

## **Adjudications Rendered by the Council on 29.05.2019**

### **Section 13 – Complaints by the Press**

#### **Cases heard by Inquiry Committee-II in its meeting held on 13<sup>th</sup>& 14<sup>th</sup> February, 2019 at New Delhi.**

1. Suo-motu cognizance w.r.t. arrest of Sh. Kunal Shankar, Reporter, Frontline and restrictions on media in the Hyderabad Central University **(13/213/16-17)**
2. Suo-motu cognizance w.r.t. murder of Ms. Gauri Lankesh, Sr. Journalist/Editor, Gauri Lankesh Patrika by unknown assailants **(13/76/17-18)**
3. Complaint of Shri Vishnu Dev, Press Reporter, Satyagrah Weekly, Ludhiana, Punjab against Shri Deepak Kumar, Employee of Toll Plaza, Laddhowal. **(13/164/17-18)**
4. Suo-motu cognizance with regard to registering of false case against journalist by the Project Officer of Integrated Tribal Development Authority at Seethampeta in Srikakulam District. **(13/97/18-19)**
5. Suo-motu cognizance with regard to summoned Shri Auqib Javeed, Reporter, Kashmir Observer by the National Investigation Agency (NIA). **(13/62/18-19)**
6. Suo-motu cognizance w.r.t. restriction on media from entering in Punjab Police Headquarter **(13/96/18-19)**
7. Complaint of Dr. Jasim Mohammad, Bureau Chief, Aligarh (U.P.) against Shri Nadeem Ansari, Former AMU Students Union Vice President & Others **(13/56/18-19)**
8. Complaint of Shri Amanulla, Journalist, Distt. Gutambudh Nagar, UP against Shri Vaaris Ali and others **(13/64/18-19)**
9. Complaint of Shri Santosh Kumar, Journalist, N.L.N. Media (News Live Now), Mandi, Himachal Pradesh against Police Authorities **(13/12/18-19)**
10. Complaint of Shri Manoj Kumar Aligarhi, Independent Photo Journalist, Aligarh, Uttar Pradesh against Anti-Social Elements **(13/40/18-19)**
11. Complaint of Dr. Satish Kumar Verma, Veer Yodha, Aligarh, UP against Shri Akeel Ahmad, Assistant Director, Information Department, Department of Public Relation, Aligarh **(13/84/18-19)**

#### **Cases heard by Inquiry Committee-I in its meeting held on 28<sup>th</sup>& 29<sup>th</sup> March, 2019 at New Delhi.**

12. Complaint of Shri Satish Beri, Sriganganagar against police authorities and anti-social elements.**(13/29/18-19)**

13. Complaint of Shri Kumar, Editor & Managing Director, The Statesman Kolkata against the Kolkata Police. **(13/91/18-19)**
14. Complaint of Shri Gauri Shankar Saini, Jaipur, Rajasthan against Police Authorities. **(13/102/18-19)**
15. Complaint of Dr. M. Furquan, Media Report, Sach Bilkul Sach, New Delhi against unknown persons. **(13/11/2018-19)**
16. Complaint of Shri Anshu Gupta, Reporter, Bundelkhand Live and U.P News box, Banda, Uttar Pradesh against the Police Authorities and Anti-social elements. **(13/53/18-19)**
17. Suo-motu cognizance with regard to arrest of Shri Kishorechandra Wangkhem, Journalist under National Security Act. **(13/137/18-19)**
18. Complaint of Shri Aasif Shafi, Freelance Photo-Journalist against CRPF and Police Personal of J&K. **(13/100/17-18)**
19. Complaint of Sh. Mahendra Singh, Publisher/Printer/Editor, Kisholi Times Bulandshahar, U.P. against Anti-Social elements and Police authorities. **(13/76/18-19)**
20. Complaint of Shri Harender Malik, Correspondent, Dainik Shah Times, Jijamna, against Shri Raj Kumar Sharma, SHO, Jijana, Ghaziabad, Uttar Pradesh. **(13/92/2018-19)**
21. Complaint of Shri Balram Yadav, Correspondent, Budddh Shanti Jan Sandesh, Kushinagar, Uttar Pradesh against Shri Ghanshyam Shukla, Kushinagar. **(13/93/18-19)**
22. Complaint of Shri Umakant Mishra, a Chief Editor, Seema Rekha, Devriya, Uttar Pradesh against Police Authorities. **(13/77/18-19)**
23. Complaint of Shri Ankit Rai, Bureau Chief, Gaon Ki Khabar, Sultanpur, Uttar Pradesh against District Information Officer, Sultapur, Uttar Pradesh. **(13/20/2018-19)**
24. Complaint of Shri Ramesh Yadav, Sub-Editor, Sunami Lehar, Farrukhabad, Uttar Pradesh against the Anti-Social elements. **(13/24/18-19)**
25. Complaint of Shri Kalimullah, Senior Journalist, Siddharthnagar, Uttar Pradesh against Shri Harindar Pathak, Sub-Inspector, Naugarh Chauki, Siddharthnagar, Uttar Pradesh. **(13/43/2018-19)**
26. Complaint of Smt. Shruti Chada, Mandal Bureau 24 Hours Today News, Jhansi and Nishakant Gupta, Editor, Jhansi Varta, Jhansi against Police Authorities, Jhansi Circle. **(13/95/18-19)**

## Press Council of India

S.No. 1

File No.13/213/16-17-PCI.

**Suo-motu cognizance with regard to arrest of Shri Kunal Shankar, Reporter, Frontline and restrictions on media in the Hyderabad Central University.**

### Adjudication dated 29.5.2019

#### Facts:

Members of Press Council of India vide emails dated 21.1.2017 had drawn the attention of the Council towards arrest of Shri Kunal Shankar, Reporter of Frontline magazine (a part of The Hindu Group) during coverage of news in the University of Hyderabad. According to them, the internal security of the Hyderabad Central University detained Shri Kunal Shankar in University Campus on 17.1.2017 and handed him over to the police of Gachibowli Police Station, Hyderabad. The University charged him with trespassing and contempt of court. The police refused to give a copy of the FIR to Shri Shankar and they let him off after questioning him for three hours. Shri Shankar had gone to the University to cover an event organised by the University students to mark the first death anniversary of Rohit Vemula. The University authorities barred the entry of the media persons into the campus to cover the event. Members reminded that the University authorities gave an undertaking to the PCI last year that they would allow the media to cover events in the campus without any hindrance. The detention of a journalist and slapping of case amount denial of access to the source of news and is blatant violation of the undertaking given to the PCI. They requested the Council to take suo-motu action against the University authorities immediately so that the media can access sources of news in the University campus without any hindrance.

While taking suo-motu cognizance of the matter, a report on facts of the case was called for from the Government of Andhra Pradesh and the Vice-Chancellor, Hyderabad Central University, Hyderabad on 23.1.2017.

#### Reply of University of Hyderabad

Prof. Vipin Srivastave, Spokesperson/Pro-Vice-Chancellor, University of Hyderabad (UoH) vide his reply dated 9.2.2017 has submitted that on 16.1.2017, an appeal was issued by the Registrar soliciting cooperation of the entire University fraternity in maintaining a peaceful academic atmosphere in the campus in the wake of a call given by the student bodies to hold demonstrations on campus on 17.1.2017. This circular was communicated to the media as well. He has further submitted that the plans of students were learnt through newspaper reports and posters. The Dean, students' Welfare also issued an appeal to the students in the same context. He has also submitted that no permission was sought from the University Administration by any organisation to hold any event in campus on January 16 or 17, 2017. Consequently, any protest/rally/demonstration was to be treated a priori as unauthorised. According to him, Shri Kunal Shankar was spotted by the UoH security along with two other individuals, supposedly from "Dalit Camera" late in the evening of 16.1.2017 in a procession taken out by students. When quizzed, he gave evasive answers, and while the students were trying to plead with the security personnel that he was a research student in the University, he slipped away in the darkness of night. The respondent further informed that when Shri Kunal Shankar

was spotted again by the security personnel on 17<sup>th</sup> morning in the South Campus, he said he was in the campus at the behest of a faculty member in Computer Science. Following the instruction in the background of the Registrar's circular/appeal, the UoH Security reported the matter to Gachibowli Police and handed over to the police as a trespasser. The respondent also informed that when the Visitor Movement Register was scrutinised, it was found that Shri Shankar entered the campus on 16<sup>th</sup> at 5 p.m. in his Santro to meet Anupama Potluri for an official purpose and apparently left at 3:45 am. However, in an interview to the Times of India of 18<sup>th</sup> January, he is quoted as saying that on 16<sup>th</sup> he 'made his way into a hostel as a visitor and as soon as he came out of the hostel on Tuesday morning, he was accosted by the police....'. The respondent has stated that one can easily deduce what official work Shri Shankar was carrying out in the evening of 16<sup>th</sup>. No person in campus by the name Anupama Potluri was authorised by the University Administration to let a media reporter enter the campus. The surreptitious entry of Shri Shankar thus tantamount to trespassing and in the background of the warning in the Registrar's circular, he attracted the punishment he received. The respondent has further stated that since there is no entry in the Visitor's register on 17.1.2017, the UoH Security naturally deduced that Shri Shankar might have trespassed into the campus by jumping over walls or through some other illegal means. With regard to restriction of print/electronic media into the campus, the respondent has stated that the University is a public institution and it is the responsibility of the University to ensure peace on campus. It is well within their authority to restrict the entry of any outsider into the premises of the University if there are reasons to be concerned about the security of those who live/work inside the campus. He has alleged that a section of media indulged in irresponsible and unverified reporting of University affairs which have led to problems and complications, not to mention the disrepute brought to this premier institution of the country.

### **A communication from Commissioner of Police, Hyderabad**

In response to Council's letter dated 23.1.2017, the Commissioner of Police, Hyderabad City, Govt. of Telangana addressed a letter dated 14.2.2017 to the Commissioner of Police, Cyberabad for taking necessary action in the matter. A copy of the same has been endorsed to Press Council for information.

