

**Press Council of India**

**Index of the Adjudications rendered by the Council in its Meeting held on 17.3.2016**

**Complaints by the Press**  
**Section-13**

**Inquiry Committee-II Meeting held at Guwahati, Assam December 9-10, 2015**

1. COMPLAINT OF ASSAM PRESS CORRESPONDENTS, UNION ON BEHALF OF SHRI SUNJIT KUMAR RAY, ASOMIYA PRATIDIN VS. CRPF JAWAN & POLICE.(13/180/14-15)
2. Complaint of Shri Amresh Kumar Singh, Publihser/Editor, Amit Lekh, Patna against the Respondents 1) Shri Neeraj Narayan, Trainee D.F.O. Valmiki Byagr Project, 2) Shri Animesh Prashar, Circle Officer, Baggha, 3) Superintending Engineer, Top Work Zone Irrigation Department, Bihar. (13/152/13-14)
3. COMPLAINT OF SHRI DHARMENDER SINGH, PURNIA DIVISION BUREAU, KEWAL SACH & SACH TIMES, KISHANGANJ (BIHAR) AGAINST EXECUTIVE OFFICER, MUNICIPAL COUNCIL KISHANGANJ, PANTA (BIHAR). (13/115/14-15)

**Inquiry Committee-II Meeting held at New Delhi on January 4, 5 & 6, 2016**

- 4 COMPLAINT OF SHRI SATISH KUMAR ARYA, PUBLISHER/OWNER, PREMWANI, SAHARANPUR (U.P.) AGAINST THE ASSISTANT REGISTRAR FARM AND SOCIETY, SAHARANPUR (U.P.) (13/91/14-15)
5. COMPLAINT OF SHRI DHIRENDER ASWASTHI, OWNER/PUBLISHER, VISHWADHARM KALYAN, LAKHIMPUR KHERI (U.P.) AGAINST SHRI NITISH KUMAR, IAS, CHIEF DEVELOPMENT OFFICER, LAKHIMPUR KHERI (U.P.). (13/28/15-16)
6. COMPLAINT OF SHRI ARUN KUMAR DWIVEDI, EDITOR, NARI SAMVEDANA, LUCKNOW (U.P.) AGAINST TEHSILDAR, SINGHAULI, SITAPUR (U.P.) AND OTHERS. (13/105/14-15)
7. SUO MOTU COGNIZANCE W.R.T. ATTACK ON THE OFFICE AS WELL AS ON JOURNALISTS/WORKERS OF HINDUSTAN NEWSPAPER AT LUCKNOW AND INACTION OF POLICE. (13/103/15-16)
8. SUO MOTU COGNIZANCE REGARDING ATTACK ON A JOURNALIST SHRI DEEPAK MISHRA IN KANPUR (U.P) (13/54/15-16)
9. COMMUNICATION RECEIVE FROM THE NETWORK OF WOMEN IN MEDIA, INDIA REGARDING REPORTED GANG-RAPE OF WOMAN JOURNALIST IN MIRZAPUR, U.P. (13/195/13-14)
10. COMPLAINT OF SHRI HARJEET DUA, FREELANCER, DELHI AGAINST THE INFORMATION & PUBLICITY DEPARTMENT, GOVERNMENT OF NCT DELHI.(13/51/15-16)
- 11 COMPLAINT OF SHRI GOPI PRASAD, EDITOR, SASHAKT BUDNDELKHAND AGAINST ANTI SOCIAL ELEMENTS. (13/13/15-16)
12. SUO-MOTU COGNIZANCE W.R.T. THEAT TO JOURNALIST/MEDIA BY U.P. MINISTER (13/96/15-16)

13. SUO-MOTU COGNIZANCE WR.T. MURDER OF A T.V. JOURNALIST SHRI HEMANT YADAV BY UNKNOWN MISCREANTS. (13/129/15-16)

**Inquiry Committee-I Meeting held on February 15<sup>th</sup>, 16<sup>th</sup> & 17<sup>th</sup>, 2016 at Belgaum, Karnataka**

14. COMPLAINT OF SHRI M.B. GAJARAJ, JOURNALIST, VELLORE (T.N.) AGAINST TAMIL NADU POLICE. (13/117/14-15)
15. Complaint of Shri T. Krishnamurthy Raju, Publisher & Editor, Amaram, West Godavari (A.P.) against Police Authority and Anti-Social Elements (13/153/13-14)
16. COMPLAINT OF SHRI K.P. MARI KUMAR, PUBLISHER, UYIROSAL, MADURAI AGAINST 1) MANAGING DIRECTOR, NEW GENERATION MEDIA CORP. (P) LTD, 2) EDITOR, PUTHIYATHALAIMURAI TV AND 3) SHRI RAMANUJAM, REPORTER, PUTHIYATHALAIMURAI TV, CHENNAI. (13/147/14-15)
17. COMPLAINT OF SHR R. RAMACHANDRA RAO, EDITOR/PUBLISHER, LOKAM POKADA, NELLORE AGAINST RNI. (13/50/15-16)

## **PRESS COUNCIL OF INDIA**

Sl. No. 1

File No.13/180/14-15-PCI

Shri Prasanta Ray, President and  
Shri Bhabesh Sarma, Secretary,  
Bongaigaon District Committee,  
Assam Press Correspondents' Union (APCU) ,  
Bongaigaon (Assam)  
on behalf of Shri Sujit Kumar Ray,  
Scribe, Asomiya Pratidin

The Directorate General,  
Central Reserve Police Force,N.D.

The Chief Secretary,  
Govt. of Assam, Assam

The Director General of Police,  
Assam Police, Assam

The Superintendent of Police,  
Bongaigaon, Assam

The Director General,  
Sashastra Seema Bal, New Delhi

The Secretary,  
Home (Police) Department,  
Government of Assam, Assam

The District Magistrate,  
Bongaigaon, Assam

The SHO  
Bongaigaon Police Station, Assam

### **ADJUDICATION**

**Dated 17.3.2016**

Shri Prasanta Ray, President and Shri Bhabesh Sarma, Secretary, Assam Press Correspondents' Union (Bongaigaon District Committee), Bongaigaon (Assam) vide their joint complaint dated 20.2.2015 had alleged that a CRPF jawan physically assaulted Shri Sujit Kumar Ray, scribe of Asomiya Pratidin of Bongaigaon edition outside the polling station campus at Bongaigaon when he was hearing the grievances of some local voters who had been deprived of casting votes on February 9. They further alleged that Shri Ray was first humiliated by an SSB jawan and then the CRPF jawan without taking order from the superiors beat him with cane and injured his hand, chest and back. According to them, this is a clear outrage of democracy and the human and professional rights of the media. They had further stated that on behalf of the injured scribe, resident-editor of the newspaper filed an FIR at Bongaigaon Police Station soon after the incident but no action had been taken by them.

A Notice for Statement in Reply dt. 19.3.2015 was issued to the respondent CRPF, SSB and Govt. of Assam.

### **Written statement**

The respondent-Addl. Director General of Police (L&O), Assam Police Headquarters, Guwahati vide letter dated 8.4.2015 furnished a copy of the Report called from the Superintendent of Police, Bongaigaon.

The Report dated 3.4.2015 of SP stated that the polling of votes to the election of the Bongaigaon Municipality Board was held on 9.2.2015 and the incident of assault on the scribe of Asomiya Pratidin took place in front of the polling station No.4 located at Bongaigaon Town High School. According to him, on that day the polling was going on peacefully and at about 1100 hrs around 50-60 people residing in the railway land under Bongaigaon PS gathered in front of the polling station and created hue and cry as their names were missing from the voter list and hence they were not allowed to cast their votes. On getting the information, ASI Shri Dulal Sarkar, the Sector Officer along with the CRPF party (Sectoral force) reached the polling station and tried to normalize the situation but the people did not listen to them. He further stated that the scribe was also with them but not wearing his ID card and he did not introduce himself to the policemen on duty as the mediator. He (the scribe) incited the agitated people and resisted police on duty. When the people forcibly wanted to get inside the polling station in order to stop the voting, police and the CRPF personnels on duty resisted them. When the reporter tried to snatch the baton of one CRPF personnel on duty, then the jawan hit him with his baton and pushed him down. Immediately, senior police official reached the spot and sent the reporter to the Bongaigaon Police Station. On getting the information, the DC, Bongaigaon arrived at the PO and sorted out the problem. Further one half section of SSB personnel was posted at the polling station on that day as Fixed Picket, but the SSB jawans were not involved in the incident of assault. The respondent submitted that on the same day, one Shri Hemanta Kr. Sharma, Editor of Asomiya Pratidin, Bongaigaon lodged an FIR at Bongaigaon PS to the effect that on 9.2.2015 one Shri Sujit Ray (Reporter, Pratidin) visited the Town High School for official duty to cover the election but the CRPF personnel obstructed him in performing his duty and severely beaten him causing grievous injury. In this connection a case in Bongaigaon PS Case No.84/15 u/s 341/326 IPC was registered. He further stated that during investigation, the I/O visited the PS and examined from the complainant and the injured Shri Sujit Kr. Ray as well as the witnesses present at the time of occurrence and recorded their statements thoroughly. The I/O collected the medical examination report of the injured where the doctor opined that "simple injury due to blunt object". The case is under investigation. According to the respondent, another FIR was lodged by ASI, Shri Dulal Sarkar (Sector Officer) of Bongaigaon PS on the same day to the effect that some unknown persons gathered in front of polling station and created hue and cry as their names were missing from the Voter List and tried to forcibly enter the polling station and obstructed performing police duty. When the CRPF jawan obstructed them to enter inside, one person tried to snatch the baton of the CRPF jawan and also tried to pull out his uniform. He also passed filthy language to the policemen on duty. Accordingly, Case No.86/2015 u/s 143, 353, 424, 29, 171-C/171-F IPC was registered in Bongaigaon PS and investigated into. During investigation, the I/O examined the complainant, some witnesses of the locality and the CRPF jawans on duty on that day. The case is under investigation and to arrest the involved accused persons as per procedure.

Another respondent Asstt. Director (Ops), Sashastra Seema Bal, M/o Home Affairs vide letter dt. 24.4.2015 informed that matter was enquired into and found no involvement of SSB jawans in the alleged humiliation of the reporter in question on 9.2.2015. Further, according to the clarification of S.P., Bongaigaon, no SSB jawans were involved in the incident. Thus, the allegations made against the SSB officers were also enquired into and found baseless and false.

Shri P.K. Sharma, DIGP (Ops-II), Directorate General, CRPF, New Delhi vide his reply dated 20.7.2015 submitted that a complaint was registered with PS Sadar, Bongaigaon by Shri Hemanta Kumar Sharma, President and Editor of Asomiya Pratidin against the CRPF personnel vide FIR No.8/15 under Section 341/326 of IPC dated 9.2.2015 and another by ASI Dulal Sarkar of Assam Police against the said reporter vide

FIR No.86/15 u/s 143/353/424/294/171-C/171-F of IPC as well. According to report of SP, Bongaigaon vide letter dt. 11.5.2015, the State police is also conducting enquiry and the case is still under investigation. Further, he submitted a Report of Police Investigation after conducting Court of Inquiry as follows:

- i) The CRPF personnel neither resorted to any force nor exhibited any type of partiality against anybody during their deployment for maintaining law and order.
- ii) Shri Sujit Kumar had manhandled the CRPF personnel on duty and even tried to snatch lathi of Section Commander of a Section of CRPF. The reporter neither displayed his photo identity card nor disclosed his identity to the Security Forces deployed there. The CRPF party however observed utmost impartiality while dealing with the mob at the polling booth.
- iii) Shri Sujit Kumar Roy, though being a reporter himself became the part of mob which was trying to enter the polling booth forcibly with the intention of interrupting the polling process. Further, no other person present in the gathering made any complaint about use of force or lathi charge by the security force.
- iv) In the complaint lodged by Shri Hemanta Kr. Sharma, Editor of Asomiya Pratidin, Bongaigaon, with the Bongaigaon PS, it was mentioned that the CRPF personnel had obstructed Shri Sujit Kr. Roy (Reporter) in performing his duty and severely beaten him causing grievous injury. But when the reporter was brought to the hospital, he was let off after a mere medical advice. Had he sustained grievous injury, he would have positively been admitted in the hospital for treatment. The reporter also could not produce any document before the Court of Inquiry to substantiate his injury.
- v) The CRPF personnel deployed for election duty on 9.2.015 performed lawful duty assigned to them. No omission on the part of section commander or any person in the party came to the notice of the Court of Inquiry. However, final police investigation report in the matter will be sent separately on completion of the investigation.

