-in-Chiefs of the three newspapers but received no reply.

The respondents were given an opportunity at pre-notice stage vide Council's letter dated 21.01.2013 to afford the complainant his right of reply by publishing his rejoinder. Simultaneously, their respective comments in the matter were also invited.

Comments (Respondent No. 3)

The respondent, Punjab Kesari, Jalandhar in his comments dated 23.02.2013 informed that the news item was not published to cause any damage to the reputation of the complainant. He further stated that the impugned news item was published bona-fide in the ordinary course of the business of the newspaper without any ill-will, prejudice or motive against the complainant and published on the basis of the Court Order passed in the relevant case. Similarly, the other news item dated 15.01.2012 was also a report of the Court proceedings and the Order passed by the Court. The respondent further stated that legal Notice in the matter received from the complainant was duly responded with a reply via registered post and the complainant did not raise any objection and thus complainant's allegation that he was not contacted was unfounded and wrong.

Comments (Respondent No. 2)

The respondent, Dainik Jagran in his comments dated 26.05.2014 submitted that the news items dated 4.02.2011 titled "Dhoka Dhadi Mein Congress Neta Va Uske Bhaeyon Ko Summon" and dated 15.01.2012 titled "Do Sage Bhaeyon Ke khilaf Gair Jamanti Warrant", were published in the newspaper on the basis of the facts and evidence available and due care was taken while publishing the said news items. Moreover, contents of the news item in question were nothing but reproduction of order and proceedings of the Court. Therefore, there was no professional misconduct in the whole episode either on the part of the concerned reporter or the editor. After due verification, the impugned news items were published. There was no malice on the part of the concerned reporter as well as the Editor in publishing the said news items.

No Comments (Respondent No. 1)

No Comments were filed by the Respondent-editor, Dainik Bhaskar despite a time bound reminder dated 12.01.2015.

Counter Comments

The complainant in his counter comments dated 13.03.2013 stated that the respondent editor- Punjab Kesari had not only defamed him but also played fraud upon this Forum by portraying that the version was sought from him and that the same was

never given to the respondent editor. He further stated that the respondent has not approached this Forum with clean hands. He also stated that the respondent had in fact misled the Council and made it to believe that the fault lies with him. The complainant contended that the respondent is not legally competent to restore his reputation by merely publishing his version in the newspaper.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. Shri Dhruv Pal, Advocate appeared for the complainant. Shri Saurabh Jain, Advocate appeared for Respondent No. 1 (Dainik Bhaskar), Shri B.K. Mishra & Smt. Poonam Atey, Advocates appeared for Respondent No. 2 (Dainik Jagran) and Shri Madan Mohan appeared for Respondent No. 3 (Punjab Kesari).

The Inquiry Committee heard the Counsel of the complainant as well as of the respondents. The Committee noted that the respondents are ready to settle the matter if the complainant give his version alongwith documentary proof thereof. The complainant's Counsel stated that they shall furnish their version along with the proof thereof in two paragraphs to the respondent newspapers within four weeks from this date of hearing. The Counsel representing each of the respondents stated that they shall publish the version of the complainant within four weeks from the date of the receipt of the complainant's version.

In view of the aforesaid, the Counsel of the complainant doesn't want to proceed in the matter any further. The Inquiry Committee recommends to the Council to dispose of the matter 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 matter.



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Sl. No. 22

F.No. 14/684/12-13-PCI

Shri Rupesh Singhvi,
Senior Divisional Finance Manager,
North Western Railway,
Jodhpur, Rajasthan.

Vs.

The Editor,
Dainik Navjyoti,
Jodhpur, Rajasthan.

ADJUDICATION

Dated 13.3.2015

This complaint dated 15.1.2013 was filed by Shri Rupesh Singhvi, Senior Divisional Finance Manager, North Western Railway, Jodhpur against the Editor, Dainik Navjyoti, Jodhpur for alleged publication of false, baseless, objectionable and defamatory news item under the caption “**An Officer above the Passenger**” (English translation) in its issue dated 11.11.2012.

The complainant provided the English translation of the news item which reads as follows: “Sr. Divisional Finance Manager of Jodhpur Division, Rupesh Singhvi has attached an Inspection Carriage in Jodhpur-Jaisalmer Train on Thursday. The facility of attaching these bogies is provided to Signal, Operating, Safety & Mechanical Department by the Railway Ministry for the purpose of Window Trolley. This facility is given to these departments for carrying out inspection on the way and furthering improvements, whereas this officer was not authorized/entitled to use this Inspection Carriage but despite that same got attached in the train. On Friday, it was attached from Jaisalmer to Jodhpur in Jaisalmer-Delhi Intercity. It has also caused the delay of train by 30 minutes from the Jodhpur due to its shunting”

The complainant stated that it was claimed by the reporter that he is not entitled for the Special bogey whereas it was very well under his competency. He stated that all the departments are authorized to carry inspection through carriage. He added that the carriage was attached from Jodhpur to Jaisalmer & back for carrying out the inspection of Station & Window trolley by him and waiting list as stated in newspaper was neither authentic nor such waiting exist between Jaisalmer & Jodhpur. He stated that the carriage was attached in a passenger train having all coaches unreserved so question of waiting list does not arise. He submitted that his name was published in an attempt to tarnish the image deliberately and unnecessarily sensationalize the news story and the same had caused avoidable mental agony to him and his family. The complainant stated that newspaper has no right to comment on the official duties unless it contravenes some official/constitutional order or authorization, whereas it was published in a very bad taste without any authentication from the competent authority. According to the complainant, the attention of the respondent Editor was drawn through speed post but the same returned thrice without giving receiving by the official of Navjyoti. The same was sent to

its office at Jodhpur, Jaipur and Ajmer. But those speed posts returned back without receiving at their offices. He further stated that it clearly establishes their unprofessional attitude and professional misconduct beyond any doubt.