### **Communication received from University of Hyderabad**

In a communication dated 11.5.2017 University of Hyderabad enclosed a copy of the affidavit of the writ petition filed in support of Writ petition No.10124 of 2016, on the file of the Hon'ble High Court of Judicature for the State of Telangana and the State of Andhra Pradesh, along with a copy of WR.MP No.15218 of 2016 (as attached). They have also filed a copy of the order of the Hon'ble High Court dated 12.4.2016 passed in the writ petition. They have further submitted that they have already made submissions orally as well as in writing and no new material have been served on them as on date.

### **Report submitted by Asstt. Commissioner of Police, Madhapur, Cyberabad**

The Assistant Commissioner of Police, Madhapur Division, Cyberabad, Hyderabad on 15.5.2017 submitted a report and it states that on 17.1.2017 at

1310 hrs. the Security Officer, University of Hyderabad lodged a report at PS Gachibowli stating that the circular dated 16..2017 issued by the Registrar, University of Hyderabad restricted entry of outsiders into the university campus without permission. And they manned all their gates tightly and not allowed outsiders. However, they noticed that one Shri Kunal from Frontline, an outsider found to have trespassed into the campus to take part in the said program and after noticing unauthorized presence in the campus, they handed over him to Gachibowli PS at about 1300 hrs. He further stated that they have orders from the High Court not to permit outsiders without appropriate permission. During the investigation he gave conflicting replies and adamant answers wherein he revealed his name and address as a reporter of Frontline and admitted that he entered into the university of Hyderabad campus on the oral invitation of Dr. Anupama, Asstt. Prof., School of computer Science on 16.1.2017 evening at about 5 pm and he made entry in the visitor's book at the Security main gate of University. He further submitted that during the examination, he consulted his advocate and friends over phone and gave evasive and conflicting answers regarding his status of entry i.e. whether he entered the campus as a reporter or as a civilian guest, his statements kept on changing and non-cooperative to the investigation. The investigation of this case is pending for finalisation.

A copy each of the communications dated 11.5.2017 received from University of Hyderabad and 13.5.2017 received from Commissioner of Police, Cyberabad were forwarded to Shri Kunal Shankar for his information/counter comments.

#### **Communication dated 7.7.2017 from University of Hyderabad**

Shri Appa Rao Podile, Professor of University of Hyderabad, vide his letter dated 7.7.2017 has submitted that the University has utmost respect for the free press of the country and hence has evolved a responsible mechanism where under the journalists are being allowed into the campus subject to prior requisition being made by the concerned authority. He has further submitted that the University has committed to follow an access policy to media for all its events duly planned by School/Departments and Centres and the University. He has submitted that their representative had already appeared in person on 14 & 15 March 2017 at Hyderabad and given submission on the above matter.

#### **Communication from University of Hyderabad dated 8.9.2017**

Shri B.P. Sanjay, Pro vice Chancellor, University of Hyderabad, vide his letter dated 8.9.2017 apprised the Council that the University is already committed to Press Council of India to follow an access policy to media for all its events duly planned by Schools/Departments/Centres and the University. Several journalists have got permission to cover the events inside the campus from August 2016 to till date. He has further submitted that he has no further submission in the matter.

#### **Communication from SHO, Gachibowli**

The Station House Officer, Gachibowli Police Station, vide letter dated 19.9.2017 has informed the Council that in the instant matter, the Investigation officer has collected the evidence and based on the evidence legal action has been

taken and the referred the case as “Mistakes of Facts” There is no further action against Mr. Kunal Shankar, Journalist.

### **Response from University of Hyderabad**

In response to Council’s letter dated 20.7.2018, Prof. Appa Rao Podile, Vice-Chancellor, University of Hyderabad vide his letter dated 10.8.2018 has stated that the Access Policy of the University is in line with access regulations that are standard practice in most public institutions at the State and Central level. He has submitted that the University of Hyderabad holds the principle of freedom of press in highest regard and their policy is in no way intended to curtail it. In fact, they have established a regular flow of communication with the media on all important matter concerning the University, including in times of crises, through releases issued by their PRO, and a designated spokesperson of the institution has always been available to speak with media personnel. In addition, they make use of their official website and social media to reach out to the Press at regular intervals. He has requested to inform them as to which specific provisions of their Access Policy seem to be an infringement on the freedom of press, so that they would be able to respond more pointedly to the queries of the PCI for which they have the utmost respect.

### **Response from University of Hyderabad dated 15.10.2018 and 18.12.2018**

Shri Appa Rao Podile, Vice Chancellor, University of Hyderabad vide letter dated 15.10.2018 and 18.12.2018 has submitted that they have already sent a reply in the matter. He has further submitted that the University of Hyderabad holds the principle of freedom of the press in highest regard, and their policy is no way intended to curtail it. He has further requested the Council to apprise them as to which specific provisions of their Access Policy seem to be an infringement to the freedom of the Press.

### **Letter received from S.H.O., Gachibowli**

The Station House Officer, Gachibowli Police Station vide letter dated 21.10.2018 has filed a report with respect to arrest of Shri Kunal Shankar. In the report, he has submitted that during the course of investigation in Cr. No. 28/2017 U/S 448. 188 IPC of Gachibowli Police Station, Cyberabad, the I.O has collected the evidence, based on the evidence; legal opinion has been taken and referred the case as “ Mistake of Facts” on 18.9.2017 and submitted final report before the Hon’ble XXV MM Court, Kukatpally at Miyapur. As such there is no further action against Shri Kunal Shankar, Journalist, he had requested the Council for exemption from attendance in hearing on 22.10.2018.

### **Communication received from Commissioner of Police Hyderabad City**

The Council has received endorsements dated 29.8.2018, 5.11.2018 and 22.12.2018 addressed to the Commissioner of Police, Cyberabad by the Commissioner of Police, Hyderabad City. In first endorsement dated 5.11.2018, the Inspector of Police, Begumpet PS has been instructed to serve the summons against the accused listed in the communication. Name of Shri Kunal Sharma is mentioned at S. No. 3 citing nature of case as Notice of hearing received from the Council.

In second endorsement, the Commissioner of Police, Hyderabad City has sent list of seven original Warrant of Arrest as the addresses of the accused persons

falls under the jurisdiction of Commissioner of Police, Cyberabad. The name of Shri Kunal Sharma is mentioned at S.No. 3 citing nature of case as “Arrest”.

### **Communication dated 12.2.2019 received from University of Hyderabad**

The respondent has submitted that the University was not aware of the credentials of Shri Kunal Shankar when he entered the campus as a guest of a Professor. Being unaware of his journalist accreditation, he was handed over to the security/police as part of the security protocol of the University. The respondent has reiterated that the University has utmost respect for journalists and respects ethical journalism. Though an official complaint was lodged with the City Police, the University can consider withdrawing the same in honour of his journalist credentials. The respondent has informed that Prof. Vinod Pavarals, Sr. Faculty in the Department of Communication is the official spokesperson for the University and the journalists are in regular touch with him. The respondent has further informed that the University is presently allowing accredited journalists to come inside the campus to cover events of any nature and they are being given Press Pass to facilitate their visit without difficulty through the PRO's office and security office.

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

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Shri K. Amarnath, Former Member, PCI appeared on behalf of the journalist, Shri Kunal Shankar Reporter, Frontline Shri Ashish Jacob Thomas, PRO represented the respondent Editor.

The Council took suo motu cognizance when it came to its notice about the arrest of Shri Kunal Shankar, Reporter, Frontline in Hyderabad. The Inquiry Committee has been informed that after investigation, the police had submitted final report and the same has been accepted by the Court.

Further, the University of Hyderabad by letter dated 12.2.2019 has informed the Council that the University is presently allowing accredited journalists to come inside the campus to cover events of any nature and they are being given Press Pass to facilitate their visit without difficulty through the PRO's office and Security office. It has been further assured that all the facilities needed to cover any event shall also be worked out in consultation with the media organisations.

With the aforesaid assurances, the Inquiry Committee is satisfied and hence the Inquiry Committee is not inclined to proceed in the matter any further. Accordingly, it drops the proceedings.

### **Held**

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

## **Press Council of India**

S.No. 2

F.No.13/76/17-18-PCI.

**Suo-motu cognizance with regard to murder of Ms. Gauri Lankesh, Sr. Journalist/Editor, Gauri Lankesh Patrike by unknown assailants in Bangalore (Karnataka).**

### **Adjudication dated 29.5.2019**

#### **Facts:**

A former Member of Press Council of India vide email dated 6.9.2017 drew the attention of the Council towards murder of Ms. Gauri Lankesh, Sr. Journalist/Editor, Gauri Lankesh Patrike at Bangalore by unknown assailants on 5.9.2017.

The relevant news clippings of the incident reported that Ms. Gauri was gunned down by three men on a two-wheeler in front on her home on 5.9.2017. Ms. Lankesh was known for her criticism of Hindu extremism and writings often against Sangh organisations and communal violence in the country.

While taking suo-motu cognizance of the matter, a Report on facts of the case was called for from the Government of Karnataka on 6.9.2017.

#### **Reply of Govt. of Karnataka**

In response to Council's letter dated 6.9.2017, Shri K. Chiranjivi, Deputy Secretary to Government of Karnataka, Home Department (L&O), Bangalore vide Report dated 16.9.2017 has informed that on 5.9.2017 at about 8:20 PM the SHO of Rajarajeshwarinagar Police Station, Shri Munibasavaiah, ASI received telephonic information that Ms.Gauri Lankesh has fallen in front on her house. The police officers rushed to her house where she was found dead. Immediately, officers informed the senior police officers and requested for the FSL Team securing the crime scene. He has further informed that on enquiry the neighbours informed that at around 8:00 p.m. they heard sounds resembling crackers and came out noticing that Ms. Lankesh was lying on the ground. According to him, on the complaint of Ms. Kavita Lankesh, younger sister of the deceased, a case was registered in Rajarajeshwarinagar PS CrimeNo.221/17 under Section 302 IPC r/w 25 Arms Act and investigation taken up. He has also informed that Hon'ble Home Minister of Karnataka and senior officers including Commissioner of Police, Bangalore visited the place of incident. The officers of FSL visited the spot and gathered available evidence. A Special Investigation Team (SIT) headed by an IGP and an SP rank officer as Chief Investigation Officer and 19 other officers of the rank of SP/Dy. SP and Police Inspector have been formed to investigate the murder and apprehend the culprits at the earliest. He has informed that the investigation of the said case is in progress.

