

Adjudications Rendered by the Council on 15.11.2019

Section 13 – Complaints by the Press

Cases heard by Inquiry Committee-I in its meeting held on 20th & 21st August, 2019 at New Delhi.

<u>S.No.</u>	<u>File No.</u>	<u>Subject</u>
1.	13/140/18-19	Complaint of Shri Ram Shankar Yadav, Editor & Publisher, Signet Times, Durgapur, West Bengal against the Director General & Inspector General of Police, the Commissioner of Police of Asansol-Durgapur Police & Officer In-charge of Durgapur Aurovindo Police Station, West Bengal.
2.	13/45/18-19	Complaint of Shri Rama Shankar Singh, Editor, Nyaya Ki Kalam, Vidisha (M.P.) against the Chief Secretary, the Secretary, the DGP, Superintendent of Police & Shri B.S.Thakur, SI, Vidisha M.P
3.	13/106/18-19	Complaint of Smt. T.R.Rizvi, Publisher, Adab Times, Gonda (U.P) against the Director General, DAVP, New Delhi.
4.	13/111/18-19	Shri Moharram Ali, Editor, Aatm Vishwas, Village-Choura, Tehsil Kerakat, Jaunpur, U.P. against Shri Ajay Pratap Singh, District Supply Officer, Kerakat, Jaunpur, U.P.
5.	13/155/18-19	Complaint of Shri Rahul Tiwari, Editor, Vimal Times, Sultanpur, U.P, against Shri Radheshyam Rai and Shri Ajay Kumar Singh, Sultanpur, U.P
6	13/178/18-19	Complaint of Shri Diwakar Tiwari, Bureau Chief, Real Magazine/Real News, Sitapur (U.P.) against the Superintendent of Police, District Sitapur, U.P.
7.	13/126/18-19	Complaint of Shri Riyaz Ahmed, Correspondent, Dainik Aaj, Bareilly (U.P.) against the Superintendent of Police and Shri Shrikant Dwivedi, Inspector In-charge, Police Station-Nawabganj, Bareilly (U.P.)
8.	13/165/18-19	Complaint of Shri Sayed Akhtar Ali, Correspondent, U.P. against Shri Usman, Owner, Shri Rizwan, Owner and Shri Ajit Singh, Employee, Hoslitic Care Hospital, Raibareilly (U.P.)
9.	13/197/18-19	Complaint of Dr. Harimohan Saraswat, Editor, Highline, Sriganganagar, Rajasthan against the Superintendent of Police, Sriganganagar, Rajasthan

10.	13/18/S.M/19-20	Suo-Motu cognizance against Government of Andhra Pradesh on prevention of a press conference by a film director and producer
11.	13/105/18-19	Complaint of Smt. T.R.Rizvi, Publisher, TrigutDainik/Adab Times, Gonda (U.P) against The Director, Information & Public Relations Department, Govt. of U.P., Lucknow, U.P
12.	13/40/S.M/19-20	Suo-Motu cognizance with regard to attack on journalist, Shri Amit Sharma by the cops of Government Railway Police in Shamli (U.P)

Cases heard by Inquiry Committee-II in its meeting held on 23rd & 24th October, 2019 at Jaipur.

<u>S.No.</u>	<u>File No.</u>	<u>Subject</u>
13.	13/25/17-18	Suo-motu cognizance with regard to assault on Journalists in Kolkata on 22.05.2017.
14.	13/133/18-19	Suo-motu cognizance with regard to misbehave with the journalist of the Hindu by the police in Maharashtra.
15.	13/177/18-19	Suo-motu cognizance with regard to thrashing journalist by BJP worker in Chhattisgarh.
16.	13/95/19-20	Complaint filed by Indian Journalists Union regarding death of Journalist, Shri Chakresh Jain in Sagar (M.P.)

Press Council of India

S. No.1

F.NO. 13/140/18-19 PCI

Complainant	Respondent
Shri Ram Shankar Yadav, Editor & Publisher, Signet Times, Durgapur, West Bengal.	The Director General & Inspector General of Police, West Bengal, 13 th Floor, Sarat Chatterjee Road, Shibpur, Howrah The Commissioner of Police, Asansol-Durgapur Police, Commissionerate, PaschimBurdhaman, West Bengal. The Officer-in -Charge, Durgapur Aurovindo Police Station, Asansol-Durgapur Police, Commissionerate, PaschimBardhaman, West Bengal.

Adjudication dated 15.11.2019

This complaint dated 28th November, 2018 has been filed by Shri Ram Shankar Yadav, Editor & Publisher, Signet Times, Durgapur, West Bengal against Police atrocities, threats for pre-censorship and suffocation of press freedom.

The complainant has submitted that being an editor and publisher of a Hindi Newspaper Signet Times, he is dedicated to the cause of social upliftment and progress of people and tries to bring out the truth in public interest. In Signet Times volume -20, issue no. 12, dated 25th September 2018, he published a news item captioned "**ADPC ke Arvind Thana antargat elaka me Abaidha Karnamay me lipta Thana Pravari Goutam Talukdar**" (The Station Officer Goutam Talukdar is involved with illegal activities in Arvind Thana area under ADPC). It was critical writing against the corrupt practices of the Station Officer, Shri Goutam Talukdar of Arvind Thana. This critical writing created repercussion among the common people and panic amongst the corrupted police officials of Durgapur Police Station. The Deputy Commissioner of Police (East)

Durgapur, Mr Avishek Modi, IPS had ordered the Incharge A-Zone Police Investigation Centre under Durgapur Police Station for summoning the complainant to be present at the Investigation Centre. During the interrogation, the complainant was asked to produce and submit the documents/evidence for the story written against the Station Officer, Mr. Goutam Talukdar. But on denial, he was forced to submit those evidences to the police. Followed by the first critical writing, another news item was published on 25th October 2018 issue, captioned "ADPC ke Arvind Thana antargat elaka me Ghatak Jawlanshil Padarthki Cutting", (under ADPC (East) Arvind Police Station area cutting of highly inflammable products is being carried out). The critical news item alleged that with unholy nexus with station officer, Shri Goutam Talukdar, one Shri Upendra Shaw has been doing these illegal activities and in the reaction of the said news item, the Officer-Incharge, Mr. Goutam Talukdar advised criminal Shri Upendra Shaw to file a criminal prosecution case in the court of Addl. Chief Judicial Magistrate Durgapur, West Bengal on 30th October 2018 against the complainant allegedly to gag the voice of a journalist reporting against the corruption and unlawful activities of the police officials.

The complainant submitted that he was even detained for 11 hrs. without any reason by the police. Due to the repeated threats, the complainant has stopped writing against the corruption and out of threats, he is running from pillar to poles for effective redressal of his grievance. The complainant further stated that under the influence of the higher police authorities even the Deputy General Manager (TS-TA) of Durgapur Steel Plant has issued a notice to the complainant for eviction.

In the above matter, the complainant has requested the Council to take necessary action against police atrocities and the imposition of pre-censorship by the respondents.

Notice for Comments was issued to the respondent authorities on 24.12.2018 followed by Notice for Statement in Reply dated 22.2.2019 and the reminder dated 9.4.2019.

Reply Filed by the Respondent

In response vide letter dated 15.3.2019, the Directorate General & Inspector General of Police, West Bengal, acknowledged the receipt of the Notice for Statement and stated that the same has been forwarded to the Commissioner of Police, Asansol-Durgapur Police Commissionerate on 15.3.2019 for enquiry and submitting a report in the matter. Further, vide letter dated 27.3.2019 the Directorate General & Inspector General of

Police, Bhabani Bhawan, Alipore, Kolkata, West Bengal, forwarded the enquiry report submitted by Office of Dy. Commissioner Of Police (HQ). The investigating officer Shri Abhishek Modi, Dy. Commissioner of Police, Zone-1 (East) Asansol–Durgapur Police Commissionerate reported that the petitioner Mr Yadav made a different allegation in his petition against SI Goutam Talukdar, O/C Durgapur PS, SI Siddha Nath Adhikari and other Police Officer regarding the police atrocities and also to save him from the police atrocities. It was also found that the allegations made by the Complainant against the police authorities are false and speculative, surmise and unsustainable and based with imagination. From the investigation, it has been found that the complainant is a prime accused in Durgapur PS Case no. 531/18 and want to use various forums for self-gain and self-protection.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. The Inquiry Committee has heard the complainant, Shri R.S.Yadav as also Shri Abhishek Gupta, the Deputy Commissioner of Police, Asansol, Durgapur. The Inquiry Committee has also perused the complaint, the written statement and all other connected papers and is of the opinion that the grievance made by the complainant is absolutely misconceived and accordingly recommends for dismissal of the complaint.

Held

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

PRESS COUNCIL OF INDIA

S. No. 2

F.No.13/45/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Shri Rama Shankar Singh, Editor, Nyaya Ki Kalam, Vidisha (M.P.)	The Chief Secretary, Government of M.P., Bhopal (M.P.). The Secretary, Home (Police) Department, Government of M.P., Bhopal (M.P.). The Director General of Police, M.P. Police, Bhopal (M.P.). The Superintendent of Police, Vidisha (M.P.). Shri B.S. Thakur, Sub-Inspector, Police Station-Civil Line, Vidisha (M.P.)

Adjudication dated 15.11.2019

Facts

This complaint dated 12.6.2018 has been filed by Shri Rama Shankar Singh, Editor, Nyaya Ki Kalam, Vidisha (M.P.) against Shri B.S. Thakur, Sub-Inspector, Police Station Civil Lines, Vidisha (M.P.) for allegedly manhandling and registering false case against him with the connivance of liquor traders due to publication of critical writings.