No written statement

A Show Cause Notice was issued to the respondent, Navjyoti on 23.4.2013 but no written statement was received despite reminder dated 29.08.2013.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. The complainant vide his e-mail dated 19.1.2015 requested the Committee to decide the complaint on the basis of the material placed on record.

The Inquiry Committee heard carefully perused the impugned news item. It noted that in the impugned news item, it has been alleged that the complainant has attached a carriage in the train for which he was not authorized. This, according to the news item, had delayed the departure of the train. The Committee further noted Show Cause Notice on 23.04.2013 was issued to the respondent followed by a reminder on 29.08.2013 to file his written statement but the same was not filed.

In view of the aforesaid, the Committee is left with no option but to accept the assertions of the complainant. In view of this, it observed that the respondent newspaper must express regret for publishing an incorrect news item. It, therefore, recommends to the Council to direct the respondent to publish regret in his newspaper within four weeks from the date of receipt of this Order. It recommends to the Council to dispose of the matter 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 as above.



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Sl. No. 23

F.No. 14/712/12-13-PCI

Shri Sarvesh Kumar Lodhi alias Santu,
Banda, U.P.

Vs.

The Editor,
Dainik 'Aaj',
Kanpur, U.P.

ADJUDICATION

Dated 13.3.2015

This complaint dated 23.1.2013 was filed by Shri Sarvesh Kumar Lodhi alias Santu, Banda (U.P.) against the Editor, 'Aaj' for publication of false, baseless and objectionable news item under the caption "**Prashashan nein adhigrahit kiya chhatrasal sangrhalaya**" in its issue dated 12.1.2013. In the impugned news item, it was reported that the Administration had acquired the very old Chhatrasal Museum built in Mohalla Bijlu Khera. It further reported that the police arrested an old hardcore criminal Santu Lodhi for occupying the land of Chhatrasal Museum illegally and sent him behind the bars. He had not only occupied two rooms of the museum but also constructed building in its premises. It was further mentioned in the impugned news item that the complainant, with the help of the employees of the Revenue Department of the museum, sold out around two and half bigha land out of the three and half bigha land allotted to the museum.

The complainant denied the allegations levelled in the impugned news item terming them as completely false and baseless. The complainant alleged that the respondent tarnished his image in the public by using objectionable language in the newspaper. The complainant stated that he is residing in the property of his ancestors and holds a good reputation in the society. He also stated that no court ever convicted him in any case and sent him to jail as reported in the impugned news item. He further stated that the court granted him bail on the very same date and time but the respondent published the news item differently. He alleged that the Bureau Chief, Shri Dharmender Singh intentionally published the news to defame him which caused him social, mental, financial and physical loss. The complainant submitted that he sent a legal notice through his advocate on 4.2.2013 in order to draw the attention of the respondent towards the impugned publication but no response was received.

A Show Cause Notice was issued to the respondent editor on 16.11.2013.

Written Statement

The respondent, Bureau Chief, Shri Dharmendra Singh in his written statement dated 24.12.2013 while denying the allegations stated that the news item was published only after verifying the facts and it was completely true. The respondent alleged that the statements given by the complainant in his complaint were completely false as the land owner of the museum had been always the ancestors of one Aditya Singh and not the ancestors of the complainant. The ownership of the land is still recorded in the name of Shri Kaisher Singh Bahadur and the Government gave the said land on lease for gardening and agriculture purposes. This land can neither be sold out nor any construction can be done on it but despite this, the complainant and his relatives illegally sold out the portion of the government land and also constructed building on it. He also alleged that the complainant defrauded lakhs of rupees from the Museum's revenue by selling the land on 10 rupees stamp paper. He stated that the complainant illegally acquired some rooms of the museum and they misused the complex of the museum. Other newspapers had also published many news items in this regard, he added. The respondent also submitted that some sculptures were stolen from the museum on 13.1.1993 in which police arrested the complainant and other person and to this effect the news alongwith photo of his arrest was published in the newspapers. He alleged that the complainant filed a false declaration as matter was pending in the Court from last one year. The respondent requested the Council to dismiss the complaint for being baseless.

Counter Comments

The complainant in his counter comments dated 10.3.2014 stated that the respondent and his relative are influential people who had political power. He alleged that the respondent's relative by using their power had made their names registered in the revenue accounts of the museum but on the objection raised by the Revenue Department, the name of Shri Mahavir Singh had been taken out from the record. The complainant further stated that only one case u/s 18 of Tenancy Act was pending before the Court of Sub Divisional Magistrate, Banda in the matter of rejecting the GATA No. 56/1. He further alleged that the respondent with the help of police implicated him in many false cases but he was acquitted in all cases. He also alleged that the respondent intentionally published the biased news item against him in order to cause him social, mental and financial loss.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. Shri Girjesh Kumar Pandey appeared on behalf of the complainant whereas there was no appearance on behalf of the respondent.

The Inquiry Committee heard the representative of the complainant and carefully perused the record and the impugned news clipping. It noted that despite notice respondent has not chosen to appear. The complainant representative contended that the respondent has published a misleading news item without taking their version which has caused damage to complainant's reputation. The Committee held that the impugned news item is based on various records including the report of the police. Thus, the impugned news item cannot be said to be unfounded. The Committee recommends 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.



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Sl. No.24-25

F.No. 14/20-21/13-14-PCI

Shri Puneet Agarwal,
Agra, U.P.

1. The Editor,
Dainik Jagran,
Agra, U.P.

Vs.