A copy of the Report was forwarded to the then Members on 9.10.2017 for information.

Vide Council's letter dated 31.5.2018, the Govt. of Karnataka was requested to update the status of the above case but received no reply.

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

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Shri K. Amarnath, Former Member, PCI appeared before the committee and Shri B.S. Srinivasa, Deputy Secretary and Shri B.K. Singh, Addl Commissioner of Police represented the respondent, Govt. authorities.

Shri Bijay Kumar Singh, Head of the SIT, investigating the murder of Ms. Gauri Lankesh appears and states that 18 persons have been charge- sheeted in the case and out of them 16 persons have already been arrested. He further states that investigation is still going on and is likely to be concluded within a reasonable time. The Inquiry Committee takes note of the aforesaid statement of Mr. Singh and drops the proceedings.

### **Held**

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

## **Press Council of India**

S.No. 3

F.No.13/164/17-18-PCI.

### **Complainant**

Shri Vishnu Dev,  
Press Reporter,  
Satyagrah,  
Ludhiana (Punjab)

### **Respondent**

The Director,  
National Highway Authority of India,  
Ministry of Road Transport & Highways,  
Jalandhar (Punjab)

The General Manager (Tech.) &  
Project Director,  
National Highway Authority of India,  
Ministry of Road Transport & Highways,  
Ambala City (Haryana).

### **Adjudication dated 29.5.2019**

#### **Facts**

This complaint dated 4.12.2017 has been filed by Shri Vishnu Dev, Press Reporter, Satyagrah, Ludhiana (Punjab) against Shri Deepak Kumar, Employee of Toll Plaza, Laddhowal for allegedly misbehaving and forcibly issuing toll ticket. The complainant has informed that on 1.12.2017, he was going in his car to Hoshiarpur for some official work i.e. for news gathering purpose. When he reached Laddhowal Toll Plaza, he was asked to pay fee-charge. The complainant showed his Press Card saying that the Press is exempted from the charge of toll but the concerned official-Shri Deepak Kumar did not agree and started using unparliamentary language. The complainant has also informed that to avoid the conflict, he paid the toll Rs.180/- (to and fro) and on request the respondent-Shri Deepak Kumar wrote on the toll slip that no such exemption will be given on this Press Card ID No.17/IDh/39. The complainant has alleged that Shri Deepak Kumar used derogatory words against the Press. According to the complainant, as per NHAI Toll Plaza Rules, only 3 minutes are given for waiting to Toll Plaza Authority otherwise free entry/no toll charges but he also waited for more than 20 minutes. He has requested the Council to take strong action against the respondent.

#### **No Reply**

Notice for Comments was issued to the Director, National Highway Authority of India, Jalandhar on 10.1.2018. In response thereto, Shri V.K. Sharma, General Manager (Tech.) & Project Director, NHAI, Ambala has informed that the NHAI, Jalandhar has forwarded them a copy of the Notice for Comments but the copy of the complaint was not found attached. As desired, a copy of the complaint was forwarded to the NHAI, Ambala on 16.3.2018. In the absence of any further reply, Notices for Statement in Reply were issued to the respondents-NHAI, Jalandhar and Ambala on 23.4.2018 followed by reminder dated 5.7.2018. In response, NHAI, Jalandhar addressed a letter dated 23.7.2018 to the NHAI, Ambala, along with an endorsement to PCI, for taking necessary action as the location pertains to Ambala jurisdiction. No further response received so far.

### **Reply received from Project Implementation unit, NHAI**

Shri Gautam Vishal, Project Director, PIU, National Highways Authority of India, Ambala vide letter dated 27.2.2019 has submitted that Concessionaire M/s Panipat Jalandhar NH-1 Tollway Pvt Ltd has denied to appear before I.C. on the plea that the Concessionaire is not party to the said notice. Shri Deepak Kumar, Employee of Toll Plaza Ladowal, is fully responsible to attend the said meeting. Further he has provided postal address to issue Notice for hearing in future, related to the Project Highway and against employee of Toll Plaza.

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

The matter came up for final hearing before the Inquiry Committee on 13.2.2019 at New Delhi. There was no appearance on behalf of the respondent, NHAI.

Despite service of notice, the complainant has not chosen to appear before the Committee. In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, dismisses the complaint.

### **Held**

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

## **Press Council of India**

S.No. 4

F.No.13/97/18-19-PCI.

### **Suo-motu cognizance with regard to registering false case against journalist by the Project Officer of Integrated Tribal Development Authority at Seethampeta in Srikakulam District (Andhra Pradesh)**

#### **Adjudication dated 29.5.2019**

##### **Facts**

A Member of Press Council of India vide e-mail dated 18.9.2018 filed a complaint against the Project Officer of Integrated Tribal Development Authority (ITDA) at Seethampeta in Srikakulam district of Andhra Pradesh for allegedly filing false cases against a journalist. He has stated that Shri L. Siva Shankar, IAS, Project Officer filed a case on 5.6.2018 against Shri Gaddam Haranadha Rao, Editor, Manne Seema, Telugu fortnightly after he wrote two articles exposing the malfeasance and corruption of the Project Officer. The news item captioned "*Complaints against corruption in ITDA*" with sub-headings '*illegal acts in name of development*' '*Complaints to CM against the PO*' and '*Tribal's demand action against PO*'. The news item reports that in a memorandum to the Chief Minister N. Chandrababu Naidu at Saravakota in Srikakulam district, the Tribal Joint Action Committee leader Vava Yogi and others alleged that the Project Officer was siphoning off funds for the ITDA by submitting false bills to the tune of crores of rupees. He was also awarding Benami contracts and getting benefits. It was alleged that the PO was giving contracts to non-tribals for development of tourism spots in the project area illegally ignoring the tribals. The memorandum demanded that the case should be referred to the CBI as the central government funds are also involved. According to the Member, after writing critical articles, he was arrested on 13 June and released on bail on 27 June. The police opened a rowdy sheet against him in Palakonda PS, under pressure from the Senior IAS officer while he was in jail. He has further informed that Shri Haranadha Rao based his articles on a memorandum submitted by local tribal leader and others to the Chief Minister when he visited the place and his independent investigation. Incensed over the article, the Project Officer, who belongs to IAS, filed a case under the provisions of the SC and ST (Prevention of Atrocities) Act. It is ironic that an IAS officer uses the SC and ST Act to get even with a journalist who did his duty by writing and article in his paper about the alleged corruption with evidence.

He has requested the Council to take suo motu cognizance of the case and do the needful to protect the journalist from undue harassment from senior officer.

While taking suo-motu cognizance of the matter, Notices for Statement in Reply were issued to the Government of Andhra Pradesh and the Project Officer, Integrated Tribal Development Authority, Srikakulam on 5.10.2018.

##### **Reply of Project Officer**

Shri Siva Sankar Lotheti, Project Officer, Integrated Tribal Development Authority (ITDA), Seethampeta vide reply dated 9.11.2018 submitted that he has filed

a case on 5.6.2018 against Shri Geddam Haranadha Rao, Editor, Manne Seema Telugu Fortnightly after he wrote two articles, the police opened a rowdy sheet against him at Palakonda PS under pressure from senior IAS Officer while he was in jail. He has submitted that the editor based his articles on a memorandum submitted by a local tribal leader and others to the Chief Minister and his independent investigation. The respondent submitted that there are complaints against the said journalist that while exposing the employees through his paper he demanded money from them to stop publishing adverse news. He advised the journalist not to resort to such things as it will demoralize them. He has further submitted that if he feels as responsible one on finding any irregularities he may complaint to competent authority with credible evidence, as no action under law can be taken mere relying upon press clippings, but the complainant never came up with any valid complaint so far. The respondent also submitted that the police opening rowdy sheet on the complainant is nothing to do with him and therefore, the allegation of the complainant that rowdy sheet was opened under pressure of a Senior IAS officer is not maintainable. He has requested the Council to return the complaint.

A copy of the above reply was forwarded to the Member, PCI on 8.1.2018.

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

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Shri K. Amarnath, Former Member, PCI appeared on behalf of concerned journalists while Shri Kiran Kumar, Advocate represented ITDA, A.P.

The Council took suo-moto cognizance when it came to its notice that the criminal case has been lodged against a journalist for adverse writing against an officer. The concerned officer has filed his reply in which he has stated that the case was lodged and after investigation the concerned journalist has been charge sheeted and the case is at the stage of trial.

The Inquiry Committee has heard Mr. Amarnath in support of the journalist concerned and the counsel on behalf of the officer concerned. The Inquiry Committee is of the opinion that the subject matter of the enquiry is sub-judice and therefore it is not inclined to proceed with it any further.

With the aforesaid observations, the Inquiry Committee drops the proceeding.

### **Held**

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and drops the proceeding being sub judice.

**Press Council of India**

S.No. 5

F.No.13/62/18-19-PCI.

**Suo-motu cognizance with regard to summoning Shri Auqib Javeed, Reporter, Kashmir Observer by the National Investigation Agency (NIA).**

**Adjudication dated 29.5.2019**

**Facts**

Member, Press Council of India has forwarded a copy of the news item published in “Kashmir Observer” issue dated 15.7.2018 under the caption “**Don’t harass journalists, say Press Groups after NIA questions Kashmiri reporter**”. It has been reported in the news item that a Kashmiri Reporter, Shri Auqib Javeed was reportedly questioned for three hours by the National Investigation Agency (NIA) in New Delhi on Saturday (July 14) and summoned again on Sunday. The reporter was asked about a sedition case filed against Dukhtaraan-E-Millat Chief Ms. Asiya Andrabi and two of her aides. In January, Shri Javeed had interviewed Ms. Andrabi, who was arrested by the NIA on July 6, for a local magazine. Shri Javeed is also a contributor to The Wire. His most recent article, written after Shujaat Bukhari’s assassination, was on the threats and pressures faced by the reporters working and living in Kashmir. This is not the first time the investigative agency’s attitude towards journalists-particularly those reporting from the valley-has come into question.