According to the complainant, he is continuously publishing news against the illegal liquor companies for the last several years due to which the liquor traders have personal animosity towards him. They also threatened him to kill and implicate in false cases. The complainant has alleged that on 8.6.2018, the respondent-Shri B.S. Thakur, SI forcefully has taken him to police station from Ahmedpur Chouraha in police jeep. Shri Shailendra Singh and other persons were also present there, who indulge in liquor trade. They gave some bottles of liquor to Shri B.S.

Thakur and asked him to register false case against the complainant. It has been further alleged that the respondent registered a false case No.0446/18 dated 9.6.2018 under Section 34 of State Excise Act against him. The complainant has also alleged that Shri Thakur has taken his signature on plain papers, beaten him and put him behind the bar. The complainant has informed that he got bail next day from the SDM Court.

The complainant vide his letter dated 12.6.2018 drew the attention of the government authorities. He has requested the Council to inquire into the matter.

Notice for Comments was issued to respondent-Shri B.S. Thakur, SI, Vidisha on 4.7.2018. In the absence of any reply, Notices for Statement in Reply were issued to the State Government of Madhya Pradesh along with Shri B.S. Thakur on 25.9.2018.

Written Statement

Shri Vineet Kapoor, Superintendent of Police, Vidisha vide his written statement dated 21.11.2018 informed that the matter was investigated by Superintendent of Police, City, Vidisha and found that on receiving information regarding selling of liquor by the complainant illegally, Shri B.S. Thakur, SI raided the home of the complainant and recovered 22 quarter country made liquor and 23 quarters plain liquor. In this regard, a case No.446/18 under Section 34 of Excise Act was registered against the complainant in Police Station Civil Lines, Vidisha. The respondent further informed that after investigation of the matter, a charge-sheet No.338/26.6.18 was filed before Hon'ble Court, which is pending consideration. The respondent also informed that action under Excise Act was also taken against the complainant in the past. He has stated that the allegations levelled by the complainant in his complaint could not be proved during investigation.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. Dr. Aashish, DIG, Bhopal, Shri Kannaiya Lal, Additional S.P., Vidisha and Shri B.S. Thakur, S.I., Vidisha represented the Police Authority.

The Inquiry Committee has heard the respondent, the Superintendent of Police and has also perused the complaint, the written statement and other connected papers.

Despite service of notice, the complainant has not chosen to appear. It has been informed to the Inquiry Committee that the complainant has been charge sheeted in the case. It has also been brought to the notice of the Inquiry Committee that even before the publication of the news of illegal liquor sale, the complainant was made accused in few other cases of illegal liquor sale.

In view of the fact that the matter is sub-judice, the Inquiry Committee is not inclined to proceed in the matter any further and accordingly directs for disposal of the complaint.

Held

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

PRESS COUNCIL OF INDIA

S. No. 3

F.No.13/106/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Smt. T.R. Rizvi, Publisher, Adab Times, Gonda (U.P.)	The Director General, Directorate of Advertising & Visual Publicity (DAVP), New Delhi.

Adjudication dated 15.11.2019

Facts

This complaint dated 26.9.2018 has been filed by Smt. T.R. Rizvi, Publisher, Adab Times, Gonda (U.P.) against the Directorate of Advertising & Visual Publicity (DAVP), New Delhi for non-payment of advertisement bill. According to the complainant, they published advertisements in Adab Times issued by the DAVP amounting to Rs. 47,739/- in 2008 but no payment has been made by the DAVP till date.

In this regard, the complainant drew the attention of the respondent on 8.1.2015 but to no avail. She has requested the Council to direct the respondent for release of payment.

A copy of the complaint was forwarded to the Director General, DAVP, New Delhi vide Council's letter dated 22.10.2018 for necessary action under intimation to the Council. In the absence of any reply, a reminder dated 25.3.2019 was issued to the respondent for apprising action taken in the matter.

Reply filed by the respondent

Shri Pankaj Nigam, Media Executive, Bureau of Outreach and Communication, Ministry of I&B vide letter dated 19.8.2019 has informed the Council that the complaint raised by the complainant pertains to two pending bills i.e. 17102/13/0005/0708 and 27101/13/0032/0708. Since funds are not made available by respective client Ministries, Bureau of Outreach communication is not able to release payments. He has further submitted that payments will be made only after receipt of funds from the concerned Ministry.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. Shri Syed Abbas, Manager appears on behalf of the complainant. Mr. Pankaj Nigam, Media Executive, appears on behalf of the DAVP and states that all admissible dues of the complainant shall be paid within two months.

In view of the aforesaid assurance, the Inquiry Committee is not inclined to proceed in the matter any further.

However, it makes it clear that in case the payment is not made as assured above, complainant shall have liberty to file an application for revival of the complaint.

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

Held

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

PRESS COUNCIL OF INDIA

S.No. 4

F.No.13/111/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Shri Moharram Ali, Editor, Aatm Vishwas, Village-Choura, Tehsil Kerakat, Jaunpur (U.P.).	Shri Ajay Pratap Singh, District Supply Officer, Kerakat, Jaunpur (U.P.).

Adjudication dated 15.11.2019

This complaint dated 26.9.2018 has been filed by Shri Moharram Ali, Editor, Aatm Vishwas, Jaunpur (U.P.) against Shri Ajay Pratap Singh, District Supply Officer, Jaunpur (U.P.) for allegedly insulting him.

According to the complainant, a complaint was filed by him against a shopkeeper regarding black-marketing in distribution of ration to the Hon'ble State Food Commission due to which agreement of the shop was terminated by the District Supply Officer after obtaining permission from the District Collector, Jaunpur.

The complainant has further submitted that the State Food Commission, Lucknow hold a hearing in the matter on 30.8.2018 wherein he presented all the documents as evidence, which he had received through RTI. The complainant has pointed out that by Order dated 24.8.2018, the District Supply Officer had directed to cancel the registration of the shop and further ordered to submit the Distribution record along with stock register of last six months.

The complainant has informed that on 16.9.2018 he made a phone call to the District Supply Officer and asked for time and after one hour he reached his office. The complainant has alleged that the District Supply Officer insulted him in the office due to which he got badly hurt. He has requested the Council to take necessary action in the matter.

Notice for Comments was issued to the respondent-Shri Ajay Pratap Singh, District Supply Officer, Jaunpur on 14.12.2018 followed by reminder dated 25.3.2019.

Comments

The District Supply Officer, Jaunpur vide his comments dated 15.4.2019 has submitted that the complainant filed a complaint dated 21.7.2018 to the Hon'ble State Food Commission against Shri Istekhar, Ration Vendor, Village Choura for black-marketing. The respondent has further submitted that during the investigation, irregularities were found to be true and accordingly agreement of the shop was terminated and a clarification was sought along with evidence from the shopkeeper. In this context, Hon'ble State Food Commission vide letter dated 5.9.2018 disposed of the case stating that "no serious irregularity found during the investigation of the matter but still satisfactory action was taken by the Grievance Prevention Officer/District Supply Officer and no further action appears to be taken in the matter. The complaint appears to be ineffective and liable only for financial penalty". The respondent has informed that accordingly agreement letter was released to the vendor by imposing Rs.2,500/- penalty and strict warning. The respondent has further informed that despite taking satisfactory action against the shopkeeper, the complainant repeatedly unnecessarily pressurising him for taking action against the shopkeeper. The respondent has stated that the complaint is based on false facts. He has requested the Council to dismiss the complaint.

Counter Comments

The complainant vide his counter comments dated 26.6.2019 has alleged that the respondent has filed his comments by hiding the facts. The complainant has stated that termination of agreement of the ration shop three times and four times financial penalties were imposed by the officers of Sub-Division Kerakat. While providing copies of these seven orders, the complainant has stated that in these documents, three fake recommendation letters of Gram Pradhan, Choura are attached wherein two out of three documents has his (complainant's) forged signatures. The complainant has further stated that it is evident that how the administrative officers help the shopkeeper while keeping law & order on stake. The complainant also stated that the licence of ration shop can be cancelled /suspended only if the investigation team has substantial evidence of suspension but the respondent has filed his reply by hiding these facts. He has requested the Council to take appropriate action against the respondent.

Further comments from respondent

District Supply Officer, Jaunpur vide letter dated 16.8.2019 while reiterating the reply, has submitted that the vendor, Shri Istekhar has informed him that the complainant is his nephew in relation and because he did not support the complainant in Gram Panchayat election, the complainant has filed complaints about his shop many times. The vendor further informed the District Supply Officer that the complainant has bent on cancelling the registration of his shop.

District Supply Officer has informed that the matter pertains to their personal enmity. For some domestic reasons also, the complainant often files the complaint. He has submitted that since the matter after hearing, has been dismissed by senior officers of the State Food Commission and Hon'ble High Court of Allahabad, no action in the matter is pending to be taken by him. He has requested the Council to dismiss the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. Shri Moharram Ali, complainant appeared in person. There was no appearance on behalf of the respondent.

The Inquiry Committee has heard the complainant and perused the record. The grievance made by the complainant has nothing to do with the freedom of the press.

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, findings and adopts the Report of the Committee and decides to dismiss the complaint.

Press Council of India

S.No. 5

F.NO. 13/155/18-19-PCI

Complainant	Respondent
Shri Rahul Tiwari, Editor, Vimal Times, Allahabad Road, Ahimane, Sultanpur district, Uttar Pradesh	Shri Radheshyam Rai Sultanpur, UP. Shri Ajay Kumar Singh Civil Lines, Golghat, Kotwali Nagar P.S. Sultanpur.