Through advocate
Shri Ajit Sharma,
Supreme Court of India,
New Delhi -110 001

2. The Editor,
Hindustan,
Hindustan Media
Venture Ltd., Agra, U.P.

ADJUDICATION

Dated 13.3.2015

This complaint dated 19.3.2013 was filed by Shri Puneet Agarwal, Agra (U.P.) through his advocate Shri Ajit Sharma against the editors 1) Dainik Jagran, Agra, U.P. and 2) Hindustan, Agra, U.P. for alleged publication of derogatory, scurrilous and defamatory news-items in their various issues which are as follows:

S.No.	Caption	Newspaper	Date
1.	“Construction Company Nideshak rangraliya manate pakda”	Dainik Jagran	31.12.2012
2.	1. “Sunday ki sardi aur sanjay place ka daftar operation rangraliya 7 scene” 2. “Thane mein media karmiyon se maarpeet” 3. “Nideshak bahar nikla toh bheed ne thane mein kheencha” 4. “Har Sunday ko sajti thi mehefil”	Dainik Jagran	31.12.2012
3.	“Havalaat mein bigdi haalat, Jamaanat” and “Surakshit haathon mein naa saunpi yuvti”	Dainik Jagran	1.1.2013
4.	“Pushpanjali ke Nideshek Puneet ayyashi karte dhare”	Hindustan	31.12.2012
5.	1. “Puneet ko bachne ke sabhi prayaas vifal” 2. “Bhagne ke prayaas par havalaat mein thoonsa” 3. “Har ravivar office mein aayashi” 4. “Bheed ke chalet thane par bulana pada	Hindustan	31.12.2012

	force”		
6.	1. “Aaropi builder ki rihai ko kude Sapa ke diggaz” 2. “Havalaat mein hava hui hekdi, dophar mein zamanat” 3. “Dinbhar shahar mein hui aayashi ki charcha”	Hindustan	1.1.2013

It was stated in the impugned news item that the Director of a Construction Company was caught indulging in indecent and debauched activities. It also described the place of his arrest as the office of Alex Ad Agency. It was also published that many SP leaders along with kith and kin of the complainant tried to influence the police and interfered with discharge of their legitimate duties of free and fair investigation.

Denying the allegations, the complainant had submitted that the impugned news items cast unjustified aspersions on the character of the complainant and portrayed him in bad light in a newspaper widely read in his hometown and would definitely lower his reputation in the eyes of the public. He stated that these statements are completely baseless and false assertions made with the malafide intention of defaming him. He further stated that the contents of news items were factually incorrect and the story was concocted and not a true representation of the actual sequence of events that took place on the said date. He alleged that the facts were inconsistent with the FIR registered by the police u/s 294 of IPC at Agra against him on the alleged date of the incident i.e. on 31.12.2012 as no reference was made in the FIR that the complainant engaged in indecent or offensive activities. He alleged that the respondent newspaper added a new dimension to the allegations against the complainant with the intention to defame him. He also alleged that the respondent newspaper clearly furnished the relevant personal detail of the complainant viz. Father's name, Company name and designation along with his photograph in the news item, claiming that he had been caught in debauched activities with a woman and portrayed it as a fact but the source of such allegation had not been cited by the newspaper. The complainant drew the attention of the respondents editors, Dainik Jagran and Hindustan vide his letter dated 6.2.2013 towards the impugned news items and requested them to publish the rejoinder but received no response.

No Written Statement

A Show Cause Notice was issued to the respondent editors, Dainik Jagran and Hindustan on 17.7.2013 followed by a reminder dated 17.12.2014 but no written statement was filed by either of the newspapers.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. Shri Ajit Sharma, Advocate appeared on behalf of the complainant. Shri B.K. Mishra and Ms. Poonam Atey, Advocates appeared for Respondent No. 1 (Dainik Jagran) while there was no appearance for Respondent No. 2 (Hindustan).

The Inquiry Committee heard the counsel of both the parties. It noted that the counsel for the complainant got the instruction from his client that he does not wish to proceed further in the matter. It, therefore, recommends to the Council to dismiss the complaints for non-pursuance.

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.



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Sl. No. 26

F.No. 14/312/13-14-PCI

Shri Ravinder,
NHAI.
Ghaziabad

Vs.

The Editor,
Dainik Jagran
Meerut.

ADJUDICATION

Dated 13.3.2015

This complaint dated 22.8.2013 was filed by Shri Ravinder, NHAI, Ghaziabad against Dainik Jagran, Meerut edition for alleging publication of false, incorrect and defamatory news item under the caption “**देह व्यापार के आरोप में गिरफ्तार लोगों में व्यापारी नेता व सरकारी अभियंता भी**(English translation: **Arrest of Politician & Government Engineer too arrested in involvement in flesh trade**)” in its issue dated 13.8.2013. It was reported in the news item that one Shri Ravinder (complainant) working in NHAI (National Highways Authority of India) along with seven other persons was arrested for being involved in flesh trade in Paradise Hotel. The complainant submitted that the respondent had published the name “Ravinder” as NHAI employee which is incorrect whereas the correct facts vis-à-vis identity of the accused had been published by Amar Ujala stating involvement of “Ravinder Singh”, Junior Engineer, UP Jal Nigam. (The complainant in his support also submitted the copy of an FIR in which it was mentioned that Ravinder Singh, J.E. Ghaziabad of Sanjay Nagar was arrested in flesh trade along with other person during the raid of police in a hotel). Vide letter dated 16.8.2013, he drew the attention of the respondent editor on the facts and requested him to publish an apology but the respondent paper did not respond to his letters. A copy of an e-version of the subsequent news (dated 24.8.2013) clarifying the facts of the case as a follow up of the case by the respondent was attached by the complainant however the same had not been published in their main newspaper by the respondent.

No Written statement

A Show Cause Notice dated 3.9.2013 was issued to the respondent editor, Dainik Jagran, Kanpur but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. While there was no appearance on behalf of the complainant, Shri B.K. Mishra and Ms. Poonam Atey, Advocates appeared for the respondent.

The Inquiry Committee heard the counsel of the respondent who sought time to defend the case but his request was rejected. Arguing the case, he contended that they have published the name of the person along with his father's name as mentioned in the FIR. Further, he stated that it was disclosed by the police that the two persons belong to NHAI.

The Committee carefully perused the impugned news item and noted that according to the news item, the complainant identified by name and organization is alleged to have been arrested in a case of flesh trade. However, according to the complainant, another person with similar name working in a different organization was arrested but his name and the place where he is working has been published. It is further asserted by the complainant that he had given a notice to the Chief Editor as well as to the Company Secretary of Jagran Publication Ltd. for publishing the correct version and also sought apology but the said letter has not even been acknowledged. The Committee further noted that despite notice, the respondent has not filed his written statement and denying the oral arguments also they have not been able to defend the case.

In view of the aforesaid, the Inquiry Committee had no option than to accept the complainant's assertion. Accordingly, the Committee upholds the complaint and directs that the respondent newspaper must publish the correct version of the complainant with same prominence as that of impugned news item within two weeks from the date of the receipt of this Order. The Committee further directs the respondent to publish an apology also. It recommends 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 uphold the complaint in the above terms.



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Sl. No. 27

F.No. 14/109/13-14-PCI

Shri Jaspal Singh Chugh,
Advocate,
Ex- Addl. District & Session Judge,
Ludhiana.

Vs.

The Editor,
The Tribune,
The Tribune House,
Chandigarh.

ADJUDICATION

Dated 13.3.2015

This complaint was filed by Shri Jaspal Singh Chugh, Advocate, Ex. Addl. District & Session Judge, Ludhiana by way of an endorsement dated 8.4.2013 addressed to the editor, The Tribune followed by further letter dated 28.5.2013. Initially the complaint was filed against the editors, Punjab Kesari and the Tribune alleging publication of incorrect news-item captioned “**Judgon ne barti laparwahi (English Translation- Negligence on the part of the Judges)**” in Punjab Kesari issue dated 5.4.2013 and “**6 Judicial Officers under lens over delay in rape case trial**” in The Sunday Tribune issue dated 10.3.2013. But later on 19.7.2013, he informed the Council that he did not wish to pursue the complaint against Punjab Kesari and requested the Council to proceed against ‘The Tribune’ only. It was stated in the impugned news item that the functioning of six judicial officers of Punjab had come under the Punjab and Haryana High Court scanner in a rape case registered way back in May 2006. It was further reported that while taking up the matter, Hon’ble Mr. Justice Ranjit Singh observed: “There appears to be some negligence on the part of various officers dealing with the case. Except for some period, when the proceedings in this case were stayed, there is really no reason for the officers to deal with the case lightly”. Mr. Justice Ranjit Singh also observed that as many as six Additional District and Session Judges dealt with the case from 2007. They are: JS Chugh, Surinder Mohan, Harpal Singh, Kishore Kumar, SP Sood and Rajiv Malhotra.

The complainant submitted that he is an Ex-Additional District & Sessions Judge and had served two postings i.e. Sangur and Gurdaspur and submitted his resignation in December 2006. He had dealt with a rape case for less than a year during his tenure as a Judge in Gurdaspur. The complainant in that case had filed a petition in the year 2013 in the Hon’ble Punjab & Haryana High Court stating that her case was being delayed and an Order dated 28.2.2013 was passed by the Hon’ble Judge stating that there appears to be some negligence on the part of various officers dealing with the case. No specific name

of the Judicial Officer, who was negligent, was specified in the Order as a number of Judicial Officers, including the Judge who had dealt with the case. He alleged that in the impugned publication, the respondent newspaper intentionally gave a wrong heading that "SIX JUDICIAL OFFICERS UNDER LENS" and named the complainant as one of the officers under lens. No inquiry was ordered against him. It was wrong on the part of the respondent to write "six judicial officers", when the word used in the Order was various and not 'all'. The respondent has distorted the Court's order. In fact, the applicant had the quickest disposal of cases during his tenure and the orders passed by him in the case in question also speak volumes that there was no negligence on his part. The complainant drew the attention of the respondent editor, The Tribune regarding objectionable matter vide his letter dated 8.4.2013. The complainant stated that a reply was received from the respondent newspaper, but the same was not satisfactory as they have not explained as to how the objectionable matter is not defamatory in nature nor they have regretted.

A Show Cause Notice was issued to the respondent editor, The Tribune on 24.10.2013.

Written Statement

The respondent editor, The Tribune in his written statement dated 27.11.2013 submitted that the impugned news report was published on the basis of the judicial proceedings i.e. Order passed by the Hon'ble High Court, which the author of the story had come across during a legitimate journalistic exercise. He further submitted that it is beyond their understanding as to what objectionable element Shri Chugh had found in the impugned report particularly when the entire report, by no stretch of imagination, can be considered defamatory to anyone, what to talk of Shri Chugh and no objection from any other judicial Officer or anyone else had been received. He alleged that the complaint filed by Shri Chugh was misconceived. He has requested the Council to dismiss the complaint as devoid of merit.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. While there was no appearance on behalf of the complainant, Shri Amit Sharma, Manager-Legal, appeared for the respondent.