While taking suo-motu cognizance of the matter, Notices for Statement in Reply were issued to the National Investigation Agency (NIA) and Government of Jammu & Kashmir on 31.7.2018.

**Reply of National Investigation Agency (NIA)**

Shri G.P. Singh, IPS, Inspector General (I&O), NIA, New Delhi vide his reply dated 16.8.2018 has submitted that the NIA investigating the Case No.RC-17/2018/NIA-DLI as per the Ministry of Home Affairs, Govt. of India, New Delhi’s Order dated 26.4.2018 pertaining to secessionist and terrorist activities in Kashmir Valley by Ms. Aasiya Andrabi and her associates through the proscribed terrorist organisation “Dukhtaran-E-Millat”. The investigation revealed that a substantial amount of hateful, insurrectionary and secessionist material was being circulated by the accused persons to realize their goal to destabilize security besides endangering Sovereignty of India. The NIA has further submitted that the “Dukhtaran-E-Millat” is a proscribed terrorist organisation through which Ms. Aasiya Andrabi openly advocates secession of Jammu & Kashmir from the Union of India and has also called for Jihad and use of violence against India. Ms. Aasiya Andrabi and her associates have written and spoken words, besides publishing visible representations that bring into hatred and contempt apart from exciting disaffection towards the Government of India. “Dukhtaran-E-Millat” is promoting enmity, hatred and ill-will between different communities on the ground of religion and is doing acts prejudicial to maintenance of harmony. The NIA has also submitted that one such material being investigated is an interview of Chairperson of Dukhtaran-E-Millat, Ms. Aasiya Andrabi which was found to be conducted by Shri Auqib Javeed and was published on 15.1.2018 in KashmirInk, weekly magazine (Greater Kashmir Media Group). The

assertions and imputations made in the interview by Ms. Aasiya Andrabi were highly insurrectionary and secessionist besides having a definite tendency to endanger communal harmony. The contents of said interview were found to be highly congruent to the subject of the case being investigated and hence examination of the journalist concerned and attendant circumstances were necessitated to confirm the facts regarding utterances made and recorded during the interview process which is a subject of present investigation. Accordingly, Notice under Section 160 Criminal Procedure Code was sent and upon appearance of Shri Auqib Javed, his statement as required in the investigation was recorded. The NIA has stated that as per Norms 20/22/23 of Norms of Journalistic Conduct-Edition 2010, publication of insurrectionary and secessionist material per se violates the Norms laid down by the Press Council of India. The NIA has requested the Council that the conduct of Shri Auqib Javed and the media house concerned be investigated for said violation.

### **Further reply from NIA**

Ms. Sonia Narang, IPS, Dy. Inspector General, (I&O), NIA Hqrs Delhi vide letter dated 13.2.2019 has submitted that the Reply in the matter has already been sent to the Press Council of India dated 16<sup>th</sup> August, 2018. She, while reiterating the report filed earlier, has requested the Council to discharge the Notice issued to them.

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

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri K. Amarnath, Former Member, PCI appeared on behalf of the Reporter, Shri Auqib Javed. Shri Abhishek Kumar, Public Prosecutor and Shri Navin Choudhary, Inspector represented the Govt. of J&K. Shri Salil Kapoor, Dy. SP, NIA and Shri Vikhas Kathera, SP, NIA represented the National Investigation Agency, New Delhi.

It is one of the cases, where the Inquiry Committee is of the opinion that the respondent instead of addressing the message, intends to kill the messenger. The interview of the Chairperson of proscribed organisation is subject matter of investigation by the NIA. In the opinion of the Inquiry Committee, the journalist had the legitimate journalistic right to interview the lady even if she belongs to a designated proscribed terrorist's organisation.

For this legitimate journalistic exercise, he cannot be allowed to suffer unnecessarily.

The National Investigation Agency (NIA) may be right in exercising its statutory power to summon a witness during course of investigation but while doing so it must avoid doing such acts or things which unnecessarily cause harassment to the journalists. One should bear in mind that Journalists are as patriotic and nationalists as anybody else. Taking and publishing interview of the Chairperson of a proscribed organisation itself cannot be said to be unpatriotic or anti-national. As in the present case, the concerned journalist was asked to appear in Delhi at NIA Office. The Inquiry Committee is sure that the Investigating Officer of the case must have visited the valley in connection with the investigation of crime. In such circumstances, it would had been prudent to summon the witness to appear in the Valley itself.

On earlier occasions, the Inquiry Committee made observation that while summoning a journalist as witness, his convenience is paramount and not the convenience of the Investigating Agency. A witness is eye and ear of the Investigating agency and it is in the interest of investigation of the case that his convenience must weigh over the convenience of the Investigating agency. Not only this during the questioning, the journalist's privacy needs to be protected. In this connection various questions which has no bearing on the case put to the journalist have been brought to the notice of the Inquiry Committee. From the submission made by the Investigating Officer of the case, the Inquiry committee gets an impression that while summoning the journalist as witness all these considerations are not kept in mind. This omission results into alienation of the journalist's Community, which in the opinion of the Inquiry Committee is not healthy for a democratic country.

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

**Held**

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

## Press Council of India

S. No. 6

F.No.13/96/18-19-PCI.

### **Suo-motu cognizance with regard to restriction on media from entering Punjab Police Headquarter.**

#### Adjudication dated 29.5.2019

##### Facts

A Member, Press Council of India vide email dated 19.9.2018 informed the Council that various direct and indirect measures have been put in place by the Punjab Government authorities to restrict the access of the press to the government officials, offices etc. These measures have been taken to curtail the freedom of press in the name of security measures or likewise. He has further informed that the Punjab Police issued a letter directing the security staff of Police Headquarter in Sector-9, Chandigarh to allow the press reporters in the Headquarter after they get valid pass issued from the on duty officers concerned. The reporters concerned have to disclose the name of the police officer to whom he or she wants to meet. According to the Member, this is an indirect way to get information from the press reporter that to whom he is going to contact. Earlier there was no need of getting passes to enter the police headquarter. Press Reporters were allowed in the Headquarter on the basis of entry pas issued by the State Government to enter the Chief Minister's office. He has requested the Council to instruct the Punjab Government to remove such restrictions from all government offices including the Punjab Police Headquarter.

Notices for Statement in Reply were issued to the Chief Secretary, Secretary Home, Govt. of Punjab and the Director General of Police, Punjab Police Headquarter, Chandigarh on 1.10.2018.

##### Reply received from Additional Director General of Police, Security, Punjab.

The Additional Director General of Police, Security, Punjab, Chandigarh vide his reply dated 23.10.2018 has clarified that the journalists may enter the Punjab Police Headquarters Building, Sector-9, Chandigarh after showing their valid Identity Card at the entry gate in which case daily entry pass is not required. He has further informed that the necessary instructions to this effect have been issued to the concerned officials.

The Addl. Director General of Police, Security, Punjab vide another letter dated 13.2.2019 has stated that the journalists may enter the Punjab Police Headquarters Building, Sector -9, Chandigarh after proper identification i.e. after presenting their valid Identity Cards at the entry point. In other cases where the journalist does not have Proper Identity Card, he/she may enter as an ordinary visitor after obtaining a daily entry pass at Gate No. 3 of the Police Headquarters Building.

## **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri K. Amarnath, Former Member appeared on behalf of media persons. Shri Gurbinder S. Sangha , Dy. S.P., Punjab Police represented the Police authority.

The Council took Suo motu cognizance when it came to its notice regarding restrictions on media from entering Punjab Police Headquarter. The Additional Director General of Police (Security) Punjab, has sent a communication stating therein that daily entry pass is not required and journalists can enter the Punjab Police Headquarter after showing their valid identity card.

In view of the aforesaid, no further action needs to be taken. The Inquiry Committee, accordingly, drops the proceedings.

## **Held**

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

**Press Council of India**

S.No.7

F.No.13/56/18-19-PCI.

Dr. Jasim Mohammad,  
Bureau Chief,  
The Pioneer,  
Aligarh (U.P.).

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

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

The Director General of Police,  
U.P. Police,  
Lucknow.

The Sr. Superintendent of Police,  
Aligarh,  
(U.P.).

The Vice-Chancellor,  
Aligarh Muslim University,  
Aligarh (U.P.).

**Adjudication dated 29.5.2019**

**Facts**

Dr. Jasim Mohammad, Aligarh Bureau Chief, The Pioneer (English & Hindi), Aligarh vide e-mail dated 11.7.2018 has informed that on 9.7.2018 he went to Public Relations Office of Aligarh Muslim University (AMU) for getting information and some documents related to AMU SC/ST reservation issues cropped up by the National Commission for Scheduled Castes and when he was talking to PTI correspondent, Shri Tariq Hasan suddenly one Shri Mohd. Nadim Ansari with 9-10 armed other youths entered in the cabin and shouted on him. Hearing the loud noises and abuses, AMU MIC, Prof. Shafey Kidwai came out and intervened telling them that only AMU Vice Chancellor will decide who may come in PRO office and who may not. He has stated that if Bureau Chief Aligarh of National daily, The Pioneer (English & Hindi) may be abused, misbehaved and hackled inside the PRO office and Administrative Block, AMU then how media will cover the University. According to the complainant, this is completely anarchic situation threatening media persons their coverage and freedom of movement. He has requested the Council to take suitable action.

The complainant vide his further letter dated 27.8.2018 has informed that after gruesome incident, he lodged a complaint with AMU's Vice-Chancellor on 10.7.2018 but so far no action has been taken by the University against accused former AMU Students Union's Vice-President, Shri Nadim Ansari and his armed accomplices. The accused are roaming free and a danger is looming on his life and professional duties. The complainant has further informed that he lodged an FIR No.488/18 dated 11.7.2018 in Civil Lines Police Station. Though his statement has been recorded but police has not arrested any accused including main accused.

While calling a Report on Facts of the case from the Senior Superintendent of Police, Aligarh and the Vice-Chancellor, Aligarh Muslim University, Aligarh on 13.7.2018, Hon'ble Chairman, Press Council of India also constituted Fact Finding Committee comprising of PCI Members, S/Shri C.K. Nayak, K.D. Chandola and Sayyad Raza Hussain Rizvi to enquire into the matter and submit report.