A copy each of the above Statements in Reply was forwarded to the President, Assam Press Correspondents' Union vide Council's letters dated 19.3.2015, 7.5.2015 and 10.8.2015 respectively with a request to advise the affected journalist namely, Shri Sujit Kumar to file counter comments and formal complaint with the Press Council of India but nothing has been heard from the President, Assam Press Correspondents' Union as well as from the affected journalist namely, Shri Sujit Kumar Ray but received no response.

Shri P.K. Sharma, DIGP(Ops-II) Dte. vide his undated letter has forwarded a copy of Enquiry Report of the SP, Bongaigaon, Assam dated 9 July, 2015 addressed to the Commandant, CRPF, Camp-Kukurmari, Dist.-Chirang with regard to instant matter. The report carries same content as already detailed in the written statement.

Hence, the govt. has filed its statements in reply denying any unlawful action against the reporter, the affected had not countered the same despite reminders dt. 7.5.2015 & 10.8.2015.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri Prasanta Ray, President, Assam Press Correspondents Union appeared for

the complainant. Shri Amit Kumar, DIG, Bongaigaon , Kr. Sanjit Krishna, S.P., Bongaigaon (representing DGP, Assam), Imdad Ali, Addl. S.P. (HQ), Bongaigaon, Shri Kishore Thakuria, ADC (representing DC, Bongaigaon) and Shri Dharam Benan, O/o Bongaigaon appeared for the respondents.

The Inquiry Committee heard the complainant as also the representatives of the respondents and also carefully perused the complaint and other relevant records. The Inquiry Committee has no doubt in coming to the conclusion that in the incident, Journalist, Mr. Sujit Kumar Ray succumbed to minor injury. The Inquiry Committee is further of the opinion that it was unintentional and in view of the regret and apology tendered by the CRPF and very gracefully accepted by the concerned correspondent, the Inquiry Committee is not inclined to take any further action in the matter. The Inquiry Committee recommended to the Council to dispose of the complaint accordingly.

**Held**

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **dispose of** the complaint with the aforesaid observation.

**Press Council of India**

Sl. No. 2

F.No.13/152/13-14-PCI

Shri Amresh Kumar Singh,  
Editor/Publisher,  
'Amitt Lekh', Hindi Fortnightly,  
West Champaran, Bihar

Shri Neeraj Narayan,  
Trainee D.F.O.,  
Valmiki Tiger Project,  
West Champaran, Bihar

The Chief Secretary,  
Govt. of Bihar,  
Patna

The Superintendent Engineer,  
Office of the Superintendent  
Engineer,  
Irrigation Department,  
West Champaran, Bihar

Shri Animesh Parashar,  
Circle Officer,  
West Champaran, Bihar

**ADJUDICATION**  
**Dated 17.3.2016**

This complaint dated 27.12.2013 was filed by Shri Amresh Kumar Singh, Editor/Publisher, 'Amitt Lekh', Hindi Fortnightly, West Champaran, Bihar against Shri Neeraj Narayan, Trainee D.F.O., Valmiki Tiger Project, West Champaran, Bihar alleging harassment by making a well laid at plan with the help of Local Sub-Divisional Officer, Bagha and to implicate him in a frivolous case due to publications of critical writings in his newspaper against the respondent. According to the complainant, the respondent while making an application to the Bagaha Sub-Division registered a case under section 107 Cr. P.C. against him in which the chargers framed against him that he had captured the building of Forest Department which was transferred by the Irrigation Department to the Forest Department. The complainant further stated that his editorial department is set up in the building of Irrigation Department from the time when the 21<sup>st</sup> Battalion of BSF handed over the said building to the Irrigation Department. He also stated that he had applied for the allotment of said building on 31.1.2012 before the then Executive Engineer of Department of Water Resources, Valmikinagar and expecting allotment, he started running his office in the said building on verbal orders from departmental official. He also submitted a reminder on 2.11.2012 to the Superintendent Engineer in order to draw his attention but due to his critical publications related to the misdeed in a construction under Gandak Project, the Superintendent Engineer did not clear his application while he cleared several other applications of teachers regarding allotment of the buildings. The complainant submitted that Shri Animesh Parashar, Circle Officer (who also supposed to be a Judge in a case no. 822/13 filed by Trainee DFO, Valmikinagar before the Court of SDM) called him on phone on 22.12.2013 and threatened him to vacate the editorial office else he would face serious consequences. The complainant also stated that he came to know that the SDM by changing the date of hearing from 31.12.2013 to 21.12.2013 had issued an arrest warrant in his name and in this regard he has made an application before the Sub-Divisional Court.

A Notice for Statement in Reply was issued to the respondents on 13.3.2014 for their comments.

### **Comments of Superintendent Engineer, Valmikinagar**

The Superintendent Engineer in his comments dated 28.3.2014 apprised the Council that he received a request letter from Shri Amresh Kumar Singh, Editor, Amitt Lekh for the allotment of Thana Bhawan and in this regard complainant was informed vide letter dated 2.11.2012 that he is not competent to allot the said Thana Bhawan to the complainant. He further suggested the complainant to write to the Principal Chief Secretary, Department of Water Resources in the matter. He further stated that Shri Amresh Singh had illegally occupied the Thana Bhawan for his office use and no verbal permission from any departmental officer was given to him for the use of said building as his editorial office. It is against the rules. He also denied the allegation of the complainant that his application is pending as the complainant was informed about the department's decision in respect of his application in the year 2012 itself. He therefore stated that all the allegations levelled by the complainant were beyond the fact and were baseless.

### **Comments of Shri Neeraj Narayan, the then Forest Area Officer, Valmikinagar**

Shri Neeraj Narayan, Trainee D.F.O., Valmiki Tiger Project, West Champaran, Bihar (the then Forest Area Officer, Valmikinagar) in his comments dated 10.4.2014 stated that the complainant had made a false statement regarding the non-pendency of matter before any court on the same subject matter as the complainant filed a case in the District Court, West Champaran, Betia. He further stated that the complainant occupied the Thana Bhawan illegally for last two and a half years and had been running his editorial office there as no official allotment has been made to the complainant. He submitted that the complainant had made a false statement that the departmental officer gave verbal permission for allotment of Thana Bhawan. He also denied the statement of the complainant that the Thana Bhawan got evacuated without giving proper notice to the complainant as the notice in this regard was sent to the complainant's address but he refused to accept it. The notice was thereafter pasted on the wall of the complainant's home and also served through registered post. He alleged that the complainant is of criminal nature and made the Thana Bhawan as centre point base of anti-social elements. He further submitted that it is a matter of investigation if the complainant's fortnightly practices quality journalism or not? How much circulation does the complainant's paper have? He submitted that all his actions were under rules and on the directions of senior officers.

### **Counter Comments on the Comments of Shri Neeraj Narayan**

The Complainant in his counter comments dated 13.4.2014 submitted that he was not satisfied with the comments of the respondent, Shri Neeraj Narayan as his reply was beyond the facts and misleading. He further submitted that from the comments of Shri Neeraj Narayan, it is clear that he (respondent) had a personal rivalry with him and his (respondent) intention was to malign his newspaper. He denied the allegation levelled by the respondent in his comments that he is of criminal nature and he had occupied the building of Irrigation Department illegally as he is an educated, social and a reputed person and had received a District Youth Award for his good journalism. He further denied the contention of the respondent that he had filed a false declaration before the Council as he had already cleared in his complaint that a case was filed against him by the Area Forest officer, Valmikinagar u/s 107 Cr. P.C. He alleged that the respondent was trying to misguide the Council by making such statement. The complainant further, while reiterating his complaint, denied all the allegations levelled by the respondent in his.

### **Counter Comments on the Comments of Superintendent Engineer**

The Complainant in his counter comments dated 16.5.2014 submitted that he was not satisfied with the comments of the respondent-Superintendent Engineer as his reply was beyond the facts and misleading. He alleged that the letter no. 726 dated 2.11.2012 of the respondent was misleading and the respondent had not produced any evidence to the Council. He further denied the contention of the respondent that no verbal permission was given to him regarding allotment of building. He stated that several persons were there when verbal permission was given to him and if required he could produce the affidavit of those persons in this regard. The complainant, while reiterating his complaint, denied other allegations levelled by the respondent in his reply and requested for necessary action in the matter.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri Amresh Kumar Singh, the complainant appeared in person while there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant. Sum and substance, the grievance of the complainant is forceful eviction from the building, admittedly belonging to the Government. The Committee asked the complainant to produce any allotment order of the premises in question. The complainant admits that no allotment order was issued.

In view of the aforesaid, the Inquiry Committee is of the opinion that the action of the respondents cannot be said to be illegal so as to call for any action by the Council. It recommended to the Council to **dismiss** the complaint accordingly.

### **Held**

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

**Press Council of India**

Sl. No. 3

F.No.13/115/14-15-PCI.

Shri Dharmendra Singh,  
Bureau Chief,  
Kewal Sach and Kewal Sach Times,  
Patna.

The Chief Secretary,  
Government of Bihar,  
Patna.

District Magistrate,  
Kishanganj, Bihar.

Chief Executive Officer,  
Municipal Council,  
Kishanganj, Bihar.

**ADJUDICATION**

**Dated 17.3.2016**

In a complaint dated 20.10.2014 addressed to the Chief Executive Officer, Kishanganj and copy among others endorsed to the Press Council of India, complainant, Shri Dharmendra Singh, Bureau Chief, Kewal Sach and Kewal Sach Times, Patna alleged that CEO, Municipal Council, Kishanganj, Bihar spoke to him in indecent language over telephone on 18.10.2014 when he called him up to seek a statement on certain matters in connection with news gathering. The complainant further submitted that in this regard he wrote two letters on 19.10.2014 and 8.11.2014 to the D.M. Kishanganj, Bihar but no action was taken.

A Notice for Comments was issued to respondents on 29.12.2014. The council also wrote to complainant to provide transcript of his conversation with the respondent but the same was not sent by him. However, a C.D. was provided by the complainant which is on record.

**Written Statement**

In response, the respondent CEO, Kishanganj in his comments dated 22.1.2015 denied the allegations of the complainant and stated that the complainant asked such question on phone which were not related to journalism. According to the respondent on 28.10.2014, the complainant had asked certain questions to him in aggressive manner and he responded to him in same manner and if in any way the complainant felt offended, he expresses regret for the same. The respondent also stated that the requisite information as desired by the complainant has been provided to him.