Adjudication dated 15.11.2019

Facts

This complaint dated 08.11.2018 has been filed by Shri Rahul Tiwari, Editor, Vimal Times, Sultanpur, Uttar Pradesh against Shri Radheshyam Rai and Shri Ajay Kumar Singh for receiving alleged threats for publishing critical writing in his weekly -Vimal Times, in its issue dated 23.10.2018 to 29.10.2018 captioned, "**... Ki aakhon mein dhool jhonkh 10 ka stamp 15 mein bech rahe stamp Vendor Radheshyam Rai va Ajay Singh**".

The news item covers a story of cheating by the Stamp Vendor, Mr Radheshyam Rai and Mr Ajay Kumar Singh openly at Sadar Tehsil, District Karyalaya where stamps that are priced at Rs. 10/- being sold at the rate of Rs. 15/- each. On enquiry about higher rates, the vendors replied that if they don't sale stamps on a higher rates, their share of profit will be meagre. The Stamp Vendors have also managed to escape sudden inspections. Stamp Vendor, Mr Radheshyam is cheating people openly which accounts to the prohibition of the Stamp Act. The complainant submitted that he possess a video recording of the published impugned news as evidence.

The complainant further submitted that he has been served with a legal notice by the respondent Mr Radheshyam on 27/10/2018 for publishing fake and defamatory news item against Mr Radheshyam. Vide legal notice, the respondent demanded a rebuttal against the published news and a public apology from the complainant. However, on the refusal of the above, the respondents have been hurling insults on the newspaper regularly thereby, tarnishing the image of the newspaper and the

complainant. The respondents have further threatened him that they will file a defamation case against the complainant. Thus the complainant has stated that restrictions created by the respondent on press are restricting the press freedom. Therefore, the complainant has requested the Council to take necessary action against the respondents.

Notice for Statement in reply was issued to the respondents, Shri Radheshyam Rai and Shri Ajay Kumar Singh on 27.02.2019.

Written Statement of Respondents

The respondent, Shri Radheshyam Rai and Shri Ajay Kumar Singh vide letter dated 14.03.2019 while denying the allegations published by the complainant in his newspaper stated that the allegation levelled against them in the complaint is false, frivolous and misleading. The respondent submitted that the complainant had not replied to any of the legal notices sent to him. They have further stated that the complainant never visited their office and instead published the news item with ill-motive. They also denied the allegations of hurling insults on the newspaper. They have annexed documents to prove that "Ram Offset and Printers" which carry out the printing of Vimal Times is not a registered printer within the village of Rayampur. They have stated that this complaint is a false pretence of the complainant to save himself from the defamation case. They submitted that being the Director and District General Secretary of the Vendors Association Union, they have stood against many illegal activities in the district so it might be someone trying to take revenge against them and has used the complainant and his newspaper to tarnish their image. In light of these comments, they have requested the Council to take appropriate action against the newspaper.

Counter Comments of the complainant

The complainant, Shri Rahul Tiwari vide his counter comments dated 30.04.2019 stated that he never received any legal notice from the District Collector's office and his news was completely based on the findings of his sting operation. He had visited Shri Radheshyam Rai himself to buy stamps of which he claimed to have evidence. The complainant submitted that there is no registered association by the name of Vendors Association Union and it is just a way to pressurize the complainant. In light of these comments, he has requested the Council to take appropriate action against the respondents.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. Shri Rahul Tiwari, complainant and Shri Radheyshyam, stamp vendor, respondent appeared in person.

The Inquiry Committee had heard the complainant and also perused the complaint, the Written Statement and other connected papers and is of the opinion that the grievance of the complainant is absolutely misconceived and accordingly, recommends for dismissal of the complaint.

Held

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

PRESS COUNCIL OF INDIA

S. No.6

F.No.13/178/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Shri Diwakar Tiwari, Bureau Chief, Real Magazine/Real News, Ambedkar Nagar, Sitapur (U.P.)	The Superintendent of Police, District Sitapur, (U.P.)

Adjudication dated 15.11.2019

This complaint dated 25.1.2019 has been filed by Shri Diwakar Tiwari, Bureau Chief, Real Magazine/Real News, Sitapur (U.P.) against anti-social elements for alleged death threat to him.

According to the complainant, Shri Ashok Yadav, journalist along with his friend came to his home in his absence on 21.1.2019 and started abusing and threatening his wife and asking about him. In this regard, his wife lodged an FIR No.50/2019 on 23.1.2019 under Section 452/504/506 IPC in Police Station, Sitapur against Shri Ashok Yadav. The complainant has alleged that Shri Ashok Yadav is pressurising the police by adopting various tactics for removal of the said case. He has requested the Council to take necessary action in the matter.

Notice for Comments was issued to the Superintendent of Police, Sitapur on 18.2.2019.

Comments

Shri L.R. Kumar, Superintendent of Police, Sitapur vide his comments dated 4.3.2019 has informed that the matter was investigated by Shri Yogendra Singh, Circle Officer City, Sitapur, who in his report dated 3.3.2019 submitted that an FIR No.46/19 dated 21.1.2019 under Section 147/323/504/506 of IPC was registered in Police Station Kotwali, Sitapur against the complainant and others on the complaint of Shri Ashok Yadav. On the other hand, an FIR No.50/2019 on 23.1.2019 under Sections 452/504/505 of IPC has been registered in Police Station Kotwali, Sitapur against Shri Ashok Yadav on the complaint of complainant's wife. These matters are being investigated by Shri Ved Prakash Yadav, Sub-Inspector.

It has been further stated in the report that during the investigation, the complainant has informed that he has settled the matter with Shri Ashok Kumar Yadav and now he does not want any action on his complaint. The Superintendent of Police has informed that the Circle Officer has been directed to dispose of the matter on merit.

Communication received from complainant

Shri Diwakar Tiwari, complainant vide letter dated 7.8.2019 informed the Council that after taking cognizance of the matter by the Press Council, no injustice has happened to him. He further stated that he is satisfied with action taken by Police in the matter and requested the Council to drop the proceeding in the matter.

Further reply filed by Superintendent of Police, Sitapur

The respondent-Shri L.R. Kumar, Superintendent of Police, Sitapur vide his letter dated 12.8.2019 has informed that the matter was investigated by Shri Yogendra Singh, Circle Officer City, Sitapur and found that on the complaint of Shri Ashok Yadav an FIR No.46/19 dated 21.1.2019 under Sections 147/323/504/506 of IPC was registered in Police Station Kotwali, Sitapur against the complainant and others. He has further informed that the investigation has been closed on 21.5.2019 for being settled.

On the other hand, on the complaint of complainant's wife an FIR No. 50/2019 under Sections 452/504/506 of IPC in Police Station Kotwali, Sitapur against Shri Ashok Yadav was registered on 23.01.2019. This case has also been closed on 22.5.2019 for being settled. He has requested the Council to drop the proceeding in the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. Neither the complainant nor the respondent has chosen to appear.

The complainant has filed an application inter-alia stating that he had got justice and accordingly prayed that no action be taken on his complaint.

The Inquiry Committee accedes to his prayer 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 dispose of the complaint.

PRESS COUNCIL OF INDIA

S.No. 7

F.No.13/126/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Shri Riyaz Ahmed, Correspondent, DainikAaj, Bareilly (U.P.).	The Superintendent of Police, Bareilly, (U.P.). Shri Shrikant Dwivedi, Inspector Incharge, Police Station-Nawabganj, Bareilly (U.P.).

Adjudication dated 15.11.2019

This complaint dated 23.10.2018 has been filed by Shri Riyaz Ahmed, Correspondent, Dainik Aaj, Bareilly (U.P.) against Shri Shrikant Dwivedi, Inspector Incharge, Police Station Nawabganj, Bareilly for allegedly registering false case against him.

According to the complainant, he received information on 13.10.2018 at night that a scuffle occurred between the groups during Ramleela in which many people got injured and they had gathered at the Police Station. He reached the police station immediately with a view to collect the information of the incident. In the meantime, Smt. Neeru Sagar, Panchayat Member reached the police station for filing the report against one Shri Adarsh Gangwar in connection with the said incident. At that time, the respondent Inspector reached and started beating up one person and also misbehaved with Smt. Neeru Sagar. The complainant informed that when he along with another journalist of a news channel, Shri Annu Sharma was covering the incident, the respondent snatched their mobile and threatened them that he would spoil their life. The complainant alleged that respondent filed a false case No.488/2018 under Section 147/352/353/506/386 IPC and 7 of Criminal Law Amendment Act against them. He has requested the Council to take necessary action against the respondent police officer.

Notices for Comments were issued to the Superintendent of Police, Bareilly and Shri Shrikant Dwivedi, Inspector, Police Station Nawabganj, Bareilly on 27.11.2018.