### **Reply of Registrar, AMU**

Shri Abdul Hamid, IPS, Registrar, Aligarh Muslim University vide his letter dated 22.9.2018 has forwarded copies of the Inquiry Report of Proctor of AMU along with reply of Shri Nadeem Ansari former Vice-President, AMU Students' Union. It has been stated in the Inquiry Report submitted by Proctor that heated argument/commotion place in the P.R.O office between Shri Nadeem Ansari and Dr. Jasim Mohammad (complainant) regarding some write-up of Dr. Jasim on social/print media and continued till main gate of administrative block. Shri Nadeem Ansari called him opportunistic and traitor and asked the officials of PRO not to entertain him in future and also gave directions to security staff deployed at main gate of administrative block that do not allow this man to enter in the campus as he is anti AMU. The allegations of Dr. Jasim Mohammad found baseless as nobody in the office of PRO or Security personnel verified the same. The role of PRO, Member-in-Charge, PR and Security Staff of AMU, all were there to pacify the matter and the allegation of Dr. Jasim seems his perception rather the fact. The CCTV footage and mobile photo clips provided by Dr. Jasim Mohammad himself, shows only commotion and not the manhandling. Moreover, no armed youths seen in whole episodenor anybody reported or verified like this. The Proctor has concluded that there was only commotion between them but Shri Nadeem Ansari has no right to stop anyone to enter into the campus or to give directions to security staff. Both of them may have some personal enmity/political rivalries or difference of opinion but they must strictly be refrained to use University campus/office for their vested interest.

A copy of the above reply was forwarded to the complainant on 30.10.2018.

### **Report of the Fact Finding Committee**

The Fact Finding Committee visited Aligarh and met all sections of the University, complainant, respondent, witnesses and opined that Dr. Jasim Mohammad (complainant) was verbally abused, threatened by the student leader, Shri Nadeem Ansari and his friends within the varsity campus on July 9, 2018. He was asked specifically not to enter into varsity campus. Subsequent protest rally, verbal instructions to the varsity security guards and overall atmosphere of the campus as of now is not safe for Dr. Jasim Mohammad to go there again for any professional work even if he himself is an alumna. But the allegations of any physical attack by the 'armed' youths and threat to life could not be established not even by Dr. Jasim himself. The University also show caused Mr. Nadim Ansari and started an internal Inquiry of its own. The Police with whom the FIR has been lodged is also conducting a separate enquiry. Both have agreed to submit the Inquiry report to the PCI once the same is completed. The Committee has further opined that the motive behind the attack seems to be due to conflict of interest, local politics and even possibly property dispute. The attack on working of the press is incidental. The PRO of the University seems to have come in the cross fire and conflict of interest since the complainant Dr. Jasim was also Media Consultant in the same department few

months ago and had resigned. Taking into consideration all facts, the Committee is opined that Dr. Jasim Mohammad may be given police protection till the situation is calms down.

The Report submitted by the Fact Finding Committee was placed before the Council in its meeting held on 26.9.2018 at New Delhi. The Committee inter-alia recommended that the authorities of AMU should also provide free flow of information to the press in general and maintain vigilance since it is a reputed and sensitive institute and in the news recently for a variety of reasons.

The Council while adopting the Report of the Committee leave it to the appropriate authorities to consider the threat perception of Dr. Jasim Mohammad and take suitable action. Accordingly, the Report was forwarded to the Government of U.P. on 19.11.2018 and Sr. Superintendent of Police, Aligarh on 27.11.2018 for necessary action.

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

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Dr. Jasim Mohammad, complainant appeared in person. Smt. Shruti Narayan, Advocate represented the Aligarh Muslim University. Shri Shameem Ahamad, Sub Inspector represented the Police Authority.

The Inquiry Committee has heard the complainant, Mr. Shamim Ahmed, the Sub Inspector of Civil Line Police Station and Ms. Shruti Narayan, on behalf of the Aligarh Muslim University. The Inquiry Committee is of the opinion that the allegation made by the complainant is exaggerated.

Ms. Narayan states that the University authority shall not create any hindrance in any way to the journalist in covering any event in the University. In case, the complainant is prevented from covering an event in the University without valid reason, he shall be at liberty to approach the Council again. With the aforesaid observations, the Inquiry Committee disposes of the complaint.

### **Held**

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to dispose of the complaint in wake of assurance given by the University.

**Press Council of India**

S.No. 8

F.No.13/64/18-19-PCI.

**Complainant**

Shri Amaan Ullaha,  
Journalist,  
Gautambudhnagar,  
(U.P.).

**Respondent**

The Chief Secretary,  
Government of U.P  
Lucknow.

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

The Director General of Police,  
U.P. Police,  
Lucknow.

The Sr. Superintendent of Police,  
Gautambudhnagar,  
(U.P.).

**Adjudication dated 29.5.2019**

**Facts**

This undated complaint, received in the Secretariat of the Council on 5.7.2018, has been filed by Shri Amaan Ullaha, Journalist, Gautambudhnagar (U.P.) against the anti-social elements for allegedly harassing and filing false case due to publication of critical writings. According to the complainant, some criminal natured persons forcefully encroached graveyard, which belongs to the Wakf Board, on the basis of forged documents. In this regard, some persons of Muslim community gave him documents for publication. On the basis of these documents, he published news items in "Shah Times" and put on social media. Annoyed with this, one Shri Waris Ali filed a false case against him through Hon'ble Court under Section 156(3) in Jewar Police Station Case No.304/18 on 13.4.2018 under Section 384 IPC and Section 67 IT Act. The complainant has further informed that the anti-social elements are now pressurising the Investigating Officer for filing the charge-sheet. The complainant has alleged that Shri Waris Ali is criminal natured person and also a land-mafia and he is continuously threatening him and his family. While apprehending danger to his and his family life, the complainant has requested the Council to take necessary action in the matter.

Comments of the Superintendent of Police, Gautambudhnagar were invited in the matter on 27.7.2018. In the absence of any reply, Notices for Statement in Reply were issued to the Government of U.P. on 4.9.2018.

**Written Statement**

The Sr. Superintendent of Police, Gautambudhnagar vide his written statement dated 6.10.2018 has informed that the matter was investigated by the Circle Officer, Jewar, Gautambudhnagar, who in his report dated 5.10.2018 stated that one Shri Waris filed a case against the complainant through Hon'ble Court

under Section 156(3) in Jewar Police Station Case No.304/18 on 13.4.2018 under Section 384 IPC and Section 67 IT Act. During the investigation, it has been found that Shri Waris tried to encroach the land of graveyard and the complainant published few news items in this regard. Annoyed with this, with a view to pressurise the complainant, Shri Waris registered this case. Due to non-availability of any evidence in the case, the investigation has been closed by submitting Final Report No.175/18 dated 16.8.2018.

A copy of the written statement was forwarded to the complainant on 25.10.2018 for information/counter comments.

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

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri Amanulla, complainant/journalist along with Shri A.Q. Khan, Counsel appeared in person. Shri Prahalad Singh, Inspector represented the Police Authority.

The Inquiry Committee has heard the complainant and the Investigating Officer in the case. The Inquiry Committee takes note of the fact that final report has been submitted in the case. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

### **Held**

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

## **Press Council of India**

S.No. 9

F.NO. 13/12/18-19 PCI

### **Complainant**

Shri Santosh Kumar &  
Shri Ram Prasad Chaudhury,  
Journalists,  
N.L.N media (News Live Now),  
Mandi, Himachal Pradesh

### **Respondent**

The Superintendent of Police  
Kinnaur  
Himachal Pradesh

## **Adjudication dated 29.5.2019**

### **Facts**

This complaint dated 13.04.2018 is a forwarded copy of the original complaint addressed to the Chief Minister, Himachal Pradesh filed by Shri Santosh Kumar and Shri Ram Prasad Chaudhury, journalists, N.L.N media (News Live Now), from Mandi, Himachal Pradesh. The complaint is against alleged confiscation of their Press Identity Cards by Police of Tapri police station on groundless accusation.

The complainants submitted that they were called to the Tapri Police Station in Kinnaur, H.P. for some unnecessary interrogation on the basis of some unknown allegations during which their press identity cards were taken by the police, illegally and without the identity cards they are facing problems in performing journalistic duties. They have requested the Council for necessary action in the matter.

Comments of the Superintendent of Police, Kinnaur have been invited in the matter vide Council's letter dated 25.4.2018.

### **Reply Filed by the Respondents**

The respondent-Superintendent of Police, Kinnaur vide his reply dated 2/5/2018 has informed that the complainants were called to Tapri Police Station for some interrogation related to a case no. 20/18 u/S 506 IPC, during which their identity cards issued by News Live Now were taken from them as a part of the interrogation process. The identity cards were returned to the complainants on 21.4.2018 and they do not want any further action on this complaint.

A copy of the aforesaid reply was forwarded to the complainant on 23.5.2018.

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

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri Santosh Kumar and Shri Ram Prasad Chaudhary, Journalists, complainants appeared in person. Shri Vikram Singh, Inspector represented the Police Authority.

The Inquiry Committee has heard the complainant and also the Inspector of Police. Now that the identity cards of the complainants have been returned and the police officer has expressed his regret, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee accordingly recommends for disposal of the complaint.

**Held**

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

## **Press Council of India**

S.No. 10

F.No.13/40/18-19-PCI.

### **Complainant**

Shri Manoj Kumar Aligarhi,  
Freelance Photojournalist,  
Aligarh,  
(U.P.).

### **Respondent**

The Chief Secretary,  
Government of U.P  
Lucknow .

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

The Director General of Police,  
U.P. Police,  
Lucknow.

The Sr. Superintendent of Police,  
Aligarh,  
(U.P.).

### **Adjudication dated 29.5.2019**

#### **Facts**

This complaint dated 30.5.2018 has been filed by Shri Manoj Kumar Aligarhi, freelance photojournalist, Aligarh (U.P.) against the anti-social elements alleging deadly attack on him due to publication of critical photographs. The complainant has informed that photographs relating to damaging of government property, attacking of police personnel and indulgence in anti-national activities by few persons associated with Muslim University have been often published by him in various newspapers. Annoyed with this, these persons had brutally attacked him on 4.5.2018 leading to serious injuries. The police saved him and his medical treatment is still going on.