**Counter Comments**

In his counter comments dated 14.3.2015 the complainant submitted that the statement of the respondent is false and he had the audio recording of the conversation and he is ready to face action if he proved wrong, otherwise the Council had to take action against the respondent.

**Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri Dharmendra Singh, the complainant appeared in person while there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant and carefully perused the record of the case and all other connected papers. It noted that the Chief Executive Officer (CEO) in his reply has expressed regret. In view of this, the Inquiry Committee is of the opinion that no further action needs to be taken in the matter. It recommended to the Council to dismiss the complaint accordingly.

**Held**

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

## **Press Council of India**

Sl. No. 4

File No.13/91/14-15-PCI.

Shri Satish Kumar Arya,  
Publisher/Owner,  
Premvani, Hindi weekly,  
Saharanpur (U.P.).

vs.

1. The Chief Secretary,  
Government of U.P.,  
Lucknow (U.P.)
2. The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow (U.P.).
3. The Registrar (Head Office),  
Firms, Societies & Chits,  
Lucknow (U.P.).
4. Shri Ashok Kumar Singh,  
Assistant Registrar,  
Firms & Societies,  
Saharanpur (U.P.)

### **ADJUDICATION**

**Dated 17.3.2016**

This complaint dated 10.7.2014 was filed by Shri Satish Kumar Arya, Editor/Publisher/Owner, Premvani, Hindi weekly, Saharanpur (UP) against the Assistant Registrar, Firms & Societies, Saharanpur (U.P.) for allegedly threatening to kill him due to publication of critical writings. According to the complainant, he had published news regarding corruption prevailing in the departments in the public interest. For the purpose, had sought information relating to the respondent-department under the RTI Act. Annoyed with these, the respondent and his subordinates threatened to kill him. The complainant informed that he wrote to the Head-Office of Firms, Societies & Chits as well as Government/Districts authorities in this regard but to no avail. Apprehending danger to his life, the complainant requested the Council to take necessary action in the matter.

Notices for Statement in Reply were issued to the respondents on 26.12.2014.

### **Written Statements**

The Assistant Registrar, Firms & Societies, Saharanpur (U.P.) vide his written statement dated 3.1.2015 while denying the allegation of the complainant levelled in the complaint informed that he is habitual in filing unnecessary complaints and he regularly complains against their employee, Shri Vijay Prakash Rastogi from the past several years. The respondent submitted that they provided information under RTI Act to the complainant and the complainant himself admitted receipt of such information.

The Registrar, Firms, Societies & Chits, Lucknow in his reply dated 22.1.2015 informed the Council that the Registrar, Firms, Societies & Chits, Saharanpur was directed vide letter dated 1.1.2015 to provide the information to the complainant with regard to his application dated 1.4.2014 and if the information already provided, send a copy to them and simultaneously the complainant-Shri Satish Kumar Arya was directed to represent himself along with all relevant supporting documents so that necessary action in his complaint could be taken but the complainant did not appear. The respondent further

informed that the Assistant Registrar, Saharanpur informed him over telephone that the complainant visited the office and all desired documents were provided to him for perusal and he is satisfied. The respondent also informed that the Assistant Registrar, Firms, Societies & Chits, Saharanpur already filed his written statement to the Council vide letter dated 3.1.2015. According to the respondent, since the complainant failed to produce supporting documents in support of his allegation the complaint does not appear to be factual.

The Deputy Secretary, Government of U.P., Lucknow vide his letter dated 6.4.2015 forwarded a copy of the Report dated 19.3.2015 of the District Magistrate, Saharanpur. The District Magistrate, Saharanpur submitted that the Deputy District Magistrate, Sadar, Saharanpur informed that the allegations levelled by the complainant were false and baseless and the complainant is harassing Shri Vijay Prakash Rastogi through RTI Act. It was further stated that the complainant pressurised them by filing false complaint and he also demanded money. The matter prima-facie appears to be personal dispute.

The Deputy Director General of Police, Saharanpur Region vide his reply dated 11.5.2015 informed that the Superintendent of Police, Saharanpur vide his letter dated 6.5.2015 forwarded Investigation Report dated 24.4.2015 of Circle Officer City, Saharanpur. The respondent further informed that through investigation it appeared that the matter was a personal dispute between the complainant and respondent, Shri Vijay Kumar Rastogi. The respondent also informed that orders were passed to the concerned SHO for security of the complainant.

#### **Reply of the complainant**

The complainant vide his letter dated 25.7.2015 with reference to the reply of the Deputy Director General of Police, Saharanpur Region informed that no security was provided to him till date.

#### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 4.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Ashok Kumar Singh, Assistant Registrar, Firms & Societies, Saharanpur appeared in person for respondent no. 4.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. Respondent No. 4 is represented in person. The Inquiry Committee perused the complaint and all other relevant papers. It noted that the allegation of the complainant is that while seeking information under the Right to Information Act, when he met respondent no. 4, he (respondent no. 4) threatened to kill him. The respondent no. 4 denied the aforesaid allegation. He also states that all the information sought by the complainant has already been furnished. The respondent no. 4 further assured that he had neither threatened the complainant earlier nor he will do so in future.

In view of the aforesaid assurance of respondent no. 4, the Inquiry Committee recommended to the Council to dismiss the complaint.

**Held**

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

**Press Council of India**

Sl. No. 5

File No.13/28/15-16-PCI.

Shri Dharendra Awasthi,  
Owner/Printer,  
Vishwa Dharam Kalyan Weekly,  
Lakhimpur Khiri (U.P.).

vs.

1. The Chief Secretary,  
Government of U.P.,  
Lucknow.
2. Shri Nitish Kumar, IAS,  
Chief Development Officer,  
Lakhimpur Khiri (U.P.)

**ADJUDICATION**  
**Dated 17.3.2016**

Shri Dharendra Awasthi, Owner/Printer, Vishwa Dharam Kalyan Weekly, Lakhimpur Khiri (U.P.) filed this complaint dated 25.4.2015 against Shri Nitish Kumar, IAS, Chief Development Officer, Lakhimpur Khiri (U.P.) for his alleged misbehaviour. The complainant informed that when he went to the respondent's office for gathering information with regard to the development schemes, the respondent misbehaved with him and also threatened to send him to jail. The complainant stated that no critical news item was published by him against the respondent in any manner. According to the complainant, the act of the respondent amounts to curtailment of freedom of press.

Notices for Comments were issued to the respondents on 10.6.2015.

**Comments**

Shri Nitish Kumar, IAS, Chief Development Officer, Lakhimpur Khiri vide his comments dated 17.6.2015 while denying the allegation of the complainant alleged that the complainant filed a false and fabricated complaint without any evidence. According to the respondent, the complainant reached his office on the occasion of Holi and the information related to various development schemes were provided to him. As such, the allegation that no information is provided to him was totally false. The respondent alleged that the complainant demanded advertisements for his newspaper and when he expressed his inability due to insufficient fund, he got annoyed and filed a false and fabricated complaint.

**Counter Comments**

The complainant vide his counter comments dated 20.7.2015 while reiterating his complaint alleged that the reply of the respondent was totally false, fabricated and baseless and no evidence was produced by him in support of his reply. The complainant informed that they published advertisements after permission of the respondent but no payment was made by him. The complainant further informed that the advertiser has a right to give or not to give advertisement and similarly as Owner of newspaper he has right to seek advertisement. The complainant further submitted that though the respondent released advertisement in his newspaper but he had never mentioned about the same while coming to meet respondent for news gathering though advertisement bill was submitted in ordinary course for payment.

### **Further reply from the Respondent**

The respondent-Shri Nitish Kumar, IAS, Chief Development Officer, Lakhimpur Khiri vide his further reply dated 14.8.2015 while reiterating his earlier reply stated that no harassment has ever been meted out to the complainant.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 4.1.2016 at New Delhi. Shri Dharendra Awasthi, the complainant appeared in person whereas Shri Ramesh Chandra Gupta, Assistant Engineer, DRDA, Lakhimpur Khiri, U.P. appeared for the respondent.

The Inquiry Committee heard the complainant as also the representative of respondent no. 2. It carefully perused the complaint and all other relevant papers. It noted the allegation of the complainant that while seeking information, the Chief Development Officer, Lakhimpur Khiri misbehaved with him. This has been denied by the Chief Development Officer. It has been stated on his behalf that he never threatened or abused the complainant and assured that in future he shall also not do so.

The Inquiry Committee records the aforesaid assurance and recommends to the Council to dispose of the complaint accordingly.

### **Held**

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

**PRESS COUNCIL OF INDIA**

Sl. No. 6

File No. 13/105/14-15-PCI

Shri Arun Kumar Dwivedi,  
Editor, Nari Samvedana,  
Lucknow

Sh. Ramshankar Lekhpal, Sitapur  
Sectt., Tehsil, Sindhauli  
Sh. Rishikant Rajvanshi, Tehsil  
Chivramu, Distt. Kannoj, U.P.  
Shri Phool Chandra Arya,  
Tahsil Sindhauli, Sitapur, U.P.

**ADJUDICATION**  
**Dated 17.3.2016**

The complaint dated 25.9.2014 was filed by Shri Arun Kumar Dwivedi, Editor, Nari Samvedana, Lucknow (UP) against the Tehsildar, Sindhauli and two accountants working in office of Tehsildar alleging threats to his life and implicating him in false cases due to critical news published by him in his newspaper 'Nari Samvedna' dt. 19.8.2014 to expose a scam in issuing fake certificates by the concerned officials.

The complainant submitted that one person conducted a sting operation through which he got a S.C. Certificate issued by the Office of Tehsildar, Sindhauli in the name of complainant, who happens to be Brahmin by caste. The SC Caste Certificate was received by the complainant through Post. This news was published by the complainant in his paper. The exposure of the scam through his newspaper agitated the respondents who began threatening him of dire consequences. The complainant approached senior officials of Police Thana, Sindhauli in this regard but neither any explanation was called for from the Lekhpal nor any action has been taken against the respondents. The Lekhpal sent an order no. 238 dated 8.3.2014 to the complainant to return the SC Certificate (original) but he has only photocopy of the said certificate. The Tehsildar, Sindhauli vide an Order dated 8.9.2014 dismissed the aforesaid certificate no. 240641208522. The concerned officials have been continuously threatening to implicate him in false case and also to kill him. The U.P. Journalist Association, Sindhauli issued a memorandum dated 16.12.2014 for taking action against Lekhpal at Tehsil but no action was taken.

A Notice for Statement in Reply dated 22.1.2015 was issued to the respondents.

**Comments**

The respondent Tehsildar, Sindhauli informed vide his letter dated 16.2.2015 that the complainant was issued the certificate No. 240641308522 dated 30.9.2013 and the same was cancelled vide office letter no. 238 dated 08.09.2014 after receiving the report from the Lekhpal. However, noting a typographical error in cancellation order of Certificate no. 240641208522 instead of 240641308522 the same was rectified vide office letter no. 243/caste certificate dated 10.10.2014. He added that the facts given by the complainant is false and fake and no threatening call has even been made to the complainant. For issuing caste certificate to the complainant without investigation, Shri Ramshankar, Lekhpal has been warned not to repeat the mistake in future. The respondent also submitted a report of the complainant dated 12.1.2015 informing threatening call was only given by Lekhpal Ramshankar and not by Sh. P.C. Arya, Tehsildar.

The respondent Tehsildar, Sindhauli vide his another letter dated 29.12.2015 reiterated his comments and stated that the allegation of Shri Arun Kumar that he has been threatened is wrong.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Ramshankar appeared for the respondent.