Comments received from Respondent

Shri Shrikant Dwivedi, Inspector Incharge, Police Station Nawabganj, Bareilly vide his comments dated 12.12.2018 while denying the allegation levelled by the complainant has informed that the complainant is a criminal nature person and many cases are pending against him. Besides, editors of many leading newspapers terminated him from service due to his misconduct. The respondent has stated that the complainant has illegal relationship with Smt. Neeru Sagar due to which his reputation is not good in the area. On 13.10.2018, some people had beaten Shri Adarsh Gangwar and also created panic among its people by firing during Ramleela. In this regard, a case No.487/18 was filed and being investigated by Shri Sahendra Pal Malik, Sub-Inspector. The respondent has further informed that the complainant along with Smt. Neeru Sagar, Shri Vijay Kumar, who were accused in above said case No.487/18, and other 10-12 people reached in the compound of Police Station on 14.10.2018 at night. At that time, family members of Shri Adarsh Gangwar were also present in the Police Station. The respondent has stated that when Shri Vijay Kumar was arrested, the complainant and his associates objected to his arrest and also creating hurdle in government duty. Therefore, on the complaint of Head-Constable, Shri Rajendra Kumar, a case No.488/18 was registered against the complainant and others. The respondent has informed that Smt. Neeru Sagar filed a complaint against him to the Additional Director General of Police, Bareilly Zone wherein a preliminary investigation made by the Superintendent of Police (Rural), Bareilly and the allegations levelled by Smt. Neeru Sagar were found baseless. The respondent has also informed that the complainant is not journalist/editor of any newspaper/news channel. The respondent has stated that the case No.488/18 is under investigation and further action will be taken accordingly after completion of investigation.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. The Inquiry Committee has heard the complainant, Shri Riyaz Ahmed as also the Sh. Shrikant Dwivedi, Inspector and Mr Preetampal Singh, the Circle Officer, Nawabganj, Bareilly. It is common ground that the complainant has been charge sheeted in Case no. 488/2018. That being the situation, the Inquiry Committee is not inclined to proceed in the matter any further.

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, findings and adopts the Report of the Committee and decides to dismiss the complaint.

PRESS COUNCIL OF INDIA

S.No. 8

F.No.13/165/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Shri Sayed Akhtar Ali, Correspondent, Navsatta, Lucknow (U.P.)	Shri Usman, Owner, Holistic Care Hospital, Raibareilly (U.P.). Shri Rizwan, Owner, Holistic Care Hospital, Raibareilly (U.P.). Shri Ajit Singh, Employee Holistic Care Hospital, Raibareilly (U.P.).

Adjudication dated 15.11.2019

This complaint dated 2.1.2019 has been filed by Shri Sayed Akhtar Ali, Correspondent, Navsatta, Lucknow (U.P.) against Owners and employee of Holistic Care Hospital, Raibareilly (U.P.) for alleged attack on him due to publication of critical writings and inaction of the police.

According to the complainant, he published news regarding irregularities prevailing in the respondents' Hospital. Annoyed with this, the respondents along with their associates kidnapped him on 24.12.2018 under a conspiracy and took him to the hospital where he was brutally beaten up by the respondents and also snatched Rs.10,500/-, wrist watch and two pen-drives. The complainant has further informed that the respondents thereafter took him to an advocate and forcefully got his signature on a statement and released him after two hours after giving threat of dire consequences if any complaint is made to the police. The complainant has further informed that thereafter he reached police station but the Inspector, Shri Ashok Kumar Singh was procrastinating for filing of FIR. He also informed the Superintendent of Police about the incident and after his intervention, the police filed FIR No.0755/18 dated 24.12.2018 under Sections 395/147/342/323/506 of the IPC but no further action was

taken by the police. He has requested the Council to take necessary action in the matter.

Notices for Comments were issued to the respondents on 22.3.2019.

Comments received from Respondent

The respondents-S/Shri Usman and Rizwan (father and son respectively) vide their comments dated 4.4.2019 have informed that they applied to the Chief Medical Officer, Raibareilly on 3.8.2018 for starting Holistic Care Hospital in Ali Miyan Colony in accordance with Rule, which was pending consideration. In the meantime, in the last week of November, 2018, the complainant came to the building of the Hospital and after introducing himself, he demanded money for registering the hospital stating that he has good contacts in Chief Medical Office and without his help the hospital could not be registered. On denial, the complainant has started publishing false news with a view to extort money. The respondents have further informed that the complainant again demanded Rs.25,000/- over mobile on 23.12.2018 and again on denial, he threatened them to face dire consequences. On 24.12.2018 in their absence, the complainant along with his associate came to the hospital building enquired about them and also threatened and abused their employee Shri Irfan. According to the respondents, on 28.12.2018 the complainant and his three associates again came to the hospital building along with arms and threatened them to kill and demanded Rs.50,000/-. The respondent submitted that the police was informed about the incidents but no action was taken against the complainant. Thereafter, they approached to the court and a case No.071/19 dated 1.2.2019 under Section 386/452/504/506 IPC has been registered in Police Station-Kotwali Nagar, Raibareilly against the complainant and others. According to the respondents, annoyed with non-fulfilment of demands, the complainant has filed a false Case No.755/18 under Section 395/147/342/506 of IPC against them in Police Station-Kotwali Nagar, Raibareilly and also pressurised the police to arrest them. The respondents have stated that only complainant's newspaper, Navsatta published false and defamatory news item against them and no other newspaper published anything in this regard. While levelling the allegation of misusing the journalism, the respondents have requested the Council to take necessary action against the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. The Inquiry Committee has heard the complainant, Shri Sayed Akhtar Ali and the respondent, Shri Usman and

has also perused the petition of complainant and the reply. It is common ground that on the basis of the report given by the complainant, the police has registered the case and ultimately charge sheeted the accused person.

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

Held

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

PRESS COUNCIL OF INDIA

S.No. 9

F.No.13/197/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Dr.HarimohanSaraswat, Editor, Highline, Sriganganagar, Rajasthan.	The Superintendent of Police, Sriganganagar, Rajasthan.

Adjudication dated 15.11.2019

Facts

This complaint dated 24.2.2019 has been filed by Dr. Harimohan Saraswat, Editor, Highline, Sriganganagar (Rajasthan) against the police for allegedly misbehaving and threatening to implicate him in false case.

According to the complainant, he published the news stories about police brutality on innocent people in Guru Bharosa Ashram, due to which negligence of the police and administration was exposed. An investigation was conducted by the administration in the Ashram on 19.1.2019 where heavy crowd was also assembled at the main gate of the Ashram. He along with a journalist of Punjab Kesari, Shri Manoj Swami reached at the spot for covering the incident. He further alleged that a Sub-Inspector, Shri Dharampal deputed at the main gate not only stopped him to enter into the Ashram but also misbehaved and threatened to implicate him in false case of creating hurdle in government duty, thus the action of the Sub-Inspector is an attack on freedom of press.

The complainant has submitted that he sent a complaint to the Superintendent of Police, Sriganganagar on 25.1.2019 for taking necessary action against the guilty officer, but no action taken till date. He has requested the Council to take necessary action against the respondent police officer.

Notice for Statement in Reply was issued to the Superintendent of Police, Sriganganagar on 14.3.2019.

Written Statement

The Superintendent of Police, Sriganganagar vide his written statement dated 9.4.2019 submitted that on receiving a complaint from

the complainant on 29.1.2019, the Deputy Superintendent of Police, Suratgarh, Sriganaganagar was deputed to investigate the matter vide office order dated 27.2.2019. It has been further stated that the copies of the diary of the investigation conducted by the administration in Guru Bharosa Ashram, FIR No.434/2018 where the complainant is accused for provoking the crowd in front of SDM Court, Suratgarh were included for investigating the matter. The statement of the complainant and witnesses were also recorded on 29.3.2019. The respondent has informed that an enquiry was conducted by the district administration in the Ashram on 19.1.2019. Since many handicapped persons were assembled in the Ashram, therefore, other persons were advised by the Deputy Sub-Divisional Magistrate to stay outside the Ashram. Accordingly, Shri Dharmpal, SI told the complainant and other persons for staying outside the Ashram peacefully. The respondent has further stated that neither any misbehaviour took place with the complainant nor the journalists were stopped from coverage. The respondent has also stated that earlier Shri Dharmpal, SI arrested the complainant in case No.434/18, therefore, the complainant has filed this complaint as a reprisal. The respondent has stated that the allegation of the complainant could not be proved in investigation.

Counter Comments

The complainant vide his counter comments dated 18.5.2019 has alleged that the reply filed by the respondent is totally false and baseless. The complainant has stated that the police recorded his statement of the incident on 29.3.2019 only after receiving the notice from the Hon'ble Press Council of India. The complainant while reiterating his allegation against Shri Dharmpal, SI for threatening has produced CD and affidavits of witnesses in support of his allegations. The complainant has alleged that the respondent tried to hide misbehaviour of the Sub-Inspector by connecting earlier case filed against him and the earlier case was also related to the harassment by the police towards the press.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. Dr.Hari Mohan Saraswat, complainant appeared in person. Shri Vidya Prakash, Dy. S.P. represented the Police Authority.

The Inquiry Committee has heard the complainant as also Dy. S.P. of Sriganaganagar. The Inquiry Committee has also perused the complaint, the written statement and all other connected papers. In sum and substance, the grievance of the complainant is that he was stopped from entering into

the Ashram and one Sub-Inspector of Police, Shri Dharampal also misbehaved with him.

The complainant was not allowed to enter into the Ashram because the officers had gone there to investigate the matter.

So far as the allegation of misbehaviour by the Sub-Inspector, Shri Dharampal is concerned, it is denied by the respondent and it has been stated that because the said Sub-Inspector had arrested the complainant in an earlier case such an allegation has been made.

The Inquiry Committee finds no substance in the grievance of the complainant and accordingly recommends for dismissal of the complaint.