The complainant has submitted that he registered a Case No.0304 dated 4.5.2018 under Sections 323/307/394/506 in Civil Lines Police Station, Aligarh against the Security Officer of Aligarh Muslim University and unknown persons but no action has been taken by the police. While apprehending danger to his life, he has requested the Council to provide him security.

Accordingly, a Report on Facts of the case was called for from the Superintendent of Police, Aligarh on 19.6.2018. In the absence of any reply, Notices for Statement in Reply were issued to the Government of U.P. on 27.7.2018.

#### **Reply Sr. S.P., Aligarh**

Shri Ajay Kumar Sahani, Sr. Superintendent of Police, Aligarh vide his reply dated 4.10.2018 has informed that the matter was investigated by Shri Atul Kumar Srivastava, Superintendent of Police City, Aligarh, who in his investigation report

dated 26.9.2018 stated that the application of the complainant regarding providing security on his personal expenses was considered by the District Security Committee in its meeting held on 9.6.2018 and unanimously decided not to provide security to the complainant. The respondent has further stated that no further action is required on the complainant's application.

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

### **Communication received from the complainant**

The complainant, Shri Manoj Kumar, Journalist vide letter dated 14.2.2019 has submitted that all the relevant papers related to the matter have already been submitted to the Council. He has further submitted that despite repeated requests, he has not received protection from the Police authorities. He has submitted that on 12.2.2019, cameras of many reporters were broken and their mobiles were also snatched in the premises of AMU. He has requested the Council to take strict action against the guilty.

### **Report received from S.P., Aligarh**

Shri Aashutosh Drivedi, the Superintendent of Police vide Report dated 13.2.2019 has submitted that on the basis of the Written Statement of Shri Manoj Kumar, a case No. 304/18 was registered under Sections 323, 307, 394 and 506 of IPC. He has further stated that the matter is under the consideration of Shri Satyapal Singh, Sub Inspector. The Investigator has been directed to dispose of the matter on the basis of merit. With regard to the protection being provided to the complainant, investigation is being conducted by Local Intelligence unit, Aligarh.

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

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. The complainant, Shri Manoj Aligarhi, Photo journalist appeared in person. Shri Shameen Ahmad, Sub Inspector, Aligarh represented the Police Authority.

The Inquiry Committee has heard the complainant as also Mr. Shamim Ahmed, Sub-Inspector of police on behalf of the Superintendent of Police, Aligarh. Mr. Shamim Ahmed states that the investigation in the case will be completed within 4 weeks from today.

Let it be done. In case the investigation is not completed within 4 weeks, the complainant shall be at liberty to inform the Council and in that case the complaint shall be revived and an appropriate order shall be passed.

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

### **Held**

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



**Press Council of India**

S. No. 11

F.NO. 13/84/18-19 PCI

**Complainant**

Dr Satish Verma  
Editor  
Veer Yodha News Channel (Portal),  
Aligarh, U.P.

**Respondent**

Mr Akeel Ahmed  
Assistant Director  
Information Department,  
Information & Public Relations Department,  
Aligarh, U.P.

**Adjudication dated 29.5.2019**

**Facts:**

This complaint dated 14.8.2018 has been filed by Dr Satish Verma, Editor, Veer Yodha, Aligarh, U.P. against Shri Akeel Ahmed, Assistant Director, Information & Public Relations Department, Aligarh for discriminatory practices against the journalists and for not issuing journalist pass for the VVIP programme.

The complainant submits that Mr Akeel Ahmed, the Assistant Director at the Information Department in Aligarh has a discriminatory attitude towards journalists. The complainant alleges that Mr Ahmed recognises journalists from Amar Ujala and Jagaran and issues passes to them only and by this he is attempting to sow dissension within the journalists fraternity. He further submits that even the editors, journalists or photographers of the news portals and web channels and small newspapers are not issued press passes to cover VVIP programme. The complainant alleges that Mr Akeel Ahmed intentionally refuses to recognise them as working journalists. The complainant further states that Mr Akeel Ahmed is a corrupt officer and is holding his Office in Aligarh even after being issued suspension order by the Deputy C.M , UP on 9.02.2018.

Therefore the complainant requests the Council to take necessary action against the respondent for obstructing press freedom with his discriminatory and corrupt practices at work.

**Reply Filed by the Respondents**

A Notice dated 4.9.2018 has been issued to the respondent for filing comments in the matter and vide letter dated 11.9.2018, the respondent submitted his comments in which he has stated that all the allegations made against him are false and untrue and he is a duty officer and follow rules to issue press passes to govt. recognised journalists only and as the complainant's web portal isn't one of them so the respondent did not issue them passes for VVIP programme.. Further, he has to abide by the directions of the higher authorities in case of managing VVIP programmes and for security reasons not all journalists are issued VVIP pass. The allegation against him of continuing his office even after suspension to continue his corrupt practices, is untrue and has been made out of personal rage, and is complete false and ridiculous and he never had practiced favouritism at work place.

A copy of the comments received from the respondent has been forwarded to the complainant vide letter dated 3.10.2018.

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

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Despite Service of notice, the complainant has not chosen to appear. Shri Akeel Ahmad, Assistant Director, Information represented the respondent, I&PRD.

The respondent has appeared and filed reply. In facts of the present case, the Inquiry Committee does not find any substance in the grievance of the complainant.

The Inquiry Committee accordingly recommends for the dismissal of the complaint.

### **Held**

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

## **Press Council of India**

S. No. 12

### **Complainant**

Shri Satish Beri,  
Editor,  
Sandhya Deep,  
Sriganganagar,  
Rajasthan.

F.No.13/29/18-19-PCI.

### **Respondent**

The Chief Secretary,  
Government of Rajasthan,  
Jaipur (Rajasthan)

The Secretary,  
Home (Police) Department,  
Government of Rajasthan,  
Jaipur (Rajasthan)

The Director General of Police,  
Rajasthan Police,  
Jaipur (Rajasthan)

The District Magistrate,  
District Sriganganagar,  
Rajasthan.

The Superintendent of Police,  
District Sriganganagar,  
Rajasthan.

## **Adjudication dated 29.5.2019**

### **Facts**

This complaint dated 18.5.2018 has been filed by Shri Satish Beri, Editor/Journalist, Sandhya Deep, Sriganganagar (Rajasthan) against anti-social elements for alleged attack on him due to publication of critical writing and inaction of the police. According to the complainant, he published a news item against a local Satta-Mafia, Shri Rakesh Narang. Annoyed with this, Shri Narang along with his associates attacked him on 1.5.2018. The complainant has submitted that he has written letter dated 1.5.2018 to the Superintendent of Police, Sriganganagar but no action was taken by the police in the matter. While apprehending danger to his life, the complainant has requested the Council to take necessary action in the matter.

A Report on Facts of the case was called for from the Government of Rajasthan on 25.5.2018.

### **Reply from Superintendent of Police, Sriganganagar**

The Superintendent of Police, Sriganganagar vide his reply dated 5.7.2018 has informed that the matter was investigated and a report in the matter was received from the Deputy Superintendent of Police, Circle City, Sriganganagar. As per report, a case No.144/2018 under Section 323/341/34 IPC in Police Station-Haja was filed by the complainant against two-three unknown persons regarding assault on. 1.5.2018. The Investigating Officer, Shri Dilbagh Singh, ASI, recorded the statements of the complainant and witnesses and after receiving the Medical Report, Sections 325/308 were added in the said case, In a statement recorded under section 161 of CrPC the complainant has accused Shri Lucky Pahalwan and his associates for attack. It has

been further reported that during the investigation, the complainant filed an Agreement on Stamp Paper of Rs.100/- dated 12.6.2018 stating that the he does not want any action against the Lucky Pahalwan in Case No.144/2018 as the matter has been settled between them.

### **Further reply dated 17.12.2018 received from S.P., Sriganganagar**

Shri Yogesh Yadav, Superintendent of Police, Shriganganagar vide letter dated 17.12.2018, while reiterating the report filed earlier, has submitted that the matter has been settled amicably and the complainant does not want any action against in the matter.

A copy of the reply was forwarded to the complainant on 25.7.2018.

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

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. Shri Sita Ram, Addl. Superintendent represented the Police Authority.

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

When the matter was taken up on 18<sup>th</sup> December 2018, the Inquiry Committee took note of the statement made by the police that complainant is not inclined to proceed against the alleged accused. The Inquiry Committee gave notice to the complainant to place his version, he has not chosen to do so. In the facts and circumstances of the case, the Inquiry Committee is not inclined to proceed in the matter any further and dismisses the complaint.

### **Held**

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

## **Press Council of India**

**S. No. 13**

**F.No.13/91/18-19-PCI**

### **Complainant**

Shri Ravindra Kumar,  
Editor and Managing Director,  
The Statesman Ltd.,  
Kolkata

### **Respondent**

The Chief Secretary,  
Govt. of West Bengal,  
Kolkata.

The Secretary,  
Home(Police) Department,  
Govt. of West Bengal,  
Kolkata.

The Director General of Police,  
West Bengal Police,  
West Bengal Police Directorate,  
Kolkata.

The Commissioner of Police,  
Kolkata.

The Superintendent of Police,  
Murshidabad,  
West Bengal

### **Adjudication dated 29.5.2019**

#### **Facts:**

Shri Ravindra Kumar, Former Member, Press Council of India and the Editor and Managing Director of “The Statesman Ltd.”, Kolkata vide e-mail dated 6.9.2018 drew attention of the Council towards the serious matter involving the conduct of Police officers of Berhampore Police Station, West Bengal.

Shri Ravindra Kumar (the complainant) submitted that the Statesman on 21.8.2018 published a report headlined “Cops accused of killing youth in custody”. The Report by their correspondent was about allegations that a man had been killed in custody and quoted the relatives and employer of the deceased person to say that he had died in police custody after allegedly being beaten in the lock-up. The local police was asked to comment on this allegation. The denial issued by the Police and their version – that the man had fallen sick and died in hospital – was also published along with the Report, besides a photograph showing faceless policemen and a youth was published as a representational image.