The Inquiry Committee notes that despite service of notice, the complainant has not chosen to appear while respondent no. 1, Shri Ram Shankar is present. The Inquiry Committee has perused the complaint and the connected papers. It is the allegation of the complainant that issue of bogus Caste Certificate was published by him in the newspaper. After inquiry, the Certificate was cancelled. Further allegation of the complainant is that he was threatened by Lekhpal. This has been denied by him and he in-fact has produced before the Inquiry Committee a letter dated 15.3.2015 signed by the complainant that he has no grievance against him.

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

### **Held**

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

**Press Council of India**

Sl. No. 7

F.No.13/103/15-16-PCI

**Suo-motu cognizance with regard to attack on the office and journalists/workers of Hindustan newspaper at Lucknow and inaction of the police.**

**ADJUDICATION**

**Dated 17.3.2016**

The attention of the Council was drawn to newsreports regarding attack on the office of Hindustan as well as on journalists/workers of Hindustan newspaper by supporters of BJP Councillor, Shri Dinesh Yadav and inaction of police.

The incident prima facie disclosed an attack on the freedom of press. Taking suo-motu cognizance of the matter the Press Council of India called for a report from the Government of U.P. and Hindustan on 24.8.2015. Dr. Suman Gupta, local member was also requested to file discreet report on the issue.

**Discreet report of Dr. Suman Gupta**

Dr. Suman Gupta vide her mail dated 7.9.2015 informed that the incident occurred at Gomati Nagar near Hindustan Office. Two bike riders were quarrelling with each other and one man was badly injured. Journalists from Hindustan office came to rescue the injured man and took him to the Hindustan office. Then the people from second party clashed with journalists and the workers of Hindustan office. According to Dr. Suman Gupta people of local MLA of BJP were involved in the incident. Shri Rajiv Vajpayee, Bureau Chief Hindustan informed that incident was not related to any news published by Hindustan office.

**Written Statement**

Shri Satya Sen, Circle Officer, Gomati Nagar, Lucknow Govt. of U.P vide his reply dated 13.9.2015 informed that on 18.8.2015 a case 245/2015 u/s 147/148/307/323/279/337 was registered on the complaint of Shri Pritam Gaud against Shri Mahendra Yadav, Shri Vijay Pratap Yadav and Shri Deepak Kumar Yadav, Shri Virendra Yadav, Shri Banu Yadav and others. Shri Pratap Yadav, Deepak Yadav and Virendra Yadav were arrested on 19.8.2015. Shri Sen further submitted that Shri Anuj Kumar Chauhan (Hindustan office) filed a case 246/2015 u/s 147/336/323/307 against Councillor, Shri Dinesh Yadav, Shri Mahendra Yadav and Shri Sonu Yadav. Shri Mahendra Yadav and Shri Sonu Yadav were arrested on 19.8.2015 but Shri Dinesh Yadav, Councillor is yet to be arrested.

**Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Syed Vakeel Ahmed, Inspector appeared for the respondent.

The Council had taken suo-motu cognizance of the matter on the basis of the report given by a member of the Council. It was brought to the notice of the Council that a newspaper office was attacked by the supporters of the Political Party. However, from the report of the Bureau Chief it is apparent that the incident has nothing to do with the press. It seems that a penal offence was committed outside the office of the press for which a criminal case has been registered and few people have been arrested.

As the matter is not related to the Press, the Inquiry Committee is of the opinion that no further action needs to be taken in the matter. The Inquiry Committee recommended to the Council to dispose of the complaint accordingly.

**Held**

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

## **PRESS COUNCIL OF INDIA**

Sl. No. 8

File No.13/54/15-16-PCI

Shri Deepak Mishra,  
Journalist, Mera Sach,  
Kanpur, U.P.

The Chief Secretary,  
Govt. of Uttar Pradesh,  
Lucknow, U.P.

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

Senior Superintendent of Police,  
Kanpur City,  
Uttar Pradesh

### **ADJUDICATION**

**Dated 17.3.2016**

In June, 2015 the Council took cognizance of a newsreport that a journalist, Shri Deepak Mishra was shot in Kanpur for allegedly complaining against local gambling dens. Shri Mishra had been hospitalized after the attack and no arrest had been made. However, the police said that according to Shri Mishra's statement four people attacked him and the culprits would soon be arrested.

A report on the facts of the case was sought from the Chief Secretary and the Secretary (Home) Police Department, Govt. of U.P., Lucknow

#### **Response of Sr. Superintendent of Police, Kanpur City**

The Sr. Superintendent of Police, Kanpur City vide his letter dated 8.9.2015 submitted an Investigation Report and informed that the investigation in the instant matter was conducted by Circle Officer, Govindnagar, Kanpur City who mentioned in his Investigation Report dated 8.8.2015 that a case no. 444/15 u/s 307 IPC was registered in Naubasta Police Station against Sachin, Jeetu Pandey and Raja Pandey in the matter related to the gun firing on the journalist, Shri Deepak Mishra and the investigation was conducted by Shri Pankaj Mishra, SHO, Naubasta. He further informed that the accused Sachin and Jeetu had been arrested and sent to the judicial custody. He further stated that currently the investigation is being conducted by Shri Anand Kumar Diwedi, SHO, Naubasta as Shri Pankaj Mishra has been transferred. He furnished the Investigation Report conducted by the Circle Officer, Govindnagar, Kanpur City along with his reply.

#### **Response of Shri Deepak Mishra**

The complainant, Shri Deepak Mishra vide his e-mail letter dated 27.10.2015 informed that in the midnight of 10.6.2015, the accused shot at him at due to which he was seriously injured and has been undergoing treatment in the Kanpur hospital. He further informed that his uncle, Shri Rajesh Kumar Tiwari is an eyewitness to the incident and thus filed case no. 444/15 u/s 307 IPC in the Naubasta Police Station against the accused. He stated that the accused, Sachin Pandey and Jeetu are in jail and Raja Pandey is absconding. He further stated that he made an application before the IG, Kanpur Zone on 9.8.2015 but till date neither the accused Raja pandey arrested nor any proceeding has been initiated against him u/s 82/83 Cr. P.C.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. There was no appearance on behalf of the respondent.

The Council had taken sou-motu cognizance in the matter as it came to its notice that a journalist was shot at. Accordingly, a report was called for from the Government of U.P. The Senior Superintendent of Police, Kanpur City has submitted his report in which it is stated that in relation to the incident, a case u/s 307 was registered at Naubasta Police Station and two accused have been arrested in the case. It has further been stated that one accused is avoiding arrest and proceeding u/s 82/83 Cr. P.C. has been initiated.

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

### **Held**

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

## **PRESS COUNCIL OF INDIA**

Sl. No. 9

File No. 13/195/13-14-PCI

Ms. Kitty Sachhar,  
Correspondent, Haridwar Kesari,  
Haridwar, Uttarakhand

The Chief Secretary,  
Govt. of Uttar Pradesh,  
Lucknow, U.P.

The Network of Women  
in Media (NWMI),  
India

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

The Superintendent of Police,  
Mirzapur, U.P.

### **ADJUDICATION**

**Dated 17.3.2016**

The Network of Women in Media, India (NWMI) vide its e-mail dated 31.3.2014 had drawn the attention of the Council towards reported gang-rape of a woman journalist in Mirzapur (U.P.) on 27.3.2014. The journalist was reportedly abducted by three persons after she had visited the Ashtabhuj Temple to cover a story of historic temples of a Vidyachal region. It was informed that the police arrested one of the accused and other two are absconding. The NWMI urged the UP police to leave no stone unturned to find the accused still at large and bring them to book as speedily as possible. According to the reports, the journalist was associated with a Hindi newspaper in Haridwar and had gone to Vindhyachal to do a story on historic temples. After finishing her research, she had proceeded towards the Allahabad –Mirzapur highway at 8 pm to take an auto when she was abducted by three persons. According to NWMI, the incident exposes the extreme lack of security of woman professional on assignment as well as the general lack of safety for women in the State and, indeed, the Country. The NWMI expressed its deep concern about the increasing incident of attacks on journalist in general and of assault and molestation of women media professionals in particular. The NWMI demanded that investigation be conducted without delay and in keeping with the Criminal Law (Amendment) Act, 2013 relating to sexual violence and that the complaint be treated with due respect and sensitivity.

A D.O. letter dated 9.4.2014 was issued by the Hon'ble Chairman to Shri Akhilesh Yadav, Hon'ble Chief Minister of U.P. drawing his attention towards the incident and requesting for immediate intervention of the State Government.

A letter dated 11.4.2014 was also issued to the Chief Secretary and the Secretary (Home) Police Department, Govt. of U.P. calling for a report on the fact of the case and apprise the Council about the step taken in this regard followed by a reminder dated 5.5.2014..

### **Letters from the Ms. Kitty Sachhar**

Ms. Kitty Sachhar in her letter dated 15.4.2014 and 19.4.2014 addressed to Hon'ble Chief Minister of U.P and Human Right Commission and its copy endorsed to the Council stated that she visited Ashtabhuj Temple in Vindhyavasini region for collection of news on 27.3.2014 where three persons abducted and raped her. She filed her statement and a case No. 331/14 u/s 342, 363, 376 in Vindhyachal Police Station, Mirzapur. She alleged that the Circle Officer of Crime Branch-Ms. Sweta Srivastava released the main accused-

Mintu Singh and has been pressurizing her to withdraw the case. The victim has been receiving many threat calls for compromising with the accused by taking some money.

### **Letter from the Managing Editor, Asia Khabar**

The Managing Editor, Asia Khabar vide his letter dated 1.4.2014 also drew the attention of the Council towards the incident and requested the Council take necessary action in the matter.

A Notice for Statement in Reply was issued to the Chief Secretary and the Secretary (Home) Police Department, Govt. of U.P. on 9.1.2015 for their comments followed by a reminder dated 12.2.2015.

### **Comments from the Superintendent of Police, Mirzapur**

The respondent Superintendent of Police, Mirzapur, U.P. in his comments dated 28.2.2015 informed that in the instant matter the investigation report had been submitted by Sub-Inspector, Shri Ashok Dubey, Crime Branch, Mirzapur, U.P. and he also filed a chargesheet no. A-98 dated 20.6.2014 against the accused, Shri Ashwini Kumar Tiwari. He further informed that Ms. Kitty Sachhar in her FIR made a statement that out of the three accused one is not involved in the incident as he walked out from the car at the time of incident. He also informed that one of the accused, Ashwini Kumar was arrested on 28.3.2014 and is in judicial custody. He stated that Ms. Kitty Sachhar in the FIR denied involvement of the third accused, Minti Singh in the said incident and also did not identify him. He submitted that the medical report of the victim, shown injury on the body and private parts of the victim. The supplementary medical report mentioned that "Sexual assault can be found at seen. Spermetazoa not present" He further stated that currently the instant matter is pending before the District and Session Court, Mirzapur, U.P. He stated that the allegation leveled by the complainant could not be proved and no action is required in the matter.

### **Comments from the Under Secretary, Govt. of U.P.**

The Under Secretary, Govt. of U.P. vide his letter dated 20.3.2015 while informing that the matter was investigated by the Superintendent of Police, Mirzapur has stated that the allegation leveled by the complainant could not be proved.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Surendra Tiwari, SHO, PS Mirzapur appeared on behalf of the respondent.

An alleged incident of rape of a journalist came to the notice of the Council and the Council took suo-motu cognizance of the matter. A report was called for. The victim in her communication endorsed to the Council had alleged that one of the accused has been let out with the connivance of the police. However, the Superintendent of Police in his report has stated that two accused have been arrested and the alleged victim had not stated about the involvement of the third accused in crime during the course of investigation.

In the background of the aforesaid facts, the victim was asked to file a declaration which she did not do. As the alleged victim has not chosen to file the declaration, the Chairman decided to close the case at Chairman level and the matter was reported to the

Council. The Council further reopen the matter and refer the same before the Inquiry Committee.

It has been brought to the notice of the Inquiry Committee that the person chargesheeted in the case was put on trial and that the alleged victim journalist had not supported the allegation of rape and had been declared hostile by the Court and ultimately the Court had acquitted the chargesheeted accused.

In view of the aforesaid, the Inquiry Committee is not inclined to proceed further in the matter and it recommended to the Council to dispose of the complaint accordingly. A copy of the judgment produced before the Inquiry Committee may be kept on record.

**Held**

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

## **PRESS COUNCIL OF INDIA**

Sl. No. 9

File No. 13/195/13-14-PCI

Ms. Kitty Sachhar,  
Correspondent, Haridwar Kesari,  
Haridwar, Uttarakhand

The Chief Secretary,  
Govt. of Uttar Pradesh,  
Lucknow, U.P.

The Network of Women  
in Media (NWMI),  
India

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

The Superintendent of Police,  
Mirzapur, U.P.

### **ADJUDICATION**

**Dated 17.3.2016**

The Network of Women in Media, India (NWMI) vide its e-mail dated 31.3.2014 had drawn the attention of the Council towards reported gang-rape of a woman journalist in Mirzapur (U.P.) on 27.3.2014. The journalist was reportedly abducted by three persons after she had visited the Ashtabhuj Temple to cover a story of historic temples of a Vidyachal region. It was informed that the police arrested one of the accused and other two are absconding. The NWMI urged the UP police to leave no stone unturned to find the accused still at large and bring them to book as speedily as possible. According to the reports, the journalist was associated with a Hindi newspaper in Haridwar and had gone to Vindhyachal to do a story on historic temples. After finishing her research, she had proceeded towards the Allahabad –Mirzapur highway at 8 pm to take an auto when she was abducted by three persons. According to NWMI, the incident exposes the extreme lack of security of woman professional on assignment as well as the general lack of safety for women in the State and, indeed, the Country. The NWMI expressed its deep concern about the increasing incident of attacks on journalist in general and of assault and molestation of women media professionals in particular. The NWMI demanded that investigation be conducted without delay and in keeping with the Criminal Law (Amendment) Act, 2013 relating to sexual violence and that the complaint be treated with due respect and sensitivity.

A D.O. letter dated 9.4.2014 was issued by the Hon'ble Chairman to Shri Akhilesh Yadav, Hon'ble Chief Minister of U.P. drawing his attention towards the incident and requesting for immediate intervention of the State Government.

A letter dated 11.4.2014 was also issued to the Chief Secretary and the Secretary (Home) Police Department, Govt. of U.P. calling for a report on the fact of the case and apprise the Council about the step taken in this regard followed by a reminder dated 5.5.2014..

### **Letters from the Ms. Kitty Sachar**

Ms. Kitty Sachar in her letter dated 15.4.2014 and 19.4.2014 addressed to Hon'ble Chief Minister of U.P and Human Right Commission and its copy endorsed to the Council stated that she visited Ashtabhuj Temple in Vindhyavasini region for collection of news on 27.3.2014 where three persons abducted and raped her. She filed her statement and a case No. 331/14 u/s 342, 363, 376 in Vindhyachal Police Station, Mirzapur. She alleged that the Circle Officer of Crime Branch-Ms. Sweta Srivastava released the main accused-

Mintu Singh and has been pressurizing her to withdraw the case. The victim has been receiving many threat calls for compromising with the accused by taking some money.

### **Letter from the Managing Editor, Asia Khabar**

The Managing Editor, Asia Khabar vide his letter dated 1.4.2014 also drew the attention of the Council towards the incident and requested the Council take necessary action in the matter.

A Notice for Statement in Reply was issued to the Chief Secretary and the Secretary (Home) Police Department, Govt. of U.P. on 9.1.2015 for their comments followed by a reminder dated 12.2.2015.

### **Comments from the Superintendent of Police, Mirzapur**

The respondent Superintendent of Police, Mirzapur, U.P. in his comments dated 28.2.2015 informed that in the instant matter the investigation report had been submitted by Sub-Inspector, Shri Ashok Dubey, Crime Branch, Mirzapur, U.P. and he also filed a chargesheet no. A-98 dated 20.6.2014 against the accused, Shri Ashwini Kumar Tiwari. He further informed that Ms. Kitty Sachhar in her FIR made a statement that out of the three accused one is not involved in the incident as he walked out from the car at the time of incident. He also informed that one of the accused, Ashwini Kumar was arrested on 28.3.2014 and is in judicial custody. He stated that Ms. Kitty Sachhar in the FIR denied involvement of the third accused, Minti Singh in the said incident and also did not identify him. He submitted that the medical report of the victim, shown injury on the body and private parts of the victim. The supplementary medical report mentioned that "Sexual assault can be found at seen. Spermetazoa not present" He further stated that currently the instant matter is pending before the District and Session Court, Mirzapur, U.P. He stated that the allegation leveled by the complainant could not be proved and no action is required in the matter.

### **Comments from the Under Secretary, Govt. of U.P.**

The Under Secretary, Govt. of U.P. vide his letter dated 20.3.2015 while informing that the matter was investigated by the Superintendent of Police, Mirzapur has stated that the allegation leveled by the complainant could not be proved.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Surendra Tiwari, SHO, PS Mirzapur appeared on behalf of the respondent.

An alleged incident of rape of a journalist came to the notice of the Council and the Council took suo-motu cognizance of the matter. A report was called for. The victim in her communication endorsed to the Council had alleged that one of the accused has been let out with the connivance of the police. However, the Superintendent of Police in his report has stated that two accused have been arrested and the alleged victim had not stated about the involvement of the third accused in crime during the course of investigation.

In the background of the aforesaid facts, the victim was asked to file a declaration which she did not do. As the alleged victim has not chosen to file the declaration, the Chairman decided to close the case at Chairman level and the matter was reported to the

Council. The Council further reopen the matter and refer the same before the Inquiry Committee.

It has been brought to the notice of the Inquiry Committee that the person chargesheeted in the case was put on trial and that the alleged victim journalist had not supported the allegation of rape and had been declared hostile by the Court and ultimately the Court had acquitted the chargesheeted accused.

In view of the aforesaid, the Inquiry Committee is not inclined to proceed further in the matter and it recommended to the Council to dispose of the complaint accordingly. A copy of the judgment produced before the Inquiry Committee may be kept on record.

**Held**

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

**Press Council of India**

Sl. No. 11

File No.13/13/15-16-PCI.

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

Vs.

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

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

The Director General of Police,  
Uttar Pradesh, Lucknow.

The Director General of Police,  
Kanpur Zone, Kanpur (U.P.).

The Dy. Director General of Police,  
Jhansi Zone, Jhansi (U.P.).

The Superintendent of Police,  
Lalitpur (U.P.).

The District Collector,  
Lalitpur (U.P.).

Shri Surat Singh Chauhan,  
Circle Officer, Sadar, Lalitpur.

The SHO,  
Delwara, PS- Kotwali,  
Lalitpur (U.P.)

Shri Mehesh Kumar,  
ChowkiInchargeSadar,  
PS- Kotwali,  
Lalitpur (U.P.)

Shri Ram Mohan Chaturvedi, SI,  
ChowkiInchargeDelwara,  
PS- Kotwali,  
Lalitpur (U.P.)

Shri Bhupendra Singh Bundela,  
Gram Panchayat, Delwara,  
Lalitpur (U.P.).

Shri Kripal Singh, Advocate,  
Village Delwara, Lalitpur (U.P.)

Shri Harishchandra,  
Village Delwara, Lalitpur (U.P.).

**ADJUDICATION**  
**Dated 17.3.2016**

This complaint dated 20.4.2015 was filed by Shri Gopi Prasad Bharati, Editor Sashakt Bundelkhand, Lalitpur (U.P.) against the police authorities and anti-social elements for allegedly implicating him in false case and being sent to jail annoyed with publication of critical writings and also for seeking information under RTI Act. According to the complainant, he published some reports in his newspaper regarding irregularities prevalent in the local police department. Annoyed with this, the respondent hatched a conspiracy to implicate him in false case and sent him to jail on 11.4.2015. While levelling allegations of abusing, misbehaving and manhandling the complainant informed that the police had taken his signature on plain papers so that false allegations levelled against him could be proved.

The complainant submitted that various press organisations approached to the District Collector and the Superintendent of Police, Lalitpur but they took no concrete action. The complainant submitted that he wrote to many higher authorities for redressal of his grievance and the National Human Rights Commission, Uttar Pradesh, Lucknow passed direction to the Superintendent of Police, Lalitpur for appropriate action in the matter.

Notices for Statement in Reply were issued to the respondents on 2.7.2015.

**Written Statements**

The Superintendent of Police, Lalitpur vide his written statement dated 24.7.2015 informed that the matter was investigated by District Superintendent of Police, Lalitpur and it found that on the complaint of Shri Harishchandra, Delwara a case No.644/15 under Section 452/354/308/325/324/323/504/406 IPC dated 11.4.2015 was registered in Police Station Kotwali against the complainant and others and after confirmation of the allegation, a chargesheet No.240/15 dated 27.5.2015 was filed before Hon'ble Court, which is pending consideration. The respondent further submitted that a case No.644A/15 was also registered by the complainant against Shri Harishchandra and others in Police Station Kotwali, Lalitpur and after confirmation of allegation a chargesheet No.240A/15 dated 27.5.2015 was filed before the Hon'ble Court, which is also pending consideration.

The respondent-Shri Mahesh Kumar, SI, Chowki Incharge, Sadar, PS-Kotwali, Lalitpur vide his written statement dated 5.8.2015 while returning the original copy of the Notice issued to him submitted that the matter is related to personal property dispute and annoyed with the action taken by the police in the matter, the complainant filed this complaint, taking undue advantage of his profession, which is totally false and baseless.

The respondent-Kripal Singh, Advocate vide his written statement dated 6.8.2015 while denying the allegation submitted that he is the counsel against the complainant in Case No.644/15 therefore he filed this complaint against him with a view to retaliate. The respondent submitted that he has no malice with the complainant. The respondent further submitted that the matter is pending consideration before the court of law therefore he has no right to comment on it.

The District Collector, Lalitpur vide his letter dated 29.7.2015 submitted that the matter was investigated by the Superintendent of Police, Lalitpur. He forwarded a copy of the report dated 24.7.2015 of SP, Lalitpur.

The respondent-Shri Harishchandra vide his written statement dated 10.11.2015 submitted that his daughter-in-law, Ms. Anjana, was molested by a villager, Sh. Gabbar Ahirwar when she was alone at home on 11.4.2015 and when she protested he ran away. The respondent further submitted that when her daughter-in-law narrated the incident, he along with his family members went to the house of Sh. Gabbar to confront him where Sh. Gabbar and his accomplices Sh. Jankiprasad, Janki and Sh. Gopi Prasad (complainant), Lalitpur beat them severely with axe and sticks and ran away. His uncle Sh. Premchand and Sh. Brijesh fell and became unconscious and were admitted to hospital. The respondent submitted that he registered a complaint in police station, Lalitpur case No.0644/15 under Section 452, 354, 308, 324, 323, 504, 506. The Circle Officer investigated that false and wrong Declaration letter given to SHO by Ms. Ganeshi Devi, Ms. Dayram Sen, Ms. Leelabai and Sh. Munnalal. He filed a case in the Court against all concerned. According to the respondent, the complainant and his family members pressurized him to close the case and filed false complaint by misguiding the Council. As a witness of the case he filed a report in police station. The criminal Sh. Babbar, Ajay, Jankiprasad went to jail. They received bail and a chargesheet is submitted in C.J.M. Lalitpur. He submitted that newspaper, Sashakt Bundelkhand is neither a regular newspaper nor has any readership and though the complainant claimed himself to be a journalist. The complainant is not involved here as a journalist rather it is family dispute. The respondent alleged that the complainant has a criminal history and many cases are pending against him.

### **Counter comments**

The complainant vide his counter comments dated 4.9.2015 with reference to the reply of the respondents-Shri Mahesh Kumar, Incharge, chowkiSadar and Advocate Kripal Singh while reiterating his earlier complaint alleged that the action of the police is a reprisal due to publication of critical news. He has further alleged that the written statements of the respondents are false and not correct. The complainant also alleged that he is being threatened by the police due to publication of critical writings.

The complainant vide his further letter dated 29.9.2015 with reference to the written statement of District Collector, Lalitpur while denying the report alleged that he was being threatened by the Chowki Incharge, PS Kotwali Shri Rammohan Chaturvedi and Chowki Incharge Nehru Nagar, Shri Rajbabu Yada due to publication of critical writings.

The complainant vide his another letter dated 7.9.2015 alleged that the Police Incharge, Shri Rajbabu threatened to implicate him in false case on 6.9.2015 due to publication of critical writing in his newspaper on 11.8.2015.

An email dated 8.9.2015 was received from the complainant through one Shri Manish Rathore attaching therewith copy of the letter dated 31.8.2015 addressed to the Superintendent of Police, Lalitpur by Uttar Pradesh Human Rights Commission intimating him the Order dated 25.8.2015 passed by the Commission on the complaint of Shri Gopi Prasad Bharati (complainant) stating that "Let a copy of the complaint be sent to the Superintendent of Police, Lalitpur for appropriate action in the matter in accordance with law. With the observation the complaint is finally disposed of".

The complainant vide his letter dated 15.10.2015 informed that a Case No.644/15 dated 11.4.2015 was filed against him and sent him to jail on 11.4.2015. The Hon'ble District Court granted him bail in this case. The case is pending consideration before court of law. The complainant denied that the Case No.644A/2015 was filed by him. He alleged that the police had taken his signature on plain papers forcefully and using them they were presenting this case as registered by him.

### **Reply of the Respondent, Shri Bupendra Singh**

The respondent, Shri Bupendra Singh vide his letter dated 29.12.2015 submitted that he is not related to the matter in any manner. He stated that the complainant had several disputes with the villagers and a case was also registered against him. He further stated that the complainant was in jail for a month. He alleged that the complainant intentionally implicated him in a false case.

### **Reply of the Respondent, Additional District Magistrate**

The Additional District Magistrate, Lalitpur vide his letter dated 1.1.2016 stated that the matter got investigated by the Superintendent of Police, Lalitpur who submitted a report on 30.12.2015 in which it has been stated that on the complaint of Shri Harishchandra, Delwara a case was registered in Police Station Kotwali on 11.4.2015 against the complainant and others and after confirmation of the allegation, a chargesheet No. 240/15 dated 27.5.2015 was filed before the Hon'ble Court, which is pending consideration. The respondent further submitted that a case No. 644A/15 was also registered by the complainant against Shri Harishchandra and others in Police Station Kotwali, Lalitpur and after confirmation of allegation a chargesheet No. 240A/15 dated 27.5.2015 was filed before the Hon'ble Court, which is also pending consideration. It has been further stated that the complainant mentioned baseless facts in order to pressurize the police. It has also been stated that the incident is noway related to the journalism and no further action by the police is required in the matter.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Shri Gopi Prasad Bharti, the complainant appeared in person. Shri Ramesh Chandra, SDM and Shri Raj Yadav, Sub-Inspector appeared for the respondents.

The Inquiry Committee heard the complainant as also the respondents. It has brought to the notice of the Inquiry Committee that there is case and counter case and in both the cases the police after investigation had submitted the chargesheet. From the material on record, the Inquiry Committee is of the opinion that the allegations levelled by the complainant that the action of the police authorities was as a reprisal measure allegedly for publication of critical writings is not borne out from the record. The Inquiry Committee recommended to the Council to dismiss the complaint accordingly.

### **Held**

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

## **Press Council of India**

Sl. No. 12

F.No.13/96/15-16-PCI.

**Suo-motu cognizance with regard to alleged threat to the Media by U.P. Minister, Shri Vijay Bahadur Pal.**

### **ADJUDICATION** **Dated 17.3.2016**

The Press Council came across a news report appeared in "Times of India" issue dated 13.8.2015 captioned "***We know how to cut scribes down to size: UP min***" reporting that U.P. Minister, Shri Vijay Bahadur Pal threatened journalist for giving 'bad press to the government' saying Samajwadi Party knows how to cut such scribes down to size during a cycle rally in Kannauj. Shri Pal said that "some journalists think they can frighten us through their writing. They don't know if Samajwadis get enraged, they will be cut down to size".

While taking suo-motu cognizance of the matter, a Notice for Statement in Reply was issued Shri Vijay Bahadur Pal, State Minister, Secondary Education, Govt. of U.P. on 13.8.2015. Simultaneously Hon'ble Chairman, Press Council also addressed a D.O. letter to Hon'ble Chief Minister of U.P. for necessary action.

#### **Written Statement**

Shri Vijay Bahadur Pal, State Minister, Secondary Education, Govt. of U.P. vide his reply dated 21.8.2015 submitted that wrong interpretation was drawn of few words of his speech in distorted manner, which was said in other reference during a public meeting. According to him, he has no intention to challenge freedom of press. He further stated that he is fully committed to freedom of press being fourth estate of democracy.

#### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. There was no appearance from either side.

The Inquiry Committee had taken Suo-motu cognizance of the matter. Taking into account the statement made by the Minister and the Government of Uttar Pradesh, comments were invited from the concerned Minister. The concerned Minister unequivocally stated that respects the freedom of press and the statement was quoted out of context. He has further assured that he will never encroach/attack the freedom of press.

In view of the unequivocal statement and assurance given by the respondent Minister, the Inquiry Committee is not inclined to proceed further in the matter. It recommended to the Council to dispose of the complaint accordingly.

#### **Held**

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

## **PRESS COUNCIL OF INDIA**

Sl. No.13

File No. 13/129/15-16-PCI

### **Suo-motu cognizance with regard to murder of TV journalist-Shri Hemant Yadav at Chanduli by unknown miscreants**

#### **ADJUDICATION**

**Dated 17.3.2016**

The Press Council of India came across news items published in the Times of India and Navbharat Times issues dated 5.10.2015 regarding murder of a TV journalist-Shri Hemant Yadav at Chanduli by unknown miscreants. It was reported in the news item that a 35 years old man associated with a TV news channel was shot by two motorcycle borne miscreants in Chandauli District on 3.10.2015. It was further reported that Shri Hemant, who hailed from Ahikaura village was returning home from market when he was intercepted by miscreants. The assailants opened fire at him and escaped. Passers-by and locals rushed him to the District Hospital where doctors declared him brought dead. It was also reported that the SDM, Sadar and the ASP reached the hospital. Due to a dispute over area of jurisdiction between two police stations, no case could be registered on 3.10.2015. The Dhina Police, under whose jurisdiction the murder site falls, registered the complaint of Shri Yadav's family on 4.10.2015 and lodged an FIR against unidentified miscreants. Dhina Station Officer said that efforts were afoot to identify the reason behind the murder.

Keeping in view the seriousness of the matter, the Council vide its letter dated 6.10.2015 initiated Suo-motu cognizance directing the State Government of U.P. to file Report on the facts. Shri Kosuri Amarnath, Member, PCI vide e-mail dated 5.10.2015 also forwarded a copy of the Press Note of Indian Journalists Union to the Council regarding murder of the journalist.

#### **Endorsement received from Inspector General of Police (STF/Crime), U.P.**

Shri Sujit Pandey, IGP (STF/Crime), U.P. vide his letter dated 16.10.2015 addressed to the Superintendent of Police, Chandauli and a copy endorsed to PCI requested to submit an ATR in the matter and also to take preventive steps so as to avoid untoward incidents by directing all the Circle Officers/SHOs.

#### **Report filed by the Superintendent of Police, Chandauli**

In response to the Council's letter dated 6.10.2015, the Superintendent of Police, Chandauli vide his Report dated 20.10.2015 informed that due to financial dispute, Shri Hemant Yadav was killed by miscreants on 3.10.2015 at evening. Smt. Sangeeta Devi, wife of Shri Hemant Yadav registered a case No. 92/15 under Section 307/302 IPC against unknown persons on 3.10.2015 in Dhanapur Police Station, Chandauli. He further submitted that the incident was investigated by the SHO, Dheena and the accused had been arrested along with weapons and sent to the jail. Police also recovered the ID proof, PAN card, Election card and driving license of Shri Hemant Yadav. The matter is under investigation. He further informed that they provided security to the family of Shri Hemant Yadav and other journalists in the District and also directions were passed to all the Circle Officers/SHOs for taking preventive steps so as to avoid untoward incidents.

#### **Report of the Circle Officer, Chandauli**

Shri Amit Verma, the Superintendent of Police, Chandauli vide his letter dated 10.11.2015 forwarded a copy of the Report of Shri Shyam Dev, Circle Officer, Sakaldiha, Chandauli informing that the journalist was killed allegedly at the behest of his cousin due to family dispute arising out of financial transactions. The accused had been sent to the Varanasi jail. The Circle Officer was given further direction to promptly collect relevant evidences in the matter for quick disposal of the case.

**Report of Shri Jai Prakash, Under Secretary, UP. Secretariat**

In response to Council's letter dated 6.10.2015 Sh. Jai Prakash, Under Secretary, UP. Sectt. vide his letter dated 24.11.2015 submitted the report of Circle Officer, Chandauli informing that accused had been sent to jail. The SHO gave direction to the Circle Officer for disposal of the case.

The police authorities took action in the matter by arresting of accused and sending them to jail while filing the case before the court of law.

**Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 6.1.2016 at New Delhi. Shri Shyamdev, Dy. S.P. and Shri Jawaharlal Srivastava, SDM, Chandauli appeared for the respondents.

The Inquiry Committee heard the respondents and also carefully perused the record of the case. It has come to the notice of the Council that a TV Journalist was killed. The Council took Suo-motu cognizance of the matter and called for report from the State Government. From the report of the Superintendent of Police, it seems that on the basis of the report given by the wife of the journalist, an FIR was registered. It has transpired during the course of the investigation that he was killed due to family dispute and not on account of any journalistic activity. It has also brought to the notice of the Inquiry Committee that all the accused persons have been arrested and the police after investigation have submitted the chargesheet.

In view of the aforesaid, the Inquiry Committee is of the opinion that no further action needs to be taken at the level of the Council. It recommended to the Council to dispose of the case accordingly.

**Held**

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **dispose of** the complaint with the aforesaid observation.

**Press Council of India**

Sl. No. 14

File No.13/117/14-15-PCI.

Shri M.B. Gajaraj,  
Journalist,  
Kumudam Reporter Magazine,  
Vellore (Tamil Nadu)0

Vs.

The Chief Secretary,  
Government of Tamil Nadu,  
Chennai (Tamil Nadu).

The Secretary,  
Home (Police) Department,  
Government of Tamil Nadu,  
Chennai.

The District Collector,  
Vellore District  
Tamil Nadu

Shri Vijay Kumar, IPS,  
Superintendent of Police,  
Chennai.

Shri Gunasekaran,  
Inspector of Police,  
Thirupathur Town Police Station,  
Vellore District (Tamil Nadu)

Shri Nagaraj,  
Inspector of Police,  
South Police Station,  
Vellore District (Tamil Nadu)

Shri Gunasekaran,  
Inspector of Police,  
Thiruvannamalai Town Police Station,  
Thiruvannamalai District (Tamil Nadu)

**ADJUDICATION**

**Dated 17.3.2016**

This complaint dated 28.10.2014 was filed by Shri M.B. Gajaraj, Journalist, Kumudam Reporter magazine, Vellore (Tamil Nadu) against the police authorities and others alleging threatens and implication in false cases. According to the complainant, his article dated 27.6.2010 under the title "The Atrocity of the Shadow Men-Immediate Transfer of the Officials" published in Kumudam Reporter brought certain awareness among the society and marked a remarkable change within the district. Almost all the anti-social activities were swept away and the corrupt people were caught red-handed and settled in the prison black and white. Annoyed with this, the enemies of the society joined their hands with so-called press reporters, manipulated certain unwanted news against him and his family and propagated the rumours through the magazine "Senior Reporter" which was de-blocked by RNI. The complainant stated that on advise of his superiors, he filed a defamation case u/S 500 IPC in the Hon'ble Judicial Magistrate-I Court at Vellore (STC 309/2011). Even while the case was going on in the Hon'ble Court, he was again disturbed mentally through a particular telecast on 21.12.2012 at the Sun News Television Channel, by which he had lost his name and fame and even his job. The

complainant further stated that he filed another defamation case challenging this incident before Hon'ble Judicial Magistrate-V Court, Vellore (CC2/2014). According to him, one Mrs. Rajilakshmi along with her husband Bhuvanesan and their anti-social bosses namely Delhi Muralidaran and Boopathy along with some other persons are responsible for troubling him. The complainant submitted that on his complaints to the Sathuvachari Police Station no action was taken against them. At the same time they lodged false complaints against him in Vellore North PS and Sathuvachari PS. Both the cases were later on found false. According to the complainant, on 5.5.2014, Police Inspector, Shri Gunasekaran of Thirupathur, Mr. Nagaraj of Bagayam and Mr. Gunasekaran DCB along with 20 other police personnel forcibly took him to a Valley near Saduperi and threatened him with their guns and lathis and was compelled to withdraw his cases which filed against Mrs. Rajilakshmi and her husband. The complainant further stated that following these harassments, he made an appeal on 12.5.2014 to take action against the Police Inspectors, Mr. Gunasekaran, Mr. Nagaraj, Mr. Gunasekar and Chellammal but to no avail. Thereafter, he filed a complaint to the Superintendent of Police on 27.5.2014. The complainant made representation to the Hon'ble Chief Minister and other higher authorities but to no avail. While apprehending danger to his life, the complainant has requested the Council to take strict action in the matter.

### **No Written Statement**

Notices for Statement in Reply were issued to the respondent-Government of Tamil Nadu on 6.1.2015. The Additional Secretary to Govt. of Tamil Nadu addressed a letter dated 28.1.2015 to the Director General of Police, Tamil Nadu, a copy of which was endorsed to Press Council, requested him to arrange to issue necessary instructions to the police officers in the rank of Superintendent of Police/Inspector of Police to file their individual reply statement within two weeks under intimation to the Chief Office. No reply was received thereafter.

In the meantime, the complainant-Shri M.B. Gajaraj, Journalist, Vellore (Tamil Nadu) vide his letter dated 3.2.2015 provided the status of the FIRs/Cases as per below:

#### **Cr. No.358/2014 Vellore Sathuvachari Police Station**

This is the case in which the complainant has preferred a complaint against police Inspectors, who had cooked up a case against him in Cr.No.17/2014 and indulged in gross human right violations. Police is not taking any action.

#### **Cr.No.91/2014 Vellore North Police Station**

The false complaint was given by Mrs. Rajilakshmi against him. After inquiry the same was referred as mistake of fact.

#### **Cr.No.64/2014 Vellore Sathuvachari police Station**

The false complaint was given by Mr. Bhuvanesan against him. The said FIR was not even sent to the court till date.

#### **Cr. No.17/2014 Vellore District Crime Branch**

The false complaint was given by Mr. Bhowanesan. The said FIR is pending with DCB, Vellore.

## Cr. No.213/2014 Vellore Sathuvachari Police Station

The complainant preferred the complaint against Mr. Bhuwanesan. DSP, Vellore who is the investigating officer not taking any interest and it is pending without any progress.

### COURT CASES

The complainant filed a private complaint for the offence of defamation punishable under Section 500 IPC as against Mrs. Rajilakhmi, W/o Bhuwanesan and others before the learned Judicial Magistrate No.1, Vellore in STC 309/2011. The complainant examined himself and another person as witness. The case was adjourned for production if other witnesses default. As the witnesses could not be produced on that day, the case was dismissed for default without giving further opportunity. The matter is pending before the Hon'ble High Court of Judicature at Madras in revision in CRL, RC.947/2014.

The complainant further submitted that he filed another private complaint for the offence of defamation punishable under Section 500 IPC as against Mrs. Rajalakshmi and two others before the learned Judicial Magistrate NO.V., Vellore in CC No.2/2014. The case is in trial stage and likely to be completed soon.

### Complainant's further letter dated 10.4.2015

The complainant vide his further letter dated 10.4.2015 informed that the Superintendent of Police, Vellore sent a report in the matter to DGP, Chennai and a copy of which was endorsed to him. The Superintendent of Police, Vellore in his Report submitted that on 11.7.2014 based on the written complaint of Shri Gajaraj, a case in Sathuvachari PS Crime No.213/14 u/S 3{i}{r}{s} of SC/ST (POA) Act amendment Ordinance 2014 and 506{i} IPC was registered against Saravana @ Buvanesan, which is under investigation. It has been further submitted that as alleged by Shri Gajaraj a case in Sathuvachari PS Crime No.358/2014 u/S 341, 506(ii) IPC was registered on 9.10.2014 against (1) Tr. Gunasekaran, Inspector of Police, District Crime Branch, Vellore (2) Gunasekaran, Inspector of Police, Thirupathur Town PS and (3) Nagaraj, Inspector of Police, Bagayam PS, which is also under investigation. The SP has stated that a Xerox copy of self-explanation in respect of Counter Petitioner is send herewith (not found attached). The SP has further stated that Shri Gajaraj is in the practice of submitting such petitions unwantonly to higher authorities and hence no further action in this regard.

The complainant in his reply thereto submitted that the Xerox copy was not marked to him which reveals that no further action would be taken in that regard. He further submitted that it is evident from the report that apart from shielding the erring police officials, police is not willing to take any action on his complaints. According to the complainant, though the self-explanation of the Counter Petitioners were allegedly taken and relied upon, he was not examined so far in the said crime numbers. In spite of his letter to the Inspector of Police, Sathuvachari PS to examine him in this regard and to expedite the investigation no progress is made.

### No response from the State Government

A reminder dated 6.5.2015 was issued to the respondent-Government of Tamil Nadu for filing the reply but no response was received.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. Shri M.B. Gajraj, the complainant alongwith Shri N.N. Pugazhendhi, Advocate appeared. Shri M. Guwashekar, Inspector of Police, Railway PS appeared for the respondent.

The Inquiry Committee noted that it is a common ground that under the Order of the High Court, a criminal case has been registered against the Police Officers, as back as on 9<sup>th</sup> October, 2014. The complainant states that till now the investigation has not been completed. The Inquiry Committee notes with distress that a case registered as back as in the year 2014 is still under investigation, perhaps because the accused in the case are the police officers. The Inquiry Committee expects from the Government of Tamil Nadu through its Chief Secretary as also the S.P. Chennai to ensure that the investigation in the case is completed within 60 days from hearing and all those persons found responsible are brought to justice.

In view of the aforesaid directions, given in the presence of Shri Gunashekharan, Inspector of Police, Thiruvannamalai Town Police Station, Tamil Nadu the Inquiry Committee recommended to the Council to dispose 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 decided to **dispose of** the complaint.

**PRESS COUNCIL OF INDIA**

Sl. No. 15

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

Shri T. Krishnamurthy Raju,  
Publisher & Editor,  
Amaram, Telugu weekly,  
Nidadavolu Town,  
West Godavari District, A.P.

1. The Chief Secretary,  
Govt. of Andhra Pradesh,  
Hyderabad (A.P.)
2. The Superintendent of Police,  
West Godavari, A.P.
3. The S.H.O.,  
Nidadavolu Police Station,  
West Godavari (A.P.)
4. Shri Neelam Nagendra Prasad  
Nidadavolu Citi Cable Owner,  
West Godavari District,  
Andhra Pradesh
5. Shri Juvvala Rambabu,  
CPM Activist,  
West Godavari District,  
Andhra Pradesh

**ADJUDICATION**

**Dated 17.3.2016**

This undated complaint received in the Secretariat of the Council on 6.1.2014 was filed by Shri T. Krishnamurthy Raju, Publisher & Editor, Amaram, Telugu weekly, Nidadavole Town, West Godavari District, Andhra Pradesh against Shri Juvvala Rambabu, CPM Activist, Shri Neelam Nagendra Prasad, Nidadavolu Citi Cable Owner, Kalla Rambabu, Chit fund operator, Burugapalli Ramulu, land lord and Police authorities, West Godavari District, Andhra Pradesh regarding attack on their reporters and forcefully setting their newspaper bundles on fire. The complainant submitted that the respondents were aggrieved over the publication of news item in his weekly 'Amaram' on 3.11.2013 under the caption "***Govt. orders not to walk and play by the male persons in the college campus of women Degree College at Nidadavole, W.G.DT, A.P. (English translation provided by the complainant)***". According to the complainant, the respondents constructed a walking track within the Govt. SC Girls Hostel by threatening the college authorities and endangering the safety of girls. He further stated that the college girls sought help from press to expose their troubles. He had therefore reported the illegal activities in the name of walking in Girls College premises in his paper. He alleged that the respondents being aggrieved with the publication attacked him and his reporter on 3.11.2013 and set their newspaper bundles on fire. He further alleged that a CPM activist, Shri Juvvala Rambabu forcefully took his Accreditation Card, bus pass, costly camera and cell phone and when he tried to save his reporter, he was beaten with fists by Shri Rambabu and his fellows. He submitted that the matter was reported to the Station House Officer, Nidadavolu, but no action was taken. He further submitted that the matter was also reported to the District Collector and Superintendent of Police but in vain.

### **Written Statement (Respondent No. 3)**

The Station House Officer, Nidadavole Police Station, West Godavari District, Andhra Pradesh in his undated Written Statement received on 23.5.2014 stated that he took charge as SHO of Nidadavole Police Station on 25.1.2014 and on receipt of the notice, he verified the station records thoroughly including general diary of police station and found no such report or relevant entries on the incident occurred on 3.11.2013 as stated by the complainant. Further, he examined orally the then College Principal, Dr. R. Rama Rao, the present Principal of the Durgamba Mahila Degree College and Modern Roof Govt. Jr. Girls College and the members of Walkers Club who are using the college track for walking and found that all of the above accepted that an altercation took place between Shri T. Krishnamurthy Raju and the walkers but they did not witness any incident of burning of newspapers or any attack or violence, etc. The respondent further submitted that the complainant and his reporter Mr. Sayyed Ahmad never reported any of the alleged incidents on 3.11.2013 to the then SHO, Nidadavole Police Station. He also submitted that the persons S/Shri Juvvala Rambabu, Neelam Nagendra Prasad, Burugupalli Ramulu, Kalla Ramulu were not rowdy sheeters in Nidadavole Police Station limits or in any police records.

### **Written Statement (Respondent No. 2)**

The Superintendent of Police, West Godavari in his written statement dated 3.6.2014 while denying the allegation of the complaint alleged that the same were completely false and far from the truth as there is no evidence to substantiate these allegations. The respondent submitted that the SHO, Nidadavole thoroughly enquired into the contents of the petition and submitted his detailed report, according to which, the complainant had not submitted any report to the SHO, Nidadavole about the alleged incident that took place on 3.11.2013 so as to take action against the respondents concerned. The respondent submitted that Dr. R. Ramarao, College Principal (Retd.), the Principal of Smt. Velagapudi Durgamba Mahila Degree College and Modern Roof Govt. Junior Girls College did not support the alleged nuisance and insecurity being caused to girls. The respondent further stated that the President of Walkers Club stated that the complainant earlier objected and tried to create trouble to the walkers by publishing so many unrealistic allegations in his newspaper. According to the respondent, Smt. Vani Mohan, IAS, the then District Collector of West Godavari, who responded on the allegations of the complainant also visited the college, interacted with the walkers, enquired about the allegations and confirmed that the allegations are absolutely false and fictitious. The respondent further stated that on 3.11.2013 during the meeting of Walkers Club members,, the complainant had approached and created nuisance objecting to the usage of track in the college ground by the walkers. Thereupon, a wordy dual took place between them. Since then, the complainant has grudge against them and published false allegations that the members of Walkers Club attacked and burnt his newspaper bundles etc. The respondent stated that there is no need to take action on the complaint in the absence of supporting evidence since the allegations have been proved false.

### **Complainant's further letter**

The complainant vide his letter dated 2.1.2016 reiterated his complaint and stated that there is no piece to the college girls and the Hostel girls and they were regularly suffering with the activities of the walkers. He further stated that he had physically visited the place and found the irregularities of the anti-social elements and requested them not to create any breach of peace in smooth running of girl students and choose another place for walker purpose but they did not pay any lead and kept his request in deaf ear and threatened him in dire consequences.

### **Further Reply (Respondent No. 2)**

The Superintendent of Police, West Godavari in his further reply dated 14.2.2016 submitted that according to the records of Nidadavole Police Station no report/FIR was lodged about the incident of alleged assault on the complainant, his reporter and about burnt of copies of the Newspaper on 3.11.2013 either by the complainant or by his staff reporter. However, detailed enquiry into the whole incident revealed that Degree College for women in the name of Durgamba Mahila Degree College and M.R. Govt. Junior College are situated in one compound at Nodadavole Town. He also submitted that for the past five years, no incident reported about the teasing of girls or creating trouble in that ground. According to the Principal and staff of the college, no one has taken advantage of staying there and consuming alcohol nearby the college premises and no illegal incidents had taken place as published in the article by the complainant. He stated that the respondents 4 and 5 Shri Neelam Nagendra Prasad and Shri Jubbala Rambabu are not rowdy sheeters of Nidadavole Police Station as alleged by the complainant and further all rowdy sheeters were controlled by the Police in Nidadavole Town.

The Principal, M.R. Govt. in his letter dated 13.2.2016 submitted that there are no anti-social activities in their college premises. He further submitted that the public walkers utilize in the college ground for walking for morning and evening times and holidays.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. Shri T. Krishnamurthy Raju, the complainant appeared in person while Shri D.B. Prasad, Sub-Inspector of Police appeared for the respondent no. 5.

The Inquiry Committee heard the complainant as also the representative of respondent no. 5- Superintendent of Police, West Godavari. The Inquiry Committee noted that the complainant editor has done its duty by publication of the news item. In the opinion of the Inquiry Committee it was in public interest. His grievance is that no action was taken in regard to the burning of the weekly bundles and attack on the photographer of the newspaper. Nothing has been placed on record to show that any such report was given to the police. Be that as it may, the Inquiry Committee is of the opinion that the respondent should take all necessary steps to protect the freedom of the press and therefore, with the above observation, the Inquiry Committee recommended to the Council to dismiss the complaint.

### **Held**

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

**PRESS COUNCIL OF INDIA**

Sl. No. 16

File No. 13/147/14-15-PCI

Shri K.P. Mari Kumar,  
Publisher, Uyirosai,  
Madurai.

1. The Chief Secretary,  
Government of Tamil Nadu,  
Chennai, Tamil Nadu
2. The Secretary,  
Home(Police) Department,  
Government of Tamil Nadu,  
Chennai.
3. The Managing Director,  
New Generation Media Cor.  
(P) Ltd.
4. The Director General of Police,  
Tamil Nadu Police,  
Chennai.
5. Shri Ramanujam, Reporter,  
Puthiyathalaimurai TV,  
Chennai
6. The Editor,  
Puthiyathalaimurai TV,  
Chennai

**ADJUDICATION**

**Dated 17.3.2016**

This complaint dated 30.12.2014 was filed by Shri K.P. Mari Kumar, Publisher, Uyirosai, Madurai against (i) Managing Director, New Generation Media Corporation (P) Ltd., Chennai (ii) Editor, Puthiyathalaimurai TV and (iii) Shri Ramanujam , Reporter, Puthiyathalaimurai TV for alleging misbehaviour with their Reporters, Shri S. Karthikeyan and Shri M. Venkatesh during coverage of news at Collectorate on 16.12.2014. According to the complainant he deputed their reporters Shri S. Karthikeyan and Shri M. Venkatesh for covering of a story on Granite Scam enquiry being conducted by Shri Sagayam (Chief of Enquiry). The complainant has alleged that Mr. Ramanujam of Puthiyathalaimurai TV behaved as if he was Special Investigating Officer appointed by Tamil Nadu Government and asked for the identity card of their reporters even after thorough enquiry of their reporters by the police security officials at Collectorate. Shri Ramanujam, Reporter of Puthiyathalaimurai TV along with some of his reporters friends of other media misbehaved with their said reporters and also forced them to leave the place by mocking, joking and intimidating reporters.

The complainant further stated that he rang up thrice the Editor of Puthiyathalaimurai TV for making a complaint against Shri Ramanujam but did not get any response so he texted him the complaint via SMS. On 17.12.2014, he received a call from Sub-Editor who informed him that he would revert back after discussing the matter with Shri Ramanujam but neither the editor nor the Sub-Editor kept their promise. The

complainant also sent a complaint letter dated 26.12.2014 to the DGP of Tamil Nadu but did not received any reply.

A Notice for comments dated 4.3.2015 followed by a reminder dated 28.5.2015 was issued to the respondents.

### **Letter of Under Secretary, Govt. of Tamil Nadu**

A letter dated 23.3.2015 received from Under Secretary to the Government of Tamil Nadu, Chennai which was addressed to DGP, Chennai stating that he is forwarding a complaint of Thiru K. P Mari Kumar and asking that action taken report may be sent to the Press Council of India.

### **Comments of Respondent No. 3**

The respondent no. 3- The Managing Director, M/s New Generation Media Corporation Chennai Pvt. Ltd. in his comments dated 13.2.2016 stated that there was no intention on the part of M/s New Generation Media Corporation Chennai Pvt. Ltd. to violate the norms, guidelines and regulations laid down by the Hon'ble Press Council of India. He further stated that the allegations made in the complaint are without any basis or sub stratum. He alleged that they have come to know in the enquiry that it was done only with a view to get cheap publicity.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. There was no appearance on behalf of the complainant. Shri B. Sudhir Kumar, Advocate appeared for Respondent nos. 3 and 6.

The Inquiry Committee noted that the complainant is a publisher of Uyirosai, Tamil monthly, Maadurai and is aggrieved by the misbehaviour of one of the journalist of Puthiyathalaimurai TV. It is the allegation of the complainant that the TV Reporter had forced the journalist working with the complainant newspaper to leave the place of inquiry. The reply has been filed by the Puthiyathalaimurai TV and Managaing Director, New Generation Media Corporation (P) Ltd. In the reply, they have stated that actually there was no misbehaviour on the part of the TV Reporter but certain enquiries were made from the complainant's journalist as he was not familiar with his face. Taking into consideration the overall view of the matter, the inquiry Committee is of the opinion that no further action needs to be taken in the matter. The Inquiry Committee recommended to the Council to dismiss the complaint.

### **Held**

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

## **PRESS COUNCIL OF INDIA**

Sl. No. 17

File No. 13/50/15-16-PCI

Shri R. Ramachandra Rao,  
Editor/Publisher, Lokam Pokada, Telugu Fortnightly,  
Nellore District , A.P.

Registrar of Newspapers for  
India.(RNI), New Delhi.

### **ADJUDICATION** **Dated 17.3.2016**

This complaint dated 28.5.2015 was filed by Shri R. Ramachandra Rao, Editor/Publisher, Lokam Pokada, Telugu Fortnightly, Nellore District, Andhra Pradesh against RNI for non-issuance of Registration Certificate. According to the complainant, his paper was registered with the RNI in the year 1979 and he began publishing it as a Bi-weekly. In the year 2005, the District Public Relation Officer and the postal department insisted on getting the RNI certificate. Subsequently he wrote to the Registrar, RNI for issuing the RNI certificate and submitted all certificate to the RNI and approached before the Registrar who asked him to furnish fresh Declaration. The complainant has further stated that in 2006, he got Declaration for his paper as Fortnightly and once again applied afresh to the RNI. After one year the office sent a letter to the Printer stating that his address is not correctly mentioned. Immediately the Printer asserted that the address given in the Declaration is correct, however, he again gave a self Declaration on his own, on his letter pad stating his name and address. The complainant alleged that despite submitting all particulars the RNI did not send the certificate till date.

### **Comments of RNI:**

A letter dated 29.6.2015 was issued to the RNI for his Comments in the matter. In response to the Council's letter dated 29.6.2015 Shri S.K. Meena, Registration Supervisor, RNI vide his letter dated 21.7.2015 informed that a discrepancy letter had been issued to the publisher (complainant) for compliance vide their office letter dated 16.7.2015 and further process of registration will be taken up on receipt of complete requisite documents from the publisher.

Again on 15.2.2016, Shri S.D. Sarkar, Assistant Press Registrar informed that the publisher was requested to submit requisite documents for registration vide RNI's letter dated 16.7.2015 for which no reply was filed. He stated that in the absence of complete requisite documents, registration of the same is not possible.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. There was no appearance from either side.

The inquiry Committee perused the complaint and the connected papers. It is the assertion of the complainant that despite complying all the requirements, the RNI has not issued Registration Certificate. The Office of the RNI in his letter dated 21.7.2015 informed that a discrepancy letter had been issued to the complainant by letter dated 16.7.2015 and after the receipt of the complete documents, further process of registration will be taken. The complainant will therefore be well advised to comply with the above stated letter, if already not complied, within six weeks from today. The RNI will take a decision in accordance with law within two months from the date of its receipt. The

Inquiry Committee recommended to the Council to dispose of the complaint accordingly. The Inquiry Committee directed that a copy of the letter forwarded to the Council by the RNI be forwarded to the complainant also.

**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.