The Inquiry Committee heard the representative of the respondent. The respondent's representative contended that the news reporting is based on the Order of Hon'ble Punjab & Haryana High Court and thus it is not incorrect.

The Inquiry Committee carefully perused the record of the case. It noted that the respondent furnished a copy of the Order dated 26.3.2013 passed by the Hon'ble Punjab & Haryana High Court in the Criminal Misc.-M No. 2078/2013 (O&M) in support of his contentions. The Committee perused the said Order and took it on record and opined since the news report is based on the Order of the High Court it cannot be said to be unfounded.

In view of the aforesaid, the Committee recommends 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 decides to dismiss the complaint.



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Sl. No. 28

F.No. 14/252/13-14-PCI

Dr. Charanjit Singh Pruthi,
Managing Director,
Baba Budha Sahib Cardiac Centre Ltd.,
Pruthi Hospital,
Jalandhar (Punjab)

Vs.

The Editor,
The Tribune,
English Daily,
Chandigarh.

ADJUDICATION
Dated 13.3.2015

Dr. Charanjit Singh Pruthi, Managing Director, Baba Budha Sahib Cardiac Centre Ltd., Pruthi Hospital, Jalandhar (Punjab) in his complaint dated 13.5.13 alleged publication of a malicious and defamatory news item under the caption **“negligence’ by docs claims life – Relatives ransack BBC Heart Care Pruthi Hospital”** by the Editor, The Tribune in its issue dated 4.4.2013. It was published in the impugned news item that “Director, Cardiac Science, Maj. General (Retd.) Dr. Charanjit Singh Pruthi took refuge in his room, though his staff claimed that he was out of station”. The complainant while taking up first the heading of the impugned news item submitted that there could nothing be more irresponsible for the respondent newspaper of its standing to act recklessly by categorically concluding the negligence by doctors on the top of making a news without facts to substantiate the heading. He further stated that although in the body of the item, the word used is alleged negligence, but the same did not save the newspaper from defaming his institution and its doctors. The complainant alleged that the heading was catchy and worst in its objects. He further alleged that the impugned publication was slanderous and libelous and he was in Delhi at the time of the incident. The complainant also alleged that the impugned publication was wholly malicious, vulgar, slanderous, defamatory and unjustifiable by any defense. He denied that there was any ransacking of the hospital or main lobby or smashing of the windows as projected in the impugned publication. The complainant further stated that “the impugned publication had purposely, maliciously and intentionally done this act of misfeasance which the respondent knew that it was most certainly likely to harm the affected afflicted, and in fact and actuality, lowered his, doctors and hospital’s esteem in the eye of public including the subordinate staff, the families, relatives and friends, and have greatly injured the credit and character, hence he, the doctors and the hospital jointly and

severally been brought into hatred, ridicule and contempt. He alleged that the respondent has published the news item at his cost". The complainant drew the attention of the respondent editor on 4.4.2013 but received no response.

Vide his further letter dated 30.12.13 the complainant sent a letter dated 26.12.13 addressed to the respondent editor, The Tribune, Chandigarh with a copy to the Press Council of India wherein he objected that the Jalandhar based correspondent/reporter, Shri Bipin Bhardwaj of The Tribune again referred to the allegations in a news item captioned "**Health Sector courts controversies**" in the issue of the newspaper dated 25.12.13. The impugned publication which was an yearend report on the sector inter-alia reported that certain hospital including BBC Heart Care Pruthi Hospital faced public fury for their alleged negligence in rendering services to the patients. It was further stated that irate family members of a patient ransacked the BBC hospital over death of their family members due to doctor's negligence. The complainant alleged that the malafide publication was due to extraneous inferential reasons i.e. to satisfy the lust of their competitors in whose hands the reporter is playing. He further alleged that the paper had published his hospital's name in the news item twice which was wrong and to inflict full degree of harm with evil intent.

Comments of the respondent editor, The Tribune were invited in the matter on 30.8.13.

Comments

The editor-in-chief, The Tribune in his comments dated 23.9.13 submitted that the Managing Director of the BBC Heart Care Pruthi Hospital and Director of Caridac Sciences of the Hospital were namesake as their names are Charanjit Singh. While the complainant used surname Pruthi and the Director, Cardiac Sciences used Maj. General (Retd.), Charanjit Singh and due to this confusion/mistaken identity the name of the complainant was published instead of Dr. Charanjit Singh who actually was present at the scene of occurrence. The respondent denied the allegations and stated that it was not an intentional attempt to malign the image of the complainant. He further stated that the bare perusal of the report shows that whatever was reported in the news item was based on facts gathered from the scene of occurrence by the author of the report after contacting the relatives of the patient as well as the hospital staff and there was no deliberate attempt either on the part of the author or the editor to tarnish the image of the complainant or his hospital or anybody else. The report was clearly a quotation and amounts to fair reporting of a sentiment which the author had come across during a legitimate journalistic exercise. Thus, the allegations levelled in the complaint including those of defamation and extraneous considerations are not correct and are hence denied.

The respondent concluded by saying that since the notice dated 4.4.13 sent to him by the complainant was to raise a claim of Rs.10/- Crore on account of defamation and not for publishing any clarification, appropriate legal advice was being taken, however, the complainant approached the Council before any response to his notice could be sent to him. Thus it was not intentional as alleged. He submitted that they were ready to publish the clarification to the extent factual inaccuracies had been reported in the news item particularly in regard to identity and presence of the complainant.

Counter Comments

The complainant in his counter comments dated 14.11.13 stated that the statement of the respondent that he did not wait for respondent's reply and filed the complaint

before the Press Council of India was false and unsustainable. With regard to the offer of the respondent that he was ready to publish complainant's clarification, the complainant submitted that no amount of clarification or apology was going to meet the ends of justice in the present case. He had requested to expedite the proceedings in the interest of justice, equity and fair play.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. Shri R.S. Arora, Advocate appeared for the complainant whereas Shri Amit Sharma, Manager-Legal appeared for the respondent.

The Inquiry Committee heard the Counsel of the complainant as well as representative of the respondent. The counsel of the complainant contended that the respondent has not bothered to file his written statement despite Council's letter. While the matter was still pending before the Council, the respondent again deliberately published another defamatory news item in December 2013, the complainant alleged. According to him, there was no press note issued on the incident as reported in the impugned publication as he was out of station. He alleged that the respondent could have waited to take his version before publishing the impugned news item. He further alleged that no FIR or suit was ever been filed or no notice was ever been issued against him then on what basis the respondent made alleged reporting against him and his hospital. The respondent newspaper itself concluded everything and published in the newspaper in order to sensationalize the issue. The complainant further stated that the act of the respondent of repeatedly publishing the news item against him shows his deliberate attempt to malign the complainant's image at the behest of his competitors. On the other hand the representative of the respondent contended that paper had only reported the statement attributed to the wife and brother of the deceased and the complainant cannot deny that the death took place. The word 'negligence' used by the paper had been placed in inverted commas so as to show that the same had been quoted by deceased wife. Regarding press note, he stated that they had received an e-mail from the Hospital. He further stated that the facts of the story are correct except the anomaly that crept in while mentioning the name of Dr. Charanjeet Singh Pruthi instead of Maj. General (Retd.) Charanjeet Singh, who issued the official statement on the incident in question and they are ready to make necessary amends in this regard by publishing clarification.

The Inquiry Committee carefully perused the impugned news item and was satisfied that the story in the newspaper was a reflection of a statement made by the deceased family. It has also incorporated the view points of the Hospital. The inaccuracy vis-à-vis the name of the Managing Director does not appear to be malafide in view of the explanation given. Therefore, the Committee recommends that no action is needed in the case. It recommends to the Council to dismiss the case.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to dismiss the case as above.



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Sl. No. 29

F.No. 14/377/13-14-PCI

Smt Vimlesh alias Guddi Sharma,
W/o Shri Ram Kumar,
President,
Nari Raksha Morcha,
Aligarh, U.P.

Vs.

The Editor,
Amar Ujala,
Aligarh, U.P.

ADJUDICATION
Dated 13.3.2015

This complaint dated 13.6.2013 was filed by Smt. Vimlesh alias Guddi Sharma, President, Nari Raksha Morcha, Aligarh, U.P. against the editor, Amar Ujala, Aligarh, U.P. for publication of allegedly false, baseless and defamatory news item under the caption “**86 hazar mein bechi kishori**” in its issue dated 11.5.2013. It was reported in the impugned news item that a Human Trafficking Racket had been operating in the city and a teenaged girl was sold by the gang to a person living at Pisawa for Rs. 86,000/- who thereafter forcefully married her. It was further stated that when the police investigated the matter, four accused were arrested in the case but the head of the racket is Gular Road resident, Smt. Guddi who had been frantically looked out.

The complainant while denying the allegations levelled in the impugned news item stated that she was called on 8.5.2013 at 5.30 pm by the mother of the girl through her mobile for seeking help in connection with her daughter’s abduction but to her surprise, police and the reporter reached there and took her photograph without her permission. When she objected on this, bickering occurred between them. Being aggrieved with this, the said reporter published the impugned news item against her with the intention to defame her in the society and also got an FIR registered against her by pressurizing the police. She further stated that she sent telegrams to the DIG, the SSP, the SP (City) and C.O. Police First, Aligarh intimating them that the said reporter had implicated her in false case by pressurizing the police. The complainant also sent a notice to the respondent through her advocate drawing his attention toward the impugned news item on 20.5.2013 and also requested to publish her rejoinder but in vain.

A Show Cause Notice was issued to the respondent editor on 23.10.2013.

Written Statement

The respondent in his written statement dated 26.4.2014 denied the allegations levelled by the complainant and stated that the news item was neither objectionable nor the newspaper or its editor had offended against the standards of journalistic ethics. He submitted that the news item was substantially true and was published on the basis of FIR bearing no. 134/2013 dated 5.5.2013 u/s 363, 366 IPC registered in police station Sasni gate, Aligarh, U.P which was lodged against the complainant and the statement given by the police officials. He further submitted that only the contents of FIR and events at that particular time and the matter as briefed by the police officials, were published and Amar Ujala had not made any comments on its own. He also denied the allegation of the complainant that their reporter named Shanni threatened him as Amar Ujala had no such reporter named Shanni.

Counter Comments

The complainant in her counter comments dated 28.6.2014 stated that the statements given by the respondent in his written statement were completely false and baseless. The complainant reiterated her complaint and stated that the reporter of the respondent newspaper threatened her by saying that he was the reporter of Amar Ujala and he would publish such news item against her which would tarnish her image in the society. She submitted that at the time of incident, other newspaper's representative was also there. She further stated that even if someone's name is in the FIR, he/she cannot be said to be accused until the charges are proved. She further denied the statement that police officers briefed them (respondent) as no briefing was done by any police officer.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.2.2015 at New Delhi. Smt Vimlesh alias Guddi Sharma, the complainant appeared in person. Shri Amit Kumar Choudhary, Assistant Manager and Shri Rajhans, Advocate appeared for the respondent.

The Inquiry Committee heard the complainant in person as well as the counsel for the respondent. The complainant contended that her name was unnecessarily published by the respondent as she has no role in the matter. She alleged that the respondent intentionally published her name in order to malign her image in the society as the reporter of the respondent newspaper has personal grudge against her. She further contended that girl had made a statement under section 164 Cr.P.C. which doesn't mention her name and if the news item was on the basis of the police report then why the police has not taken any action against her. She also stated that no charge sheet was filed against her. On the other hand, the counsel for the respondent contended that they have published the news item purely on the basis of the FIR which mentioned complainant as one of the main accused

The Committee carefully perused the impugned news item and also the FIR. It held that the news item is based on the allegations made in the FIR and the statement of witnesses and thus it is not a fit case in which action is to be taken against the respondent. It, therefore, recommends 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 decides to dismiss the case.



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Sl. No. 30

F.No. 14/370/13-14-PCI

Shri Surender Bahadur Yadav,
Assistant Superintendent Posts,
Banda(U.P.)

Vs.

The Editor,
Rashtriya Sahara,
Kanpur.
Uttar Pradesh

ADJUDICATION
Dated 13.3.2015

In a complaint dated 5.6.2013 addressed to the local Editor, Rashtriya Sahara, Kanpur withan endorsement to PCI, Shri Surender Bahadur Yadav, Assistant Superintendent (Post), Banda alleged that the Editor, Rashtriya Sahara, Kanpur published an false and defamatory news item under the caption “**Shikayatkarta Se Sahayak Dak Adhikshak ne ki abhadrata**” (**Assistant Superintendent of Posts misbehaved with complainant**) in its issue dated 5.6.2013. It was reported in the news item that Shri Ram Sanjivan S/O Shri Shiv Kumar applied for service in the Railway and sent a registry on 14.5.13 for Bhopal. The competitive exam for service in Railway was to be held on 27.5.13 but the postal department sent back the registered letter to him on 31.5.13. When Shri Ram Sanjivan went to the Post Office to wake a complaint to the Assistant Superintendent (Post), he destroyed his application and misbehaved with him. Subsequently, Shri Sanjivan made the complaint to Post Master General in this regard.

The complainant denied the allegation made in the impugned news item and stated that he had not received any such complaint, thus the allegations in news item are totally false and baseless. He alleged that imaginary and false news item was published by the respondent with connivance of one Shri Nand Kishore Shivhare, Journalist who indulges in yellow journalism. The complainant also stated that no reply was received from the respondent in response to his letter dated 5.6.2013.

No Written statement

A Show Cause Notice dated 27.11.2013 was issued to the respondent editor, Rashtriya Sahara, Kanpur but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. The complainant vide his letter dated 23.1.2015 requested the Committee to decide the case on the basis of records. There was no appearance from either side.

The Inquiry Committee carefully perused the material on record. It noted that despite service of notice, the respondent has not chosen to appear and establish the report and controvert the allegations made in the complaint. Nor has it replied to the Chow Cause Notice issued earlier. In view of that, the Committee left with no option but to hold the impugned publication is false. It, therefore, allows the complaint and recommends to the Council to **Censure** the respondent newspaper, Rashtriya Sahara, Kanpur (U.P.).

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 editor, Rashtriya Sahara. A copy of the adjudication be sent to the DAVP, RNI, Information & Public Relations Department, Government of Uttar Pradesh for the action as they deem fit in the matter.



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Sl. No. 31

F.No. 14/422/13-14-PCI

Shri Vakul Goyal & Others,
Meerut,
Uttar Pradesh.

Vs.

The Editor,
Aaj-Ki-Dastaan, Hindi Daily,
Meerut, U.P.

ADJUDICATION

Dated 13.3.2015

The counsel for the complainant in a complaint dated 22.7.13 addressed to the Editor, 'Aaj Ki-Dastaan' Hindi daily as well as to the Press Council of India alleged publication of a series of baseless, defamatory, derogatory and objectionable news items in the above said newspaper. The date and caption of the news items read as follows:-

S.No.	Caption	Date
1	नकशे में आवास, निर्माण कर्मशियल- स्वीकृत मानचित्र पर फ्लैट बनाने की तैयारी (Residential in Map, Commercial Construction – Plan to construct flats on approved map for house).	9.2.13
2	जेब गर्म होते ही मिल रही है अवैध मकानों को हरी झंडी - साकेत में मानको को रोंदकर बिल्डर वकुल गोयल करा रहे हैं अवैध फ्लैटों का निर्माण (Permission given to illegal construction after receipt of a huge amount bribe – Vakul Goel is constructing illegal flats in Saket without following the norms).	4.7.13
3	बिना मानचित्र स्वीकृत करारों बिल्डर वकुल गोयल साकेत में करार रहा है तीन दर्जन अवैध फ्लैटों का निर्माण – अवैध खनन कर खोद डाला बेसमेंट Without prior approval of Map Vakul Goel is constructing 3 dozen illegal flats - Basement dug for illegal mining.	13.7.13
4	ये कैसी धांधली - मकान के नकशे पर मल्टी स्टोरी/अपार्टमेंट का निर्माण What fraud - Construction of multi-story/apartment of Map approved for house.	18.7.13
5	बिल्डर वकुल गोयल द्वारा अवैध रूप से बनाये जा रहे फ्लैट (Builder -Vakul Goel is constructing illegal flats).	22.8.13
6	चल रहा अवैध निर्माण में कम्पाउंडिंग का खेल –	12.9.13

	<p>सरकारकोराजस्वकाचूनालगाकरोड़ोकेवारेन्यारेकररहाबिल्डरवकुलगोयल (Compounding game is being played for illegal construction -Builder Vakul Goel is making millions of rupees without paying the revenue to the government).</p>	
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The impugned publication reported that commercial construction being done at plot earmarked for residential purposes and that basement has been dug in connivance with the J.E. In another news item, it was reported that without paying revenue to department, construction of commercial complex was being carried out on the plot costing Rs. 8 crore. One of the impugned publications reported that the builder was making Rs. 90 Lakhs to 1 crore for illegally constructed flats. The construction of the illegal flats was done without following the requisite norms and the complainant, Vakul Goyal, Neetu Goyal and their partners Sharma family fixed the cost of these illegal flats between Rs.90 Lakhs to 1 crore. It was also stated that instead of paying revenue to authority, the complainant also evades income tax and service tax of Excise Department. It was further stated in the impugned publication that rules and regulations of Fire Brigade Department were not followed while constructing building. The impugned publication further reports that builders tried to legalize the illegal building and Regional Officers of MDA deliberately kept their eyes closed. The complainant alleged that the respondent published impugned news items without any documentary proof/evidence and only aim of the respondent was to extort money from them. According to the complainant, the impugned publication caused irreparable loss to their goodwill and reputation. The complainant drew the attention of the respondent vide letter dated 22.7.13 requested to publish the rebuttal immediately within a fortnight failing which legal action would be initiated for damages of 1 crore for defamation. In response, the Counsel for the respondent in his letter dated 7.8.13 submitted that complainant's notice was based on wrong facts and incorrect instructions, that the news items in question were published after due care and verification. The respondent denied they tried to contact the complainant with an intention to extort money. The respondent informed that since the published material was based on correct facts, there was no question of publishing any rebuttal.

A Show cause notice was issued to the respondent editor, Aaj-Ki-Dastan, Meerut on 21.1.2014.

Written Statement

The respondent editor in his written statement dated 6.2.2014 denied the allegations and submitted that the impugned news items were published after due care and true facts. The respondent submitted that neither he contacted the complainant nor demanded any money from him. He alleged that the main aim of the complainant was to construct the illegal flats and sell them to the gullible people. The MDA issued a Show Cause Notice u/s 26(4) of U.P. City Planning Development Act, 1973 for constructing the flats without approved map, the respondent added. The respondent stated that the complainant filed a false complaint.

Counter Comments

The complainant in his counter comments dated 15.4.2014 stated that the letter which was addressed to the S.H.O., Civil Lines Police Station, Meerut by the Zonal Officers, Meerut Development Authority attached with the written statement of the respondent was neither signed by the Meerut Development Authority nor the same was issued by it. The complainant also stated that he got the map approved as per MDA rules

and regulations and accordingly constructed the flats. The complainant further stated that he deposited the requisite fire fee to the MDA and all the constructions had provision for fire safety. The complainant alleged that the respondent had tried to blackmail him by publishing the impugned news items.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. The son of the complainant appeared and requested for time for his father's appearance. Shri Mukesh Kumar Gupta appeared for the respondent and contended that he made many calls in three days to the complainant regarding publication of the complainant's version in his newspaper but the complainant replied that the loss caused due to the impugned publication is irreparable. He further submitted that he gave every opportunity to the complainant but he is disinterested.

The Committee having perused the oral and written submissions held that the allegation of the complainant that the impugned news items are baseless and defamatory is incorrect. In view of this, the Committee 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 decides to dismiss the complaint.



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Sl. No. 32

F.No. 14/296/13-14-PCI

Shri Harish Batra, President,
BJP, Adarsh Nagar Mandal,
Delhi.

Vs.

The Editor,
Ravivar Delhi,
Delhi.

ADJUDICATION

Dated 13.3.2015

This complaint dated 24.6.2013 was filed by Shri Harish Batra, President, Bhartiya Janata Party, Adarsh Nagar Mandal, Delhi against the Editor, 'Ravivar Delhi', Hindi Weekly, Delhi alleging publication of false, baseless and defamatory news item under the caption "***Surender Babu Buddhiraja Ne Akhir Kyon Manga Mandal Adhyaksh Harish Batra Ka Istifa***" in its issue dated June 23-29, 2013. It was reported in the impugned publication that the complainant indulged in the illegal activities and took bribe of Rupees 1.5 lakh.

The complainant submitted that the respondent published false and defamatory news item without taking his version and used objectionable words against him. The complainant added that he was a claimant of BJP ticket and the intention of the respondent was that he may not succeed to get the ticket of BJP. He alleged that the respondent defamed his political image in the eyes of the society as well as in his party. The complainant stated that the respondent did not take his version before publication of the news item and alleged that his photo was published without his consent. The complainant vide letters dated 27.8.2013 and 30.8.2013 drew the attention of the respondent editor and requested for its clarification.

Written Statement

The respondent in his written statement dated 2.12.2013 stated that he already sent his reply to the complainant on 13.9.2013 clarifying the position that he had published the news item on the basis of regional sources. If he had any objection on the news item, he may provide the true facts to publish the same in public interest but received no response from the complainant.

Counter comments

The complainant in his counter comments dated 23.12.2013 denied the allegation that he had not given any reply to the respondent. The complainant stated that the prestige/image lost due to publication of the impugned news item cannot be regained. He has requested the Council to give him justice failing which he will commit suicide.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.2.2015 at New Delhi. Shri Saurabh Batra appeared for the complainant and Shri Pramod Sharma appeared for the respondent.

The Inquiry Committee heard both the parties. The respondent contended that they have received only one letter from the complainant to which they had already filed their reply. He further stated that they offered to publish the complainant's rejoinder but the complainant has not provided his version.

The Committee carefully perused the facts of the case and noted that the respondent claim to have obtained the information from his sources and has offered the complainant to publish his version and it is for the complainant to decide on this. In view of this, the Committee held that no further action is warranted in this matter by the Council and recommends 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 decides to dismiss the complaint.