He has further submitted that he received a Notice under Section 41A of the Criminal Procedure Code asking him to appear before the Berhampore PS in respect to case No. 946/18 dated 24.8.2018 U/S 292/500/501/502/504/505 IPC and Section 3 of Police (Incitement of Disaffection) Act, 1922. These sections related to circulation of obscene material, defamation, incitement to disaffection by a member

of the uniformed services, etc. The Notice was dated 4.9.2018 sent by e-mail to the Kolkata police station from Behrampore and was delivered to him. The Complainant when inquired about it from their correspondent posted in Behrampore, he reported the following:

*This pertains to the following report that was published on 21.8.2018. The police (Behrampore PS) called me yesterday (6p.m). When the Inspector-in-Charge, Mr. Sanath Das alleged, you have intentionally tarnished the image of police by using the fake photo (that featured some high-handed policemen assaulting a youth). Now I shall arrest you for that. Moreover, where did you get that report? The person (the youth who died) was a drug addict and he died in hospital.*

*He let off when I said that I knew nothing of the photo and it was a representational image used by the desk of The Statesman at Kolkata. The IC then said, OK then your editor will have to face the consequences. I am sending notice to him.*

A Notice for Statement in Reply was sent to the Govt. of West Bengal, Behrampore on 7.9.2018.

Hon'ble Chairman, Press Council of India vide its Order dated 7.9.2018 constituted one member Fact Finding Committee of Shri Pravat Kumar Dash, Member, PCI to inquire into the matter pertaining to the complaint of Shri Ravindra Kumar against Police authorities for issuance of a Notice to appear before them under Section 41A of Cr.P.C.

### **Report of Fact Finding Committee:**

Shri Pravat Kumar Dash, Member, Fact Finding Committee vide e-mail dated 17.9.2018 submitted its Report in the matter. The report states that the correspondent had filed the story as per the information received from the deceased family/ relatives and disseminated the happening. The newspaper also carried the denial of Police Authorities at the end of the story itself and if the Police were not satisfied with the reporting they could have issued a rejoinder having their version to the Editor for publishing the same. Instead they preferred registering a case under various Sections of IPC and issuing a Notice Under 41A of Cr.PC, directing the Editor to appear before an S.I of Behrampore PS. The Report further states that the S.P., Murshidabad, deliberately preferred not to meet the Fact Finding Committee despite the fact that he was present at the Head Quarter and ignored the Order and mails of PCI. Also, the D.G.P. preferred not to meet FFC despite specific mail and communication from PCI. The slamming of Section 292 of IPC is with a clear motive to make the case cognizable to harass the newspaper and its staff. Prima facie, the entire reaction of the District Police seems a pressure tactic to threaten and warn the concerned newspaper and the media community to stay away from such reporting.

A copy of the Report submitted by the Fact Finding Committee was sent to the Govt. of West Bengal for their Comments on 20.9.2018 followed by reminder dated 20.11.2018.

## **Reply received from D.G.P., West Bengal**

The Director General & Inspector General of Police vide letter dated 29.11.2018 has filed a report in the matter. It has been stated in the report that the case was registered vide Behrampore P.S. Case NO. 946/18 dated 24.8.2018 U/S 292/500/501/502/504/505 IPC and Section 3 of the Police (Incitement of Disaffection) Act, 1922. Senior officers have supervised the case and after a thorough scrutiny, it was felt that though the case was started based on a paper complaint, certain Sections of law were not relevant to the case. The case has been disposed off as Final Report Mistake of Law vide Behrampore PS FRMF No 1358/18 dated 26.10.2018 No action has been contemplated against any Officer.

The Council vide letter dated 23.1.2019 asked the D.G.P, West Bengal and Commissioner of Police, Kolkata Police Headquarter as to whether any action is proposed to be taken against the Officer who had registered the Case. In response thereto, the Commissioner of Police, Kolkata vide endorsement dated 18.2.2019 addressed to the D.I.G of Police, Kolkata has informed the Council that the D.I.G has been requested to take necessary action in the matter from his end on the point of jurisdiction as the matter has been transpired to be related to the Behrampore P.S.

It is submitted that Report of the Fact Finding Committee was placed before the Council in its meeting held on 15<sup>th</sup> Feb, 2019 at New Delhi. The Council adopts the Report of the Fact Finding Committee and resolved to place the matter before the Inquiry Committee for appropriate recommendations.

## **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The Inquiry Committee heard the matter and reached to the following decision :

1. The Statesman had published a report headlined “***Cops accused of killing youth in custody***”. The report quoted the relatives and employer of the deceased to say that he had died in Police-Custody, allegedly being beaten up in the lock-up. The denial by the Police that the man had fallen sick and died in hospital is also part of the story. Along with the report, a photograph clearly identified as representational image showing faceless policeman and a youth was published.
2. A legitimate journalistic duty by a correspondent has led to registration of Behrampore P.S. case no. 948 of 2018 under Sections - 29, 500, 501, 502, 504 and 505 of Indian Penal Code and Section 3 of Police (Incitement to Disaffection) Act, 1992 against the correspondent and Editor of the Statesman. A Notice under Section 4/A of the Criminal Procedure Code was also issued against the Editor. This was brought to the notice of the Council by the Newspaper’s Editor, Mr Ravindra Kumar.
3. Seeing the gravity of the matter, a single member fact-finding committee was constituted;

4. The member of the fact-finding committee informed the then Superintendent of Police, Mr Mukesh, at 11 am on September 11, 2018 about his visit to Behrampore, in connection with the case and sought a meeting/appointment with him. The Superintendent of Police informed the member that he may call him after reaching Berhrampore. Around 1 p.m.; the member of fact-finding Committee tried to talk to him several times but the calls went unanswered. Ultimately, the member sent a Whatsapp message to the Superintendent of Police at 3.04 pm, to which he replied at 4.06 pm. informing the member that he is not in the office and had gone to visit a Sub-Division. Thereafter the member informed the Superintendent of Police that he would be staying at Behrampore till the next day till 8 am. but the Superintendent of Police did not choose to meet him. The attempt made by the Committee to meet the DGP also did not fructify and as advised by DGP, he met Mr Siddhi Nath Gupta, ADG (Vigilance), who feigned ignorance about the case and did not throw any light on the incident.

The committee after meeting the Editor of the Statesman, the Correspondent made the following observation:-

*The Correspondent had filed the story as per the information received from the deceased Family/ Relatives/ Employer. He just disseminated the happening.*

*The newspaper has also carried the Denial of Police authorities at the end of the Story itself.*

1. *They also clearly mentioned in the reportage that the photo imprinted is the Representational Image. Hence in my view the Newspaper has Not Violated any Journalistic Norms, Conduct or Ethics.*
2. *If not satisfied with the reporting, the Police could have issued a rejoinder having their version, to the Editor for publishing the same. Instead they preferred registering a case under various sections of IPC and issuing a Notice under 41A of Cr.PC, directing the Editor to appear before a SI of Berhampore PS.*
3. *Shri Mukesh, Superintendent of Police, Murshidabad, deliberately preferred not to meet me though he was present at the Head Quarter and ignored the order and mails of PCI.*
4. *The Director General of Police, had he been serious, could have met me for 10 minutes either on 12th or 13th September. In spite of specific mail and communication from PCI, he preferred not to meet me on the pretext of Very Busy Schedule. A 10 minute meeting would not have derailed the State Administration in West Bengal.*
5. *The slamming of Section 292 of IPC is with a clear motive to make the case Cognizable to harass the Newspaper and its staff, I presume. In my opinion this section is Completely Unwarranted in this case.*
6. *The entire reaction of the District Police, prima facie, seems a pressure tactic to threaten and warn the concerned Newspaper and the Media Community to stay away from such Reportage in the future and to prevent follow-up reports in an allegation as serious as custodial death.*

When the Council was in sesin of the matter, the Director General of Police vide letter dated November 29, 2018 submitted a report *interalia* saying that “after a

thorough scrutiny, the case has been disposed of as Final Report Mistake of Law". The Council prima-facie being of the opinion that such criminal cases have the tendency to affect the Freedom of the Press and the Editors and the Correspondent had to suffer unnecessarily on account thereof called for a report from the Director General of Police as to whether he is proposing to take any action against the Officer who had registered the case. It may be mentioned here that in order to secure freedom, the Editor and correspondent had to seek anticipatory bail.

A copy of the report given by the fact-finding Committee was also forwarded to the respondents.

In response thereto, the Additional Secretary to the Government of West Bengal in the Department of Home and Hill Affairs by letter dated March 27, 2019 wrote as follows:-

*"With reference to above I am directed to enclose the report of the Additional Director General & Inspector General of Police, South Bengal in the matter vide his memo no. 407/804/CI/19 and dated 15.03.2019 along with enclosure for consideration of the Inquiry Committee of the Press Council of India.*

*I am further directed to request the Inquiry Committee of the Press Council of India to kindly waive the personal appearance of the (i) Chief Secretary, Govt. Of West Bengal (ii) Secretary, Home (Police) Department (iii) Director General of Police, West Bengal (iv) Commissioner of Police, Kolkata and (v) Superintendent of Police, Murshidabad on 29.03.2019 before the Inquiry Committee."*

In the enclosed report the Superintendent of Police, while denying the allegation of custodial death wrote as follows:-

*"The case was subsequently supervised by Senior Officers and in course of supervision it was felt that though the case was started based on a paper complaint, certain sections of law were not relevant to the case. The case was finally disposed off as Final Report Mistake of Law vide Berhampore PS FRMF No 1358/18 dated 26.10.2018. No action has been contemplated against any officer."*

The Superintendent of Police is awfully silent as to why he chose not to meet the member of the fact-finding committee.

The Inquiry Committee has heard Mr. K. Gupta, Principal Resident Commissioner, West Bengal, Mr Prasenjit Das, Deputy Resident Commissioner, Mr Amit Verma, Advocate on behalf of the respondents and is pained to observe that the freedom of the press is not in priority of the Government of West Bengal The Superintendent of Police Mr Mukesh, ought to have realised that the fact-finding Committee was appointed by a Statutory Body constituted under the Act of Parliament whose mandate is to preserve the freedom of the press. The Director General of the Police, instead of facing the challenges diverted the member of the fact-finding committee to an officer who knew nothing about the incident.

The criminal case lodged against the Editor and Correspondent of Statesman has come to an end and disposed of as final report mistake of law. Thus the respondents admitted that *mistake in law* took place, while registering the case. This

*mistake*, in the opinion of the Inquiry Committee was intentional to browbeat the press. Any responsible Government which believes in the freedom of the Press is expected to take action against such officers whose illegal acts tend to affect the freedom the Press. Every responsible Government should always bear in mind that strong fourth estate is essential for survival of democracy. The case in hand creates an impression that the functionaries of the Government referred to above do not believe in that. An attempt to protect an illegal act of a subordinate encourages lawlessness. The Inquiry Committee expects from the Government of West Bengal to take such action against the officer who had lodged the Criminal cases and further consider as to whether posting of officer like Mr Mukesh as the Superintendent of Police of District is in larger public interest.

The Council in its 39th Annual report (April 1, 2017 – March 31, 2018) submitted to the Parliament about the affairs of the Press in West Bengal observed as follows:-

*“There is a total non-cooperation by the Government of West Bengal, while dealing with the case(s) of curtailment of press freedom and safety of Journalists: They need to be told loud and clear that freedom of the Press needs to be preserved at any cost. Despite information, the Chief Secretary and the Director General of the Police did not cooperate with the Council to ensure the safety and independence of the press. They should realise that their indifference to the cause of the press will weaken the democracy. It is anguishing to record that the conduct of the functionaries of the Government of West Bengal in this regard is reprehensible.”*

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

Let a copy of this Report be forwarded to the Principal Secretary to the Chief Minister of West Bengal to be laid before the Hon’ble Chief Minister for such action as she deems just and proper.

### **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 with above observation and dispose of the complaint.

**Press Council of India**

S. No. 14

F.No.13/102/18-19-PCI.

**Complainant**

Shri Gauri Shankar Saini,  
Journalist,  
Upbhokta Adhikar,  
Jaipur (Rajasthan)

**Respondent**

Shri Kailash Chandra,  
Assistant Sub-Inspector,  
Police Station-Phulera,  
Jaipur (Rajasthan)

**Adjudication dated 29.5.2019**

**Facts**

This complaint dated 7.9.2018 has been filed by Shri Gauri Shankar Saini, Journalist, Upbhokta Adhikar, Hindi fortnightly, Phulera, Jaipur (Rajasthan) against Shri Kailash Chandra, Assistant Sub-Inspector, Police Station-Phulera, Jaipur for allegedly harassing and threatening him. According to the complainant, he went to Gangouri Bazar, Phulera on 30.8.2018 for getting construction material for his house where the respondent along with police team was raiding nearby Lottery shop (Satta) and arrested some people. The complainant has informed that when he as a journalist enquired about the accused, the respondent took him to the police station and harassed and threatened him for no reason despite showing his Press Identity Card. The complainant has alleged that the respondent finally released him after he has made to sign on a plain paper. He has requested the Council to take necessary action in the matter.

Notice for Comments was issued to the respondent-Shri Kailash Chandra, Assistant Sub-Inspector, Police Station-Phulera, Jaipur on 3.10.2018.

**Comments**

Shri Kailash Chandra, Assistant Sub-Inspector, Police Station-Phulera, Jaipur vide his comments dated 18.10.2018 while denying the allegations has informed that on 30.8.2018 he along with police team raided on a satta lottery shop where 8-9 persons including the complainant were present and on enquiry they accepted that they were gambling. The respondent has further informed that all the accused were arrested and a case No.194/18 dated 30.8.2018 under Section 13 R.P.G.O has been registered and after investigation, chargesheet No.178/18 dated 31.8.2018 under Section 13 RPGO has been filed before Hon'ble M.J.M., Sambhar Jheel. The respondent has stated that the complainant filed this complaint with a view to hide his involvement in the illegal gambling for which he was arrested by the police and produced before the court and was released after issuing Challan. While denying the allegation of ill-treatment and harassment, the respondent has stated that on the contrary complainant threatened the police that he will file complaint before the Hon'ble Council. The respondent has further stated that the complaint is totally false.

A copy of the comment was forwarded to the complainant on 29.10.2018.

### **Counter Comments**

The complainant vide his counter comments dated 30.1.2019 while reiterating his complaint has alleged that the respondent tried to prove him accused by manipulating the documents. The complainant has further alleged that he was arrested for being accused of gambling and thereby spoiling his image and career. The complainant has stated that his name would have been mentioned by the respondent in the Satta register with the connivance of the Satta's operators. While apprehending danger to his life, the complainant has requested the Council to take necessary action against the respondent.

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

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. Shri Gauri Shankar Saini, complainant appeared in person. There was no appearance on behalf of the Police authority.

The Inquiry Committee has heard the complainant and has perused the records. As the subject matter of the complaint is sub-judice, the Inquiry Committee is not inclined to proceed in the matter any further and disposes of the complaint.

### **Held**

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

**Press Council of India**

S. No. 15

F.No.13/11/18-19-PCI.

**Complainant**

Dr. M. Furquan,  
Media Reporter,  
Sach Bilkul Sach,  
New Delhi.

**Respondent**

The Commissioner of Police,  
Delhi Police,  
New Delhi.

**Adjudication dated 29.5.2019**

**Facts**

This complaint dated 12.4.2018 has been filed by Dr. M. Furquan, Media Reporter, Sach Bilkul Sach, New Delhi against unknown person for alleged threat call to kill him. The complainant has informed that he raised his voice on several scams such as 2GSpectrum, complaint against former Chief Justice of India-Mr. K.G. Balakrishnan, former Cabinet Minister-Shri Paful Patel in UTI case many more. The complainant has further informed that he came to know about the fraud committed by Shri Naveen Malhotra and his wife-Ms. Arjumand Bano and being a responsible citizen of this country made complaint against them before many authorities. Thereafter, one Shri Jagbir Singh, who represented himself as an officer of Crime Branch, Delhi Police, has started giving threatening calls to kill him over mobile No.9773559099 on April 7 to 10, 2018 asking to withdraw the complaint. He has requested the Council to take necessary action against the said person.

A copy of the complaint was forwarded to the Commissioner of Police, Delhi Police, New Delhi on 25.4.2018 for necessary action under intimation to the Council.

**Reply**

Dr. Joy N. Tirkey, Deputy Commissioner of Police, Crime (HQ), Delhi vide his reply dated 27.7.2018 has informed that an enquiry was conducted and it was found that Shri Jagbir Singh, ASI of Crime Branch, Sector-18, Rohini, Delhi had contacted him on phone in connection with a complaint filed by Dr. Furquan himself against one Shri Naveen Malhotra. The respondent has stated that the complainant stated that ASI Shri Jagbir was not polite to him while talking on the phone, hence, he had filed a complaint against ASI Shri Jagbir. The respondent has informed that the complaint arisen out of some misunderstanding and ASI Shri Jagbir has been briefed to be more careful in future while interacting with public. He has also submitted that the complainant has been explained about it and he does not want to pursue this matter anymore.

A copy of the written statement was forwarded to the complainant on 8.8.2018 with a request to intimate the Council whether he wants to pursue the complaint further or not but received no reply.

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

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The complainant appeared in person. Shri Shyam Sunder, Inspector, SOS-II Crime Branch represented the Police authority.

The complainant Dr. M.Furquan appears and states that he wants to withdraw the complaint.

The Inquiry Committee accedes to his prayer and disposes of the complaint.

### **Held**

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

**Press Council of India**

S. No. 16

File no. 13/53/18-19-PCI

**Complainant**

Shri Anshu Gupta,  
Reporter,  
Bundelkhand Live and  
U.P. News Box,  
Banda (U.P.)

**Respondents**

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

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

The Director General of Police,  
U.P. Police,  
Lucknow.

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

Shri Rajeev Pratap Singh,  
Circle Officer, Baberu,  
Banda (U.P.)

Shri Harishchandra Sharma,  
Sub-Inspector,  
Police Station Jaspura,  
Banda (U.P.).

**Adjudication dated 29.5.2019**

**Facts**

This complaint dated 13.6.2018 has been filed by Shri Anshu Gupta, Reporter, Bundelkhand Live and U.P. News Box, Jaspura, Banda (U.P.) against anti-social elements for allegedly manhandling and implicating him in false case with the connivance of the police due to publication of critical writings. According to the complainant, he covered a news story when the SDM, Pailani raided the house of Shri Sonu Gupta on 31.7.2017 and seized 165 quintal illegal grain and rice. He published another news item when the Sub-Divisional Magistrate, Pailani on 5.10.2017 stopped illegal loading of grain and rice. Annoyed with this, on 5.10.2017, Shri Sonu Gupta along with his supporters attacked his house and physically assaulted his parents. The complainant has stated that he gave written complaint to the police in this regard but no action was taken. On the contrary, Shri Sonu Gupta registered a false case against him through his tractor driver, Shri Rajkishore Verma under SC/ST Act with the connivance of Police Station incharge, Shri Harishchandra Sharma. The complainant has further stated he had also telecasted news highlighting the facts that the Jaspura Grain Centre instead of purchasing farmers' grain, is buying 300 quintal of grain from Shri Sonu Gupta without any number. Annoyed with this, Shri Sonu Gupta in connivance with the Circle Officer, Sadar, Shri Rajeev Pratap Singh, carried out an attack on his house at night of 31.5.2018/1.6.2018 and

physically assaulted him and his family. They forcefully took him to the police station and registered a false case under Section 376/506 IPC through one Ms. Radha who works with Shri Sonu Gupta. The complainant has submitted that he drew the attention of the higher authorities in this regard but no action has been taken. He has requested the Council to take necessary action against the respondents.

Notices for Comments were issued to Shri Rajeev Pratap Singh, Circle Officer, Sadar, Banda, Shri Harishchandra Sharma, SI and Incharge, Police Station-Jaspura, Banda and Shri Sonu Gupta on 5.7.2018. In the absence of any reply, Notices for Statement in Reply were issued to the Government of U.P. on 8.8.2018.

### **Reