

Press Council of India

Index of adjudications based on the recommendations of the Inquiry Committee

Complaints by the Press
Section 13

Inquiry Committee meeting held on 17-18 December, 2018 at Mumbai

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Press Council of India

F.No.13/97/17-18-PCI.

Complainant

Shri Ashroba Kedare,
Editor,
Kripavant Weekly,
Parbhani (Maharashtra)

Respondent

The Chief Secretary,
Government of Maharashtra,
Mumbai.

The Executive Engineer,
Public Works Department,
District Parbhani (Maharashtra)

Adjudication dated 15.2.2019

This complaint dated 20.9.2017 was filed by Shri Ashroba Kedare, Editor, Kripavant Weekly, Parbhani (Maharashtra) against Public Works Department (PWD), Parbhani (Maharashtra) for non-payment of advertisement bills. According to the complainant, on receiving letters dated 20.11.2013 and 10.1.2017 from PWD, he published advertisements in his newspaper's issues dated 21.11.2013 and 10.1.2017 but despite repeated requests the respondent did not pay advertisement bills amounting to Rs.3,000/- and Rs.19,275/- respectively till date. The complainant has stated that the circulation figure of his newspaper is only 5,000 @ Rs.1/- per copy, therefore, the said amount is very important for him. The complainant has further stated that due to non-payment of the bill he is facing financial crises. While requesting for condonation of the delay in filing the complaint, he has requested to take necessary action in the matter.

No Reply

Notices for Statement in Reply were issued to the respondent-Chief Secretary, Government of Maharashtra, Mumbai and the Executive Engineer, Public Works Department, Parbhani (Maharashtra) on 17.10.2017 but no response has been received from either side.

Communication from complainant

The complainant, Shri Ashroba Kedare vide email dated 11.12.2018 has forwarded a letter whereby he has submitted that all pending bills of Public Works Division Parbhani have been paid by them.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 17.12.2018 at Mumbai. There was no appearance on behalf of the complainant. Shri Surender L. Topale, Deputy Secretary, PWD, Shri S.D. Poshte, Section Officer and Shri Pardikar, Executive Engineer represented the Govt. of Maharashtra.

Despite service of Notice, the complainant has not chosen to appear. The Executive Engineer, Mr. Pardikar appears and states that the dues of the complainant amounting to rupees 22,275 has already been paid.

The Inquiry Committee notes the aforesaid statement of the Executive Engineer and disposes of the complaint.

Held

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

Press Council of India

F.No.13/182/17-18-PCI

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

The Chief Secretary,
Government of Rajasthan
Jaipur.

The Director,
Information & Public Relations Department,
Govt. of Rajasthan,
Jaipur.

The Deputy Director,
Information & Public Relations Department,
Govt. of Rajasthan,
Baran (Rajasthan)

Adjudication dated 15.02.2019

This complaint dated 18.2.2018 has been filed by Shri Ramcharan Mali, Chief Editor, Vanvasi Express, Hindi fortnightly, Baran (Rajasthan) against the Information & Public Relations Department, Government of Rajasthan, Jaipur regarding non- empanelment of his newspaper for Government advertisements and other facilities. According to the complainant, his newspaper is being published since 1990 but despite submitting all required/requisite documents many times to the Information & Public Relations Department, Govt. of Rajasthan, Jaipur, through Directorate of Information, Baran, his newspaper is being deprived of Government advertisement and other facilities. He has requested the Council to take necessary action in the matter.

Notices for Comments were issued to the Government of Rajasthan on 12.6.2018.

Comments of Commissioner, I&PRD, Govt. of Rajasthan, Jaipur

The Commissioner, Information & Public Relations Department, Govt. of Rajasthan, Jaipur vide his comments dated 27.6.2018 has submitted that a letter dated 31.5.2013 was received from the complainant for empanelment of his newspaper for government advertisement. In response thereto, vide their Department's letters dated 5.9.2013 and 15.4.2014, the complainant was requested for submitting their application through Information & Public Relations Department, Baran by complying with all required formalities under Government Advertisement Rules-2001 but no document was submitted by the complainant despite issuance of many letters dated 24.6.2014, 1.7.2014, 15.7.2014 and 2.9.2014. Thereafter, Government of Rajasthan received a letter No.534 dated 20.8.2014 from Information Department, Baran for empanelment of advertisement to complainant's newspaper but no requisite documents were provided. Subsequently, Govt. of Rajasthan issued letters dated 15.9.2014, 11.11.2014 & 27.11.2014 to the complainant for submitting requisite documents after removal of the discrepancies but in the absence of any reply, the matter was returned in original to the Information & Public Relations Officer, Baran on 9.12.2014 under intimation to the complainant. The respondent has further stated that with reference to many letters from the complainant (addressed to the Prime Minister Office, Chief Minister Office, Govt. Portal Press Council of India etc.), vide their department's letters dated