Held

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

PRESS COUNCIL OF INDIA

S.No. 10

F.No.13/18/Suo-Motu/19-20-PCI

Suo-motu cognizance against Government of Andhra Pradesh on prevention of a press conference by a film director and producer

Adjudication dated 15.11.2019

Shri K. Amarnath, former Member of Press Council of India vide his letter dated 3.5.2019 brought to the notice of the Council that a film Director, Shri Ram Gopal Varma and a film Producer, Shri Rakesh Reddy were prevented on 28th April, 2019 from holding a press conference in Vijayawada, Andhra Pradesh to inform the media about their upcoming film "Lakshmi's NTR", which amounts to unfair restriction on freedom of expression and pre-censorship. He has further informed that, according to the reports, Shri Varma and Shri Reddy booked a conference room in Hotel Novotel in Vijayawada to hold a press conference on 28th April, 2019 and sent invitations to media persons and a few hours before the scheduled press conference, the management of the Hotel informed them that the booking of conference hall was cancelled apparently under pressure from the Government and the ruling party. The film director contacted another hotel, Ilapuram and they also denied them to hold press meet in the premises and then the director messaged the media that he would hold his press conference on Sunday 28th April, 2019 at 4 p.m. by the road side at a Junction. When Shri Varma and Shri Reddy landed at the Gannavaram Airport, the police prevented them to hold press conference at roadside as the Model of Code Conduct was in force. The Commissioner of Police told the media that hotel might have refused to venue as they might have feared agitation by the cadres of the ruling party. Shri Amarnath has stated that it was clear from the comments of the Commissioner of Police that the ruling dispensation was not happy about the press conference of the film director and producer. According to Shri Amarnath, it is clear case of intimidation and an attack on the freedom of expression and it is also an attempt to curtail freedom of press and impose pre-censorship and denial of the people's right to information.

While taking suo-motu cognizance of the matter, Notices for Statement in Reply were issued to the Chief Secretary, Director General of Police, Govt. of Andhra Pradesh, Commissioner of Police, Vijayawada,

General Managers of Hotel Novotel and Hotel Ilapuram, Vijayawada on 14.5.2019.

Reply of Hotel Novotel

Shri T.V. Madhupal, General Manager, Novotel, Hotels & Resorts, Vijayawada vide reply dated 25.5.2019 has stated that no conference room was booked at Novotel Vijayawada Varun, Vijayawada for a Press Conference by Mr. Ram Gopal Varma or Mr.Rakesh Reddy or any individual or organization for the 28th April 2019. Therefore, the matter of cancelling the booking does not arise. He has further denied that their hotel management has not informed to anybody that the booking of conference hall was cancelled apparently under pressure from the Government and the ruling party and when the conference room for press conference itself was not booked by any individual, their hotel management cancelling the alleged booking under pressure from the Government does not arise. He has requested to drop the proceedings against their hotel management.

Reply of Hotel Ilapuram

Shri M. Srinivas, General Manager, Hotel Ilapuram vide his undated reply, received in the Council on 10.6.2019, has submitted that the allegation that they refused to book one of the Conference Halls in their hotel in name of Mr. Ram Gopal Verma to hold a press conference on 28th April, 2019 due to political pressure is incorrect and devoid of any basis. He has also submitted that they never deny booking of room/conference hall on the basis of political or any other consideration as long as the person seeking reservation has proper credentials. He has wholly denied the allegation that they were instrumental in preventing holding or press conference by Mr. Ram Gopal Verma thereby violated his right of freedom of expression. He has requested the Council to dismiss the complaint against their hotel.

Reply of Commissioner of Police, Vijayawada

Shri Ch. D. Tirumala Rao, IPS, Commissioner of Police, Vijayawada City vide his reply dated 7.6.2019 has submitted that the Director, Sri Ram Gopal Verma posted a message on twitter expressing his interest to conduct a Press meet on 28.4.2019 at NTR circle of Pipula Road Center, on release of his file "Lakshmi's NTR" and openly invited NTR fans, media and public at large to attend the said press meet. Prohibition orders under Section -30 of Police Act, Section 144 Cr.P.C. were in promulgation and

more importantly the Election Model Code of Conduct was in -force in Vijayawada city police commissionerate jurisdiction. He has also submitted that no prior permission for this open press meeting was taken from Vijayawada city police. Further, the Pipula Road center is located on busiest Vijayawada-Hyderabad inner ring road and any slight blockade would result in serious traffic issues hampering emergency services like fire, ambulance etc. He has also informed that on the same day the Government of India (Ministry of Communications & IT dept.) entrance examination was scheduled from 9am to 5pm at IBM Junior College, at Pipula Road. The announced press meet at 4pm was taken to cause disturbance to the examination. According to the respondent as per reliable sources of information, it came to light that the proposed press meet program on NTR biopic was likely to cause clashes between two political groups resulting in breach of peace and serious law and order tensions in Nunna PS area, posing threat to public and private properties. He has also submitted that it is evident that police neither caused unfair restriction on freedom of expression not curtailed freedom of the press, imposing pre-censorship. Keeping in view of the ongoing Election process and connected dynamics, very few reasonable restrictions were made, in the interest of the public order and peace in the society.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 20.8.2019 at New Delhi. While Shri K. Amarnath, former Member, Press Council of India appeared on behalf of the journalists, the Government of Andhra Pradesh represented by Ch. Vijaya Rao, IPS, LEO-II, Vijayawada Commissionerate.

The alleged act of the Govt. of Andhra Pradesh in preventing a film Director and Producer to hold the press conference is the subject matter of this suo-motu inquiry.

It is alleged that the hotel cancelled the booking which was made for holding the press conference and another hotel did not allow the press conference to be held. Replies have been filed by the two hotels and they have denied the aforesaid assertion. Further reply has been filed by the Police Commissioner indicating the circumstances under which the prohibitory order was passed.

The Inquiry Committee takes note of the aforesaid assertion and drops the proceeding.

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 Inquiry Committee and decides to drop the proceedings.

PRESS COUNCIL OF INDIA

S.No. 11

F.No.13/105/18-19-PCI

<u>Complainant</u>	<u>Respondent</u>
Smt. T.R. Rizvi, Publisher, TrigutDainik/Adab Times, Gonda (U.P.)	The Director, Information & Public Relations Department, Government of U.P., Lucknow (U.P.)

Adjudication dated 15.11.2019

This complaint dated 26.9.2018 was filed by Smt. T.R. Rizvi, Publisher, Trigut Dainik and Adab Times, Gonda (U.P.) against the Information & Public Relations Department, Government of Uttar Pradesh, Lucknow for non-payment of advertisement bills. According to the complainant, they published advertisements issued by the respondent-department through various advertising agencies but the respondent has not paid the advertisement bills amounting to Rs.2,03,275/- for Trigut Dainik and Rs.1,45,193/- for Adab Times. The complainant further stated that due to non-payment of the bills they are facing financial crisis. She has requested the Council to direct the respondent for releasing the payment.

A copy of the complaint was forwarded to the Director, Information & Public Relations Department, Government of U.P., Lucknow vide Council's letter dated 22.10.2018 for necessary action. In the absence of any reply, a reminder dated 25.03.2019 was issued to the respondent for apprising action taken in the matter.

Reply

The respondent-Information Director, Information & Public Relations Department, Govt. of U.P., Lucknow vide his letter dated 20.8.2019 informed that the advertisements were issued through various agencies to the newspapers and many advertisement bills have been paid. The respondent further stated that on availability of the budget, payment of pending advertisement bills will be released.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. Shri Syed Abbas, Manager, Trigut Dainik/Adab Times appeared on behalf of the complainant. The respondent was represented by Shri Dinesh Kumar Gupta, Director, U.P. Information Centre, New Delhi.

Mr. Dinesh Kumar Gupta, Director, Delhi Office of the U.P. Information Department states that all admissible dues of the complainant shall be paid by 30th of November, 2019. In view of the aforesaid assurance, the Inquiry Committee is not inclined to proceed in the matter any further.

However, it makes it clear that in case the payment as assured is not given to the complainant, she shall have liberty to file application for revival of the complaint.

The Inquiry Committee recommends for disposal of the complaint with the aforesaid observations.

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 Inquiry Committee and decides to dispose of the complaint.

PRESS COUNCIL OF INDIA

S.No. 12

F.No.13/40/Suo-Motu/19-20-PCI

Suo-motu cognizance with regard to attack on journalist, Shri Amit Sharma by the cops of Government Railway Police in Shamli (U.P.)

Adjudication dated 15.11.2019

The Press Council of India has come across the news item published in Indian Express in its issue dated 13.6.2019 under the caption "UP cops lock up reporter, beat him unconscious:FIR".

It has been reported in the impugned news item that Station House Officer and a constable have been suspended for allegedly assaulting a journalist in Shamli Tuesday i.e. on 11.6.2019. Shri Rakesh Kumar, the SHO of Government Railway Police (GRP), Shamli and Constable Shri Sanjay Pawar faced action after a purported video of them attacking the journalist, Shri Amit Sharma of News 24, became public. According to the news report, Shri Sharma, who was covering the derailment of a goods train, claimed he was stripped and beaten up by police officers at Shamli GRP Station, and also alleged that an officer urinated in his mouth. Shri Sharma claimed that around 9 pm Tuesday, two wagons of a goods train had derailed in Dhimanpur, following which police and a few media persons reached the spot. Shri Sharma claimed that journalists were asked to leave. "We were standing next to the tracks. The policemen told us we should have our 'pattas' (ID) around our neck. An argument ensued after that. The SHO smacked his camera away and started hurling abuses. Other media persons were also injured. He was taken to the police station, where they took off their belts and hit him. One of the police officers also urinated on his mouth, it was traumatic. According to Shri Sharma the police officers were annoyed with him over a story he had done last month. "A story on May 11 was aired in channel regarding an alleged corruption circle involving police officers from the particulars station. The story highlighted how despite having no permissions for vendors in goods train, police were allowing them to operate after taking a hefty cut. The SHO knew about the story and it made him angry to see me at the spot, who has been a reporter with News 24 for the last four years." It is also reported in the impugned news item that Shri Sharma alleged in the FIR that the policemen held him at gunpoint and threatened him as the argument

escalated. He claimed that he was beaten till he fainted, and almost Rs.2700 and a watch were stolen allegedly by the officers.