7.4.2015, 2.6.2015, 10.7.2015, 6.8.2015, 31.3.2016, 26.4.2016, 26.5.2016, 30.6.2016, 18.10.2016, 9.2.2017, 24.5.2017, 11.10.2017, 8.1.2017, 3.5.2018 and 6.6.2018, the complainant was again requested to submit the required documents but he was failed to do so. He has further stated that only after submission of requisite documents by the complainant, further action for issuance of advertisement to the complainant's newspaper can be taken.

A copy of the comments of the respondent was forwarded to the complainant on 12.7.2018.

Comments of Information & Public Relations Officer, Baran

The Information & Public Relations Officer, Baran vide his comments dated 10.7.2018 has informed that an application for empanelment of Government Advertisement to the newspaper was directly sent by the complainant to Information & Public Relations Department, Govt. of Rajasthan, Jaipur. Thereafter, the Joint Director, I&PRD, Jaipur vide letter No.12333-34 dated 5.9.2013 requested the complainant to send his application for empanelment through Information & Public Relations Officer, Baran. The respondent has submitted that his office also wrote to the complainant on 28.7.2014 for furnishing all required documents so that the same could be forwarded to the I&PRD, Jaipur. The complainant was also contacted over phone in this regard but he informed that the required documents was already sent to the I&PRD, Govt. of Rajasthan, Jaipur. The respondent has also submitted that the complainant was again requested verbally and vide their office letter No.108-110 dated 9.7.2018 for compliance and the complainant had agreed to comply with the requirements. Once the complainant submit the requisite documents, the same would be forwarded to the I&PRD, Govt. of Rajasthan, Jaipur for further necessary action in the matter at their end.

A copy of the comments of Information & Public Relations Officer, Baran was forwarded to the complainant on 3.8.2018.

Further Communication from Complainant

The complainant vide his further communications 14.7.2018, 31.7.2018, 8.8.2018 and 24.8.2018 while reiterating his complaint has informed that despite submitting all requisite documents, his newspaper is not being empanelled. He has stated that the preparation of requisite documents are cost him between Rs.2,000/- to 5,000/- every time and being a poor person he cannot afford such amount. While levelling the allegation of harassment and demanding bribe against the respondents, the complainant has requested the Council to take necessary action in the matter.

Communication received from the Joint Director, I&PRD

The Joint Director, I&PRD, Mumbai vide letter dated 13.12.2018 has submitted that the complainant newspaper has not been empanelled as he has not complied with the requirements. He has further enclosed a letter whereby the complainant was asked to fulfil the requirements to have his newspaper empanelled.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 18.12.2018 at Mumbai. There was no appearance on behalf of the complainant. Shri Paramanand Trivedi, Office Incharge, I&PRD, Mumbai represented the respondent authority.

Despite service of notice, the complainant has not chosen to appear. The Inquiry

Committee has perused the complaint and reply filed by the respondent. It is the plea of the respondent that the complainant newspaper has not been empanelled as it has not complied with all the requirements. In this connection the attention of the Inquiry Committee is drawn to the letter dated 13.12.2018 addressed to the Council. A copy of the said letter be forwarded to the complainant and the complainant satisfying the aforesaid requirements, the respondent is directed to empanel the complainant's newspaper.

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

Held

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

Press Council of India

F.No.13/5/18-19-PCI.

Smt. Komal Sapra,
Editor,
Baran Patrika,
Baran (Rajasthan)

The Chief Secretary,
Government of Rajasthan
Jaipur.

The Director,
Information & Public Relations Department,
Govt. of Rajasthan,
Jaipur.

The Deputy Director,
Information & Public Relations Department,
Govt. of Rajasthan,
Baran (Rajasthan)

Adjudication dated 15.2.2019

This complaint dated 7.3.2018 has been filed by Smt. Komal Sapra, Editor, Baran Patrika, Baran (Rajasthan) against the Information & Public Relations Department, Government of Rajasthan, Jaipur regarding non-empanelment of her newspaper for Government facilities. According to the complainant, her newspaper is being published since 2012 and she applied for empanelment along with all requisite documents to the Information & Public Relations Department, Govt. of Rajasthan, Jaipur through District Information & Public Relations Office, Baran on 26.5.2016. In response thereto, Information & Public Relations Department, Govt. of Rajasthan, Jaipur vide letter dated 3.8.2016 has sought some more documents and the same were provided on 14.10.2016. The complainant has alleged that despite submitting all required/requisite documents her newspaper is being deprived of government facilities. She has requested the Council to take necessary action in the matter.

Notices for Comments were issued to the respondent-Government of Rajasthan on 11.4.2018.

Comments of I&PRD, Govt. Rajasthan, Jaipur

The Joint Director (News), Information & Public Relations Department, Govt. of Rajasthan, Jaipur vide his comments dated 25.4.2018 has stated that the complainant has not furnished all the required documents as per State Rules, 1995. Besides, the complainant's newspaper is not approved by the Directorate of Advertising & Visual Publicity (DAVP) and District Information & Public Relations for advertisements.

Comments of I&PRD, Baran

The District Information & Public Relations Officer, Baran vide his comments dated 26.4.2018 has informed that the application of the complainant was sent to the Information & Public Relations Department, Govt. of Rajasthan, Jaipur on 14.9.2016 for approval of government advertisements. Thereafter, the Information & Public Relations Department, Govt. of Rajasthan, Jaipur sought some more documents, which were sent to them vide their office letter No.1100 dated 14.10.2016. The respondent has stated that the matter is pending

consideration with the Information & Public Relations Department, Govt. of Rajasthan, Jaipur.

Further Comments of I&PRD, Govt. Rajasthan, Jaipur

The Joint Director (Registration), Information & Public Relations Department, Govt. of Rajasthan, Jaipur vide further communication dated 1.5.2018 has informed that the complainant's matter regarding government advertisements will be placed before the State Classification Expert Committee for consideration.

A copy each of the comments was forwarded to the complainant on 11.5.2018.

Counter Comments

The complainant vide her counter comments dated Nil and 23.5.2018 while reiterating her complaint has stated that the replies filed by the respondent is totally false and misleading. The complainant has alleged that despite submitting all requisite documents, the respondent is deliberately delaying her matter. While producing documents submitted by her to the respondent-State Government, she has requested the Council to take necessary action in the matter.

Copies of the reply were forwarded to the Government of Rajasthan on 15.6.2018.

Report of the Inquiry Committee

The matter came up for final hearing on 18.12.2018 at Mumbai. The complainant has not chosen to appear.

Mr. Paramanand Trivedi appears on behalf of the respondent Director, Information & Public Relation, Rajasthan and states that the complainant's newspaper has already been empanelled. In view of aforesaid the Inquiry Committee disposes of the complaint.

Held

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

Press Council of India

F.No.13/68/18-19-PCI

Complainant

Shri Harish Chandak,
Editor,
Barmer Kesari,
Barmer (Rajasthan)

Respondent

The Superintendent of Police,
Barmer,
Rajasthan.

The Station House Officer,
Police Station Kotwali,
Barmer, Rajasthan.

Shri Surendra Kumar,
Inspector,
Police Station Kotwali,
Barmer, Rajasthan.

Adjudication dated 15.2.2019

This complaint dated 16.7.2018 has been filed by Shri Harish Chandak, Editor, Barmer Kesari, Barmer (Rajasthan) against the police authorities for alleged harassment with the connivance of his opponent. The complainant has alleged that the SHO of Police Station, Kotwali has been harassing him due to publication of critical writings. The complainant had sought information under RTI Act regarding Gram Panchayat Jajwa for publication of news. He had also posted a comment on corruption against Shri Tulsa Ram Saran, Village Development Officer, Village Jajwa, Barmer on WhatsApp Group "Divya Panchayat". Annoyed with this, Shri Saran posted objectionable comment against him and also threatened to kill him. The complainant has further submitted that he registered a C.R.No.271/18 dated 15.6.2018 in this regard against Shri Tulsa Ram Saran in Police Station Kotwali, Barmer and the matter is being investigated by the Investigation Officer, Shri Surendra Kumar who has also personal animosity towards him and has been misbehaving and pressuring him for compromise. The complainant has stated that his journalistic work has been affecting due to connivance of the police and Shri Tulsa Ram Saran.

The complainant has written to the Superintendent of Police, Barmer on 12.7.2018 and 29.8.2018 but to no avail. He has requested the Council to provide him security.

The respondent Police Authorities were asked vide Council's letter dated 31.7.2018 to file Report on facts of the case.

Report received from Superintendent of Police, Barmer

Shri Rahul Barhat, Superintendent of Police, Barmer vide report dated 15.12.2018 has informed the Council that the complainant is the Editor of the "Badmer Kesari" has well on and he is sharing a whatsapp group with Shri Tulsa ram, who is Village Development Officer and RTI activist Gram Panchayat. The Superintendent of Police has submitted that the complainant has demanded advertisement related to Gram Panchayat from Shri Tulsa Ram. However, he denied the proposal which led to a contentious issue between them. The complainant started writing against(made personal comments also) Shri Tulsa Ram on

Whatsapp . Having being frustrated from the comments, Shri Tulsa Ram abused the complainant over phone. In turn, the complainant started writing against him. The Superintendent of Police has further submitted that Shri Tulsa Ram has not made any wrong comment against the complainant through any social media mode. Therefore no case is registered Under Section 43/66 IT Act. The S.P. submitted that abusing someone is an offence which comes Under Section 504 IPC but here in this matter, the offence is not of criminal nature. The matter is under consideration before the court of law.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 18.12.2018 at Mumbai. Shri Ramesh RA, represented the respondent Police authorities.

Despite service of Notice, the complainant has not chosen to appear. He has filed an application for an adjournment. The Inquiry Committee is not inclined to accede to his prayer.

The Superintendent of Police, Barmer has submitted its Report. From perusal of the report, it appears that a report of the commission of the offence Under Section 504 IPC has been filed before the Judicial Magistrate. In case the complainant is aggrieved by that he can take such other steps as are admissible in law.

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

Held

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

Press Council of India

F.No.13/52/18-19-PCI

Complainant

Shri Rajan Satija,
Editor,
Rashtriya Chhavi,
Sriganganagar,
Rajasthan.

Respondent

Shri Sunil Jakhar,
M.P. (Lok Sabha) and President,
Punjab Pradesh Congress Committee,
Chandigarh.

Adjudication dated 15.02.2019

Facts

This complaint dated 25.6.2018 has been filed by Shri Rajan Satija, Editor, Rashtriya Chhavi, Sriganganagar (Rajasthan) against Shri Sunil Jakhar, M.P. (Lok Sabha) and President, Punjab Pradesh Congress Committee, Chandigarh for allegedly filing false cases maliciously and creating hurdle in circulation of his newspaper due to publication of critical writings. The complainant has further informed that his (complainant's) brother, Shri Sunil Satija is also Pradhan of Akali Dal-BJP in Abohar Circle due to which the respondent has personal and political animosity towards his brother and his family. The complainant has alleged that the respondent by using his power targeting and harassing his family maliciously by filing false cases. The complainant has informed that his newspaper is largely circulated in Abohar, Fazilka and nearby areas and the paper had published stories with regard to functioning of the respondent. Annoyed with this, the respondent has been obstructing the distribution of his newspaper by threatening their agency holders and hawkers of the area. The complainant has alleged that the action of the respondent is direct attack on freedom of press. He has requested the Council to take necessary action in the matter.

Comments of Shri Sunil Jakhar, President, Punjab Pradesh Congress Committee, Chandigarh were invited on 9.7.2018.

Comments

Shri Sunil Jakhar, M.P. (Lok Sabha) and President, Punjab Pradesh Congress Committee, Chandigarh vide his undated comments, received on 10.8.2018, has stated that the allegations levelled by the complainant are totally false and baseless and the complainant has not produced any evidence in support on his allegations. The respondent has further stated that the actions were taken against the complainant by the police and government departments, which are not under his jurisdiction.

A copy of the comments was forwarded to the complainant on 21.8.2018 to the complainant for information/counter comments.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 18.12.2018 at Mumbai.

Despite service of Notice, the complainant has not chosen to appear. Respondent is represented by his counsel. The Inquiry Committee has perused the complaint and the reply

filed by the respondent and is of the opinion that this is not a case in which any action needs to be taken by the Council. The inquiry committee, accordingly, recommends for dismissal of the complaint.

Held

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

PRESS COUNCIL OF INDIA

F.No.13/22/18-19-PCI

Shri Ashok Kumar Dubey,
Editor, Asah Darpan,
Mumbai.

Shri Sajesh M. Choudhary,
East Virar, Distt. Palghar.

Shri Sanjay Y. Salunke,
Thane.

Shri Rajtilak Roshan,
Addl. Superintendent of Police,
Vasti.

Shri Ghanshyam R. Aadaav,
Senior Superintendent of Police,
Virar Police Station, Virar.

Shri Sanjay Dattu Hazare,
Senior Superintendent of Police,
Vaaliv Police Station, Palghar.

Shri Manjunajth Shinde,
Superintendent of Police,
Palghar.

Deputy Superintendent of Police,
Virar Police Station, Virar.

Shri Vivek Sonwane,
Investigation Officer,
Virar Police Station, Virar.

Deputy Superintendent of Police,
Department of Vaasi, Palghar.

Shri Sudhir Ramdash Dhaykar,
A.S.I./Investigation Officer.
Vaaliv Police Station, Vaasi.

Adjudication dated 15.2.2019

This undated complaint received in the Council on 8.5.2018 has been filed by Shri Ashok Kumar Dubey, Editor, Asah Darpan, Mumbai against the police authorities and anti-social elements. The complainant submitted that annoyed with the publication of critical news item against the land mafias they registered false cases against him with the connivance of police authorities. The complainant submitted that land mafia Shri Sajesh Madhukar Chaudhary misled the Station House Officer of Virar Police Station and registered an FIR No.381/2018 dated 31.3.2018 against him for non-payment of land revenue. The complainant also submitted that another FIR No.271/2018 dated 1.4.2018 has been registered against him

in Valiv Police Station by Shri Sanjay Salunkhe, a land mafia for construction of unauthorized building. The complainant has submitted that the respondents hid their misdeeds and illegal work and misled the police and general public and registered false FIRs against him. The complainant further submitted that the respondents tarnished his image and harassed him mentally. He has requested the Council to take action against the respondents.

A Notice for Statement in Reply was issued to the respondents on 13.22.2018 subsequent reminder dated 4.9.2018.

Comment of Sub-Divisional Police Officer

In response to the Council Reminder for Notice for Statement in Reply dated 4.9.2018 of Sub-Divisional Police Officer, Virar in the reply dated 3.10.2018 submitted that there are cases against the complainant in Thane Police Station U/Section 384, 386, 506(2), 34 under Arms Act 3, 25 and for this crime the complainant and others were produced before the court on 31.3.2018 and court granted their custody. The respondent also submitted that after registration of complaint against complainant and others, they all were absconding. The complainant earlier tried to get interim bail but did not succeed and later has got bail in the matter.

A copy of the comments was forwarded to the complainant on 26.10.2018 for information/counter comments.

Written Statement received from the complainant

The complainant, Shri Ashok Kumar Dubey vide undated Written Statement has submitted that both the FIRs registered against him are baseless and false which is an attack on the freedom of the Press. He has further, while reiterating the statement filed earlier, has submitted that strict action needs to be taken against Police Officers and Land Mafias. He has requested the Council to provide him and his family Police Security as their life in danger. He has further requested the Council to remove his name from the FIRs after fair investigation in the matter.

Report of the Inquiry Committee

The matter came up for final hearing on 18.12.2018 at Mumbai. The complainant along with Ms. Kusumlata, Advocate appeared in person. Shri Vivek, Police Inspector and Shri Umesh Patil, Assistant Police Inspector represented the Police Authorities.

Ms. Kusumlata Verma prays for time on behalf of complainant. The Inquiry Committee is not inclined to adjourn the case. She does not address on the merit of the case.

The Inquiry Committee, has perused the record and recommends for dismissal of the complaint.

Held

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

PRESS COUNCIL OF INDIA

File No.13/67/18-19-PCI

Shri Ramakant Patil,
Presidewnt, Palghar Jilha
Patrkaar Sangh, Palghar.

The Chief Secretary,
Government of Maharashtra,
Mumbai.

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

Director General of Police,
Maharashtra Police, Mumbai.

The Superintendent of Police,
Palghar Police Station,
Palghar.

Adjudication dated 15.02.2019

Facts:

This complaint dated 12.7.2018 has been filed by Shri Ramakant Patil, President, Palghar Jilha Patrkaar Sangh, Palghar regarding arrest of two members of Palghar Jilha Patrkaar Sangh viz. Shri Ram Parmar (Hindustan Times) and Md. Hussain Khan (Aaj Tak News Channel) on 22.6.2018 by the Palghar Police (Maharashtra) in a false and fabricated case. According to the complainant the journalists were falsely accused of assaulting and deterring a public servant (policeman) in discharge of his duties. The complainant also brought to the notice of the Council that the journalists were only fulfilling their duties as journalists, and clicking photographs/recording a video of the accused who had been brought to the police station. The policeman assaulted the journalist and confiscated his phone which he was using to record the video and click the photographs. In order to cover up these illegalities, a false and fabricated case has been filed against the journalists. The complainant narrated the incident as detailed herein below:

“An incident of stone pelting and dacoity allegedly took place at Waghoba Khind on the night of 21.6.2018. On hearing of the alleged dacoity, Md. Hussain Khan came to the Police Station. The accused who were allegedly apprehended by the police on the spot were brought to the Palghar Police Station at around midnight. As is the normal practice, Md. Hussain Khan began taking photographs and recording a video of the accused as they alighted from the police vehicle. PSI TaufEEK Sayyad assaulted him (on the shoulder), roughed him up, confiscated his mobile phone and pushed him into the police lock-up. Ram Parmar, another journalist who was witness to the incident, questioned the police regarding the illegal detention. He too was dragged and threatened by PSI TaufEEK Sayyad who raised his hand to assault him. The complainant stated that they discussed the alleged incidents with the Superintendent of Police Shri Manjunath Singh and he assured that as there is no substance in the allegation, no case will be filed. However, an FIR under Sec.353 and 332 of IPC against Md. Hussain Khan and Ram Parmar was filed. Md. Hussain Khan was illegally detained in the lock up and his relatives were not informed of his detention. Police went to the house of Ram Parmar and brought him to the Palghar Police Station where he was

arrested. The journalists were then brought out of the Police station and were made to sit in a jeep. On fearfully inquiring as to where they were being taken, they were refused an answer and the jeep took them to another police station, viz. Kelwe Police Station, which has no connection with the alleged offence. During the day, they were produced before the JMFC Palghar who rejected their bail application as the offences have recently been made Sessions-triable. They were remanded to judicial custody and sent to Thane Central Jail. Bail was granted on 25.6.2018 and they were released on 26.6.2018. The complainant also stated at the police have not been able to produce any CCTV footage of the events that took place in the premises of the Palghar Police Station on the night of 21.6.2018. The police claim that the footage has been corrupted!"

The complainant submitted that the journalists have been obstructed by the police while fulfilling their duties as responsible journalists and a journalist from a News Channel will video record incidents taking place in a public place and by assaulting him, confiscating his phone/camera, illegally detaining him in the police lock-up in the dead of night, and thereafter filing a false case against him, the Palghar police have violated not only the human rights of Md. Husain Khan, but have also obstructed him in carrying out his duties as a journalist. Further, they have implicated Ram Parmar who was a witness to the high-handedness of the police, as an accused in the alleged incident. The complainant requested the Council to inquire into the incident and take necessary steps.

Reply Filed by the Respondent

A Statement in Reply was issued to the Government of Maharashtra on 30.8.2018 and subsequent reminder dated 4.9.2018. Thereafter, Notice for Hearing was issued to the Government on 29.11.2018. In response to Council's Notice, the respondent- Shri Yuvraj B. Ajetao, Deputy Secretary, Home Department, Government of Maharashtra, Mumbai vide his reply (email) dated 12.12.2018 while informing that the State Government has authorized the Superintendent of Police, Palghar to attend the hearing on 18.12.2018 and has submitted report dated 8.12.2018 of Superintendent of Police, Palghar in the matter. It has been stated in the report that on getting information of attempt of dacoity at Waghoba Khind, Palghar on 21.06.2018 at 22:00 hrs., Incharge of Palghar Police Station, Inspector Shri Kabadi along with his staff rushed to the spot of incident. He succeeded to apprehend one offender and brought him to Palghar Police Station with PSI, Mr. Toufique Sayyed and three Policemen in Police Jeep. PSI with police staff reached palghar PS premises with dacoit accused on 22.06.2018 at 00:05 hrs. Thereafter, one person came and started recording in his mobile all movements without permission. As the crime occurred was heinous and investigation was at preliminary stage, also some absconded accused from the place of occurrence were yet to be arrested, PSI opposed that person and warned him not to record. That unknown person not following order, therefore, PSI pressed down his mobile and again told him to stop recording. That person got annoyed by the action of PSI and threatened and assaulted PSI by pulling his police uniform collar and saying that he is Mohammed Hussain Nabi Khan, Press Reporter and he will get him suspended by tomorrow In the meantime, while another reporter named Ram Parmar of Hindustan Times arrived at PS. Shri Hussain Khan falsely told him that police officer assaulted him and call all press reporters from Palghar to oppose the PSI. On the contrary, PSI was discharging his legal duty. He was not having any intention to fight/quarrel with the press personnel. The Press Reporter of Hindustan Times also joined Mr. Hussain Khan to oppose the police. Mr. Parmar also threatened police officer by saying that he had noted his name and he will send you home from your service till morning. Therefore, PSI, Shri Toufique Sayyed registered FIR at Palghar PS Cr. No. 144/2018 under Section 353/506/34 IPS on 22.06.2018 against both the reporters Mr. Hussain Khan working

as Stringer with Aaj Tak and Mr. Ram Parmar reporter with Hindustan Times. It has been further stated in the report that the investigation of the said crime is done impartially, independently and transparently. During the investigation, (1) Panchnama is done in front of Government panch (2) Hard disk of DVR at Palghar PS is collected and sent to Forensic Laboratory, Kalina, Mumbai to collect CCTV footage of the incidence without tampering it, report of which is awaited; (3) Both the accused reporters were arrested and sent to court of law and at present Hon'ble Court has released both accused on bail; (4) Statements of policemen are recorded; (5) one private person eye witness statement is recorded according to Cr.PC Section 164 in the court of law; (6) video recording done by accused Hussain Khan in his personal mobile is collected before two panch. Hash value of the same is taken. The Report further stated that Shri Hussain Khan is habitual offender because before this incidence two crimes have been registered against him. According to the report, after completion of investigation, it is revealed that both the reporters had assaulted on police officer while discharging his official duty. They were arrested on the same day of occurrence of crime and after doing medical check-up they were produced before court of law. When they were produced before Medical Officer and Judicial Magistrate, they have not complained about ill treatment and harassment at the hands of police. They have also threatened police officer to be suspended from his service. Investigation of the same crime is completed and charge sheet is ready to file in the court of law against both the reporters.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 18.12.2018 at Mumbai. Shri Ramakant Patil, President, Palghar District Press Association, complainant appeared in person with Shri Md. Husain Khan, Aaj Tak alongwith Shri Ram Parmar, Reporter, Hindustan Times. Shri Gaurav Singh, SP, Palghar and Shri Anandrao Kale, Assistant Police Inspector represented the respondent Police Authority.

The Inquiry Committee is of the opinion that the two journalists namely Shri Ram Parmar of Hindustan Times and Mohammad Hussain Khan of the Aaj Tak Channel carrying out their legitimate journalistic activity and duty were involved in criminal case by the Police as it could have exposed the causal manner in which the investigation was being conducted in a dacoity case. The unknown apprehended accused face was not covered, which in the case of the present nature was expected from the investigation Officer. The Superintendent of Police is under a mistaken belief that duty of the Journalist is to cover up errors in investigation. The involvement of Shri Ram in the opinion of the Inquiry Committee, cannot be justified even on the basis of the allegation made in the FIR. As a result, the freedom of press has become a causality.

The Inquiry committee recommends to the State Government to take suitable action against all those who had violated the journalist's right.

With the aforesaid recommendations, the Inquiry Committee disposes of the complaint.

The matter is placed before the Inquiry Committee along with all relevant papers for consideration.

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 with aforesaid observations.