While taking suo-motu cognizance of the matter, Notices for Statement in Reply were issued to the Government of U.P. through its Chief Secretary, Secretary, Home (Police) Department, Director General of Police, Senior Superintendent of Police, Government Railway Police, Shamli on 13.6.2019 and Hon'ble Chairman had also constituted a Fact Finding Committee comprising of Shri Jaishankar Gupta and Shri Uttam Chandra Sharma, Members to inquire into the incident.

Reply received from the Addl. Superintendent of Police

Shri Chiranjivi Nath Sinha, Additional Superintendent of Police (Law & Order), Office of the Director General of Police, U.P., Lucknow vide his letter dated 18.7.2019 has forwarded a copy of the letter dated 27.6.2019 of Shri Krishan Kant Shukl, Deputy Superintendent of Police Railway, Lucknow along with report dated 26.6.2019 of Deputy Superintendent of Police Railway, Moradabad. It has been stated in the report that the Inspector-Shri Rakesh Kumar and Constable-Shri Sanjay Kumar have been suspended with immediate effect. In this regard, a case No.05/19 under Section 323/504/364/392/342 of IPC has been registered in Police Station-GRP Shamli against (1) Shri Rakesh Kumar, Inspector (2) Shri Sunil Kumar, Constable (3) Shri Sanjay Kumar, Constable and (4) Shri Tinku Kumar, Constable. The matter was investigated by the Inspector In-charge, Police Station-GRP Saharanpur. He has further informed that as per direction of Additional Director General of Police, Crime, U.P., Lucknow, the case has been transferred to the District Shamli.

Communication received from Shri Amit Sharma

The affected journalist, Shri Amit Sharma vide his letter dated 21.8.2019 has informed that he is being threatened and pressurized for compromise. He has further informed that he wrote to the DGP in this regard but no action has been taken by him as no accused has been arrested as yet. He has requested the Council to take necessary action in the matter.

Reply of Government Railway Police, U.P.

Shri Sanjay Singhal, Addl. Director General of Police Railway, Government Railway Police, Lucknow vide his letter dated 22.8.2019 has informed that an Investigation Report dated 16.8.2019 has been received

in the matter from the Superintendent of Police, Railway, Moradabad wherein it has been stated that on the complaint of Shri Amit Sharma, case No.05/19 dated 12.6.2019 under Sections 323/504/364/392/ 342 of IPC registered in Police Station-GRP Shamli against (1) Shri Rakesh Kumar, Inspector (2) Shri Sunil Kumar, Constable (3) Shri Sanjay Kumar, Constable and (4) Shri Tinku Kumar, Constable. It has been further stated that Shri Rakesh Kumar, Inspector and Shri Sanjay Panwar have been suspended. It has been informed that on the direction of Additional Director General of Police, Crime, U.P., Lucknow, the case has been transferred to District Shamli.

Reply of Investigating Officer, Shamli

Shri Sushil Kumar Dubey, Inspector/Investigating Officer, Crime Branch, Shamli vide his letter dated 21.8.2019 has informed that a report of the incident was received from the Circle Officer/Investigating Officer, Shamli. It has stated in the Report that on the complaint of Shri Amit Sharma regarding manhandling, kidnapping and snatching a case No.05/19 under Sections 323/504/364/392/342 of IPC registered in Police Station-GRP Shamli against Shri Rakesh Kumar, Inspector and others. Primary investigation in the matter was done by Shri Virendra Singh, SI, GRP. Thereafter, from 13.6.2019, the matter was investigated by Shri Rashid Ali, Inspector Incharge, Police Station GRP, Saharanpur, who found that on receiving the information of derailment in Shamli, Shri Rakesh Kumar, Inspector along with staff reached there. In the meantime, Shri Amit Sharma was also present there for covering the incident. On stopping him, Shri Amit Sharma started using abusive language against Shri Rakesh Kumar and also pushed the police force. Therefore, Shri Amit Sharma was arrested under Section 34 Police Act and was taken to Police Station. A sum of Rs.3,670/-, two ATM cards and three mobiles were recovered from him, which were returned to him on releasing him on bail.

He has further informed that on the direction of Additional Director General of Police, Crime, U.P., Lucknow, the investigation was started by him on 25.06.2019 and during the investigation the allegation under Sections 392/364/342 could not be proved, however, the allegation under Sections 323/504/506 of IPC found true and accordingly, he had sought sanction of the prosecution of the accuses from the DIG Railway, Lucknow. The matter is under investigation.

Report of the Fact Finding Team of PCI

The Fact Finding Team visited Shamli on 15.6.2019 and met with the victim-Journalist, Shri Amit Sharma, press organisations and higher officers of the district administration and Railway Police Force. It has been stated in the report that the SHO of GRP Police Station, Shri Rakesh Kumar and Constable S/Shri Sanjay Panwar and Sunil Kumar have been suspended and a case under Sections 323/504/506/364/392/342 filed against them and Shri Tinku Kumar, which is under investigation. Since no accused was arrested, the press organisations demanded to investigate the incident through CBI or Special Investigation Team. The Fact Finding Committee while concluding that action of the GRP police officials against the journalist could not be declared legal, has suggested there is a scope of improvement in conduct of the Railway police. The Fact Finding Committee has also recommended for providing the security to the victim journalist, Shri Amit Sharma.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 21.8.2019 at New Delhi. The affected journalist, Shri Amit Sharma appeared along with witnesses S/Shri Pankaj Kumar and Pankaj Malik. Shri Sushil Kumar Dubey, Inspector/Investigating Officer and Shri Ram Lakhan Mishra appeared on behalf of Government Railway Police, Shamli.

The assault of journalist, Shri Amit Sharma by the Police personnel of the Government Railway Police Station is the subject matter of this Suo-Motu inquiry. Seeing the gravity of the matter, the Chairman of the Council appointed a two member Fact Finding Committee consisting of its two members namely; Mr.Jaishankar Gupta and Mr.Uttam Chandra Sharma.

Mr. Amit Sharma is present and he explains to the Inquiry Committee the manner in which he was assaulted and harassed by the Police personnel of the Government Railway Police. Mr.Sushil Kumar Dubey, Inspector, Crime Branch states that on the basis of the report given by the journalist, Shri Amit Sharma himself, a case was registered with the GRP Police, Shamli and he had investigated the case. He further states that during the course of investigation, the allegation of assault under Section 323 and other provisions of the Indian Penal Code was found to be true and accordingly, he had sought sanction of the prosecution of the accused person from the DIG Railway. He further states that he is awaiting the order of the DIG and immediately after the sanction is received, he will file

the charge-sheet in a Court of law for prosecution of the accused person found guilty during the course of investigation. The Inquiry Committee takes note of the aforesaid submission of Mr. Dubey and drops the proceedings.

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 Inquiry Committee and decides to drop the proceedings.

PRESS COUNCIL OF INDIA

S.No.13

F.No.13/25/17-18-PCI

Suo-motu cognizance with regard to Police assault on journalists in Kolkata on 22.5.2017

Adjudication dated 15.11.2019

A former Member, PCI vide his email dated 24.5.2017 has informed the Council that the Police have beaten up journalists in Kolkata while they were covering a rally on 22.5.2017. He has stated that the action of the Police is an attack on the freedom of the Press.

It has been reported in the relevant news reports that several journalists, reporters, photographers and videographers covering the left front's agitation suffered injuries allegedly after being beaten up by Policemen and some had to be admitted to hospitals following tear gas shells thrown around them. It has been further reported that women journalists were also targeted as they were abused by the Police personnel on duty. The Kolkata Joint Commissioner said later that they have started an inquiry to find the Policemen guilty of assaulting journalists. The Police and the State Minister, Shri Partha Chatterjee expressed its regret for the incident. It has been also reported that the Press Club Kolkata has condemned the attacks and demanded a probe into the matter.

Shri Ras Bihari, President, National Union of Journalists, New Delhi, vide his letter dated 24.5.2017 has also condemned the incident. He has requested the Council to set up high level Committee to probe the incident.

While taking suo-motu cognizance of the matter, a Report on Facts of the case along with Reply Statement was called for from the Government of West Bengal on 25.5.2017.

Report of Government of West Bengal

Shri D. Guhathakurata, IAS, Commissioner, Government of West Bengal, Howrah vide his letter dated 17.11.2017 has forwarded a copy of the Report dated 9.8.2017 of Deputy Commissioner of Police (South Division), Kolkata wherein it has been informed that on 22.5.2017, a procession comprising about 6000 supporters of the Left Front Party under the aegis of Shri Anadi Sahoo, Shri Biman Bose, Shri Surya Kanti Mishra, Shri Rajib Biswas and others arrived at R R Revenue in connection with the Nabanna Avijan. Some unknown person also along with some media

personnel blocked the Mayo Road and Duffer in thus suspended movement on the road for about twenty minutes. Enquiry also affirms that the aforesaid unknown people posing as media personnel were not wearing the requisite Press ID Card or Jacket for clear identification at the spot. The Police officials asked these unknown persons to submit their formal complaints/FIR over their grievances. When they refused to yield or move from the spot, the Police personnel tried to clear the area and pushed them to make them move and clear the traffic snarl. The irate protestors retaliated by assaulting the on-duty police personnel. Ultimately, the unknown people and media persons were dispersed from the spot and blocked crossing was cleared to ease vehicular movement. It is clear from the enquiry that along with unknown protestors, some media personnel had also committed the offences of unlawful assembly, obstructing public thoroughfare and restraining public servants from discharging their duties. The matter refers to Maidan Police Station Case No.78/17 dated 23.5.2017 Under Section 143/149/188/283/332/353 IPC. Investigation of the case is in progress.

Vide Council's letter dated 31.5.2018, Government of West Bengal requested to intimate present status of the case.

In response thereto, Deputy Secretary to Govt. of West Bengal, Home & Hill Affairs Department, Howrah vide his reply dated 3.10.2018 has informed that all the three cases, as registered in 2017 under Maidan Police Station, Kolkata, in connection with the incident of alleged assault on some journalists by police in Kolkata on 22.5.2017, are still under investigation. He has furnished a copy of the memo from the Office of the Commissioner of Police, Kolkata.

The matter was first heard by the Inquiry Committee on 28th May, 2019. Senior counsel appearing on behalf of the State Govt. of West Bengal states that no media person was assaulted intentionally or otherwise. This is controverted by Mr. K. Amarnath, Former Member, PCI and states that assault on media persons, in fact has been admitted by the Minister in a statement in the Assembly. The Inquiry Committee asked Mr. K. Amarnath to produce material to show that media persons were assaulted. With the direction, the Inquiry Committee adjourns the matter.

The matter again came up for hearing before the Inquiry Committee on 8.7.2019 at Patna.

Mr. Amarnath, former Member, Press Council of India has handed over certain papers to the Senior Counsel, Mr. Raja Chatterjee representing

the State Government of West Bengal. He prays for time to take instructions.

The Inquiry Committee drew the attention to a letter dated 24 June, 2019 of the Commissioner of Police wherein he has stated as follows:

“In reference to the above on the subject cited, this is to inform that a hearing on the same & identical matter has already been attended by the Kolkata Police at Press Council of India, New Delhi on 28.5.2019. Now, the intent of issuance of such notice again is not understandable to this office. As a result, it is difficult for us to collect relevant information pertaining to the case to be furnished during the hearing.”

When the matter was heard by the Inquiry Committee on 28th May, 2019, the Senior Counsel representing the State Government of West Bengal stated that no media person was assaulted intentionally or otherwise, which was controverted and in order to give opportunity, the case was adjourned. This order was passed in the presence of the officers and the Counsels for the State of West Bengal. The Commissioner of Police ought to have understood the purpose of today’s hearing. If he is unable to understand he has to blame himself for that. The Inquiry Committee is of the opinion that if such simple matter he cannot understand, it is for the Government of West Bengal to consider the continuance of such a person as Commissioner of Police. The Inquiry Committee says no more in the matter and adjourns the case.

Mr. Chatterjee states that for the inappropriate language used in the letter dated 24th June 2019 addressed to the Under Secretary to the Press Council of India, the Commissioner will express regret and send an unconditional apology.

With the aforesaid observations, the Inquiry Committee adjourned the matter.

Reply of Commissioner of Police, Kolkata

The Commissioner of Police, Kolkata vide his letter dated 11.9.2019 has stated that the Kolkata Police hold the PCI in high esteems and respects the constitutional and statutory mandate of the Council. To that end, the Representative attended the hearing. According to him, the letter dated 24.6.2019 was issued by him to the Under Secretary, PCI in good

faith for collecting relevant information/documents pertaining to that case for taking necessary preparation to attend the hearing. He has stated that it was not within his personal knowledge. He has also stated that the Kolkata Police will co-operate fully in further proceeding of the instant matter and shall take all precautions to avoid recurrence of such instances in future.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.10.2019 at Jaipur. The respondent-Government of West Bengal is represented by Dr. B. Varun Chandra Sekhar, Deputy Commissioner of Police, Detective Department, Kolkata Police and Ms. Astha Sharma, Advocate.

The alleged assault on the journalist in the city of Kolkata is the subject matter of this suo motu inquiry. By letter dated 3rd October 2018, the Deputy Secretary to the Government of West Bengal in the Department of Home and Hill Affairs has communicated to the Council that "the incident of alleged assault on some journalists by Police in Kolkata on 22.5.2017 are still under investigation". Today, Dr. B Varun Chandrashekher, the Deputy Commissioner, Kolkata Police along with the Counsel, Ms. Astha Sharma appears on behalf of the respondent. Mr. Chandra Shekhar states that investigation of the case is almost complete and final report shall be submitted within 30 days. The Inquiry Committee is not satisfied with the manner the investigation has been kept pending. However, in view of the assurance given by the Deputy Commissioner, the Inquiry Committee is not inclined to proceed in the matter any further. However, the Inquiry Committee would like to **Caution** the Government of West Bengal that in case, the final report is not submitted within the time assured, further action shall be taken. The result of the investigation be forwarded to the Council.

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

Held

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

Press Council of India

S.No. 14

F.No.13/133/18-19-PCI.

Suo-motu cognizance with regard to alleged misbehaviour with the journalist of The Hindu.

Adjudication dated 15.11.2019

The Press Council of India came across a news item appeared in The Hindu titled "**I was pushed out of Azad Maidan**" sub-titled "**the Hindu journalist describes how police refuse to let him cover protest**". The reporter narrated the story as follows:

"I wasn't supposed to be a part of this story. It was 10 p.m. on what appeared to be a regular work day. Just before I wound up, I decided to make a quick trip to Azad Maidan, where a protest was in progress against the proposed oil refinery in Ratnagiri's Nanar village. I had got wind of a potential stand-off between police and protesters, and decided to head there. As I entered the main gate of Azad Maidan, which faces the Brihnmumbai Municipal Corporation headquarters, a police officer stopped me in my tracks and asked to check the bag I was carrying. I showed him the bag, told him I was a journalist, and showed him my State government accreditation card. The word 'journalist' appeared to have triggered him. He grabbed my shoulder and said I could not enter the ground. Surprised, I asked him why. "Don't ask questions. Do what I tell you. Journalists are not allowed," he said. I quickly checked his identity Jagnath Ganage, Sub-Inspector, Azad Maidan Police Station. I tried reasoning with him, but he pushed me with both hands and began to raise his voice: "Do not ask questions, just go away." Four constables and another sub-Inspector rushed to Mr. Ganage's side. Things soon turned physical. Mr Ganage pushed me out of the main gate, telling me that no one apart from protesters was allowed there.

The Council took suo-motu cognizance of the matter and issued Notices for Statement in Reply were issued to the Government of Maharashtra on 29.11.2018 followed by a reminder dated 8.4.2019.

Report filed by Deputy Commissioner of Police, Mumbai

Shri Sangramsinh Nishandar, Deputy Commissioner of Police, Zone-I, Mumbai vide his report dated 20.8.2019 has submitted that on 27.11.2018 there was a large crowd gathered in Azad Maidan due to

agitation by four different organizations. Shri Jagannath Ganage, Sub-Inspector and Shri Malhari Kokre, Assistant Police Inspector along with staff of Azad Maidan Police Station had been there for Bandobast of crowd. According to him, as per the orders of Hon'ble High Court of Bombay, agitators were allowed to agitate till 6:00 p.m. in Azad Maidan. Accordingly, agitators were leaving the ground but, activists of Computer Operator Organization, Maratha reservation and organization of opponent of Nanar Project were sitting on the ground and refused to leave the ground until their demands are accepted. After negotiations, the agitators of all the organizations agreed and went out of the ground. However, some leaders tried to provoke the protesters not to leave the ground and started influencing them. To ensure law and order situation senior officers ordered that no agitator or other persons should allowed to enter the ground. Accordingly, Bandobast Incharge, Shri Jagannath Ganage, PSI started implementing and the entry of people going inside was stopped. He has further submitted that at around 22:30 hrs, one person hurriedly tried to enter the ground. When Shri Ganage stopped him, he started running inside the ground. He disclosed his identity that he was a journalist, Shri Deshpande from The Hindu and asked Shri Ganage "Whose order is this? If you have orders, show me in written". Shri Ganage said that he has oral orders of seniors and he is performing his duty. As a result, the journalist got angry with Shri Ganage and registered a complaint against him. The respondent has stated that other reporters were also present at that time but they did not have any kind of complaint against him. He has further stated that the complaint seems to be made in anger and Shri Ganage, PSI has not done any kind of misbehavior with journalist of The Hindu and he has done his duty to control law and order. According to the respondent, they did not have any intention to stop any reporter from covering the event at Azad Maidan and Mumbai Police are always respect to the fundamental rights of freedom of expression and freedom of press.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.10.2019 at Jaipur.

A news story published in the Hindu with the heading "I was pushed out of the Azad Maidan" is the subject matter of this suo motu inquiry. Mr. Jagannath Ganage, Sub Inspector of Azad Maidan Police Station is present. From the news story and the Report of the Deputy Commissioner as also from the statement of Mr. Ganage, it is an admitted position that

the journalist, Mr. Deshpandey was stopped from covering the incident at Azad Maidan. As explained by Mr .Ganage he was ordered by the senior officer not to allow any agitator or other person to enter the ground. It is so stated in the report of the Deputy Commissioner of Police. In the opinion of the Inquiry Committee, while regulating the entries, the Police Officers should bear in mind and make distinction between an agitator and a journalist. They are expected to allow a journalist to cover the story and the journalist cannot be stopped from visiting the place to cover a story. In this case, the Police Officers have not kept in mind this distinction.

Accordingly, the Inquiry Committee disposes of the complaint with an observation that the Police Officers while dealing with the journalist should be more careful and do not do any act which impair their rights.

The Inquiry Committee recommends for disposal of the case with the aforesaid observations.

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 Inquiry Committee and decides to dispose of the case with aforesaid observations.

Press Council of India

S.No.15

F.No.13/177/18-19-PCI

Suo-motu cognizance with regard to thrashing of a journalist by BJP Workers in Chhattisgarh

Adjudication dated 15.11.2019

The Press Council of India has come across various news reports regarding thrashing of a journalist by the BJP workers in Chhattisgarh.

It is reported that four BJP functionaries, including the Raipur District Unit Chief, were arrested for allegedly thrashing Shri Suman Pandey, a local journalist at the party office. BJP's Raipur District President, Shri Rajeev Agrawal and three local office-bearers, S/Shri Vijay Vyas, Utkarsh Trivedi and Deena Dongre were arrested based on the FIR lodged by Shri Suman Pandey. These four person, who were booked under Indian Penal Code Sections 342 (wrongful confinement), 323 (voluntarily causing hurt), 504 (criminal intimidation) and 34 (common intention), were released from the police station on a bail bond. According to the news reports, Shri Pandey who works with a digital news portal The Voices, in his FIR alleged that he was thrashed on 02.02.2019 when he was recording a video of a scuffle among BJP leaders during the party's district-level meeting to review their defeat in the recent Chhattisgarh Assembly polls. It is also reported that the journalist sustained minor head injuries in the incident. The local journalists sat on an indefinite protest in front of the Raipur Press Club in Motibagh and demanded expulsion of the accused from the BJP. It is also reported that Chhattisgarh BJP spokesperson, Shri Sacchidanand Upasane, who was present in the meeting said that the party has apologised to Mr. Pandey and also added that it was a closed door district level meeting to review the defeat in recent assembly elections and journalists were asked to leave the meeting room after taking initial footage.

The Raipur Press Club vide its letter dated 8.2.2019 also drew the attention of the Council towards the incident.

Notices for Statement in Reply were issued to the Director General of Police, Chhattisgarh and the State President, BJP, Raipur on 11.2.2019 followed by a reminder dated 18.7.2019.

Reply filed by Dy. Inspector General of Police, Chhattisgarh

The Deputy Inspector General of Police, Police Headquarter, Chhattisgarh, Raipur vide his reply dated 30.8.2019 has submitted that the matter regarding manhandling with the journalists in the compound of BJP Office was investigated by the Superintendent of Police, Raipur. According to the report received from the Superintendent of Police, Raipur, a Case No.23/19 under Section 342/506/323/34 IPC has been registered in Police Station Mohadpara on the report of Shri Suman Pandey, Reporter. The medical examination of the Reporter was conducted, wherein nature of the injury was found to be normal. It has been further stated that the accused, S/Shri Utkarsh Trivedi, Rajiv Kumar, Vijay Vyas and Dina Dongre were arrested on 2.2.2019 and a Challan No.16/19 dated 14.2.2019 has been prepared and produced before the Hon'ble Court on 4.4.2019.

The Deputy Inspector General of Police, Police Headquarter, Chhattisgarh, Raipur vide his further reply dated 24.9.2019 has informed that Shri Suman Pandey, Journalist was covering the meeting of BJP held on 2.2.2019 at BJP Office compound. During this, Shri Rajiv Agrawal, District President of BJP asked for his identity and also asked to delete the videos of the meeting from his mobile. On the refusal, there was a scuffle between BJP workers and Shri Pandey, in which Shri Pandey suffered a minor injury above his right eye. It has been further stated that on the report of Shri Suman Pandey, a case No.23/2019 under Section 342/506/323/34 IPC has been registered against S/Shri Rajiv Agrawal, BJP District President, Vijay Vyas, Utkarsh Trivedi, Dina Dongre and other BJP workers. The medical examination of the Reporter was conducted, wherein nature of the injury was found to be normal. It has been further stated that all the accused were arrested on 2.2.2019 and a Challan No.16/19 dated 14.2.2019 has been prepared and produced before the Hon'ble Court on 4.4.2019.

Reply of SHO, Modahapara

The Station House Officer, Police Station-Modahapara, Raipur vide letter dated 23.10.2019 has reiterated the Report submitted by Dy. Inspector General of Police, Raipur.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.10.2019 at Jaipur. There was no appearance on behalf of the respondents.

The alleged assault on a journalist by the members of the BJP at Raipur is the subject matter of this suo motu inquiry. A Report has been submitted by the Deputy Inspector General of Police, Raipur in which it has, *inter alia*, been stated that one Shri Suman Pandey, a journalist was assaulted by BJP office bearer and others and after investigation on the report given by the journalist, charge sheet had been submitted against District President of the Party, Mr. Rajeev Agarwal and other office bearers and members of party under Sections 342, 506 and 323 and 34 of the Indian Penal Code.

In view of the aforesaid, the Inquiry Committee is not inclined to proceed in the matter any further and drops proceedings 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 Inquiry Committee and decides to drop proceedings in the matter.

PRESS COUNCIL OF INDIA

S.No.16

F.No.13/95/19-20-PCI

Communication received from Indian Journalist Union, New Delhi regarding death of Shri Chakresh Jain, Journalist in Sagar (M.P.)

Adjudication dated 15.11.2019

Shri G. Prabhakaran, Secretary General, Indian Journalist Union, New Delhi vide letter dated 21.6.2019 has drawn the attention of the Council towards the death of a journalist under suspicious circumstances, who was working with a Hindi daily at Shahgarh Town near Sagar, Madhya Pradesh on the night of June 19, 2019. He has informed that the victim journalist, Shri Chakresh Jain was found dead with 90% burns and the family members of the deceased journalist alleged that one Shri Aman Choudhary, an official of Janpad Panchayat and his accomplices murdered him. Shri Aman and his men poured petrol on Shri Chakresh Jain and set him on fire", said his brother Shri Raj Kumar Jain. Shri Choudhary is also in hospital with burn injuries. He has requested the Council to conduct an inquiry into the brutal murder of the journalist.

Notices for Comments were issued to the Government of Madhya Pradesh on 25.7.2019.

Comments

The Superintendent of Police, Sagar vide his reply dated 14.8.2019 has informed that the matter was investigated by the Sub-Divisional Officer (Police), Banda, District Sagar, who in his report dated 9.8.2019 has submitted that on the complaint of Shri Munna Lal Valmik, a case No.26/19 dated 19.6.2019 under Section 174 has been registered and body was sent for post-mortem. It has been further stated that the reason of death was mentioned by the doctor in his post-mortem report that "due to combined effect of asphyxia and shock as a result of extensive ante mortem burn".

According to the respondent, earlier Shri Aman Choudhary filed a case No.211/15 under Section 294/384 IPC and SC/ST Act against Shri Chakresh Jain, which is pending consideration before court of law.

The respondent has further submitted that the journalist, Shri Chakresh Jain with a bottle of petrol reached the house of Shri Aman Choudhary on 19.6.2019, where a dispute occurred between them. A fire

scare incident occurred on both sides, in which Shri Aman Chaudhary and Shri Chakresh Jain were burnt on the fire. In this regard, Shri Aman Chaudhary filed a case No.177/19 under Section 307 IPC and SC/ST Act against Shri Chakresh Jain.

The respondent has stated that during the investigation of case No.26/19, it was found that the journalist died by burning and after findings, a case No.181/19 under Section 304 IPC was registered in Police Station Shahgarh against the accused, Shri Aman Chaudhary. Accordingly, Shri Aman Chaudhary was arrested and produced before the Hon'ble Court on 2.8.2019. He has informed that the matter is under investigation.

Shri Amit Sanghi, Superintendent of Police, Sagar vide his letter dated 23.10.2019 while reiterating his Report has submitted that on 2.8.2019 the accused Aman Chaudhary was arrested and produced before the Court. He further stated that an information was received from the District Public Relations Department, Sagar that there is no accredited journalist from Shahgarh Tehsil.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.10.2019 at Jaipur. While there is no appearance on behalf of the complainant, the respondent-Government of M.P. is represented by Shri Rajesh Vyas, Additional Superintendent of Police, Sagar, M.P.

The Council took suo motu cognizance when it was brought to its Notice by Shri G Prabhakaran , Secretary General, Indian Journalist Union vide its letter dated 21.6.2019 about the death of one journalist working with a Hindi daily at Shahgarh Town. The Report was called for from the Government of the Madhya Pradesh and the Superintendent of Police, Sagar has submitted its report dated 14.8.2019, *inter alia*, stating that during the course of investigation, it was found that the journalist died by burning. Accordingly, one Shri Aman Chaudhary was arrested and produced before the Court. Mr. Rajesh Vyas, Additional Superintendent of Police, Shahgarh states that now after investigation, the police has submitted the charge sheet against said Aman Chaudhary. It is recorded that the crime committed by Aman Chaudhary has nothing to do with the journalistic activities of Mr. Chakresh Jain.

As the police has submitted the charge sheet after the investigation on 18.8.2019 no useful purpose shall be served to keep the same pending.

The Inquiry Committee, accordingly, recommends for disposal of the complaint.

Held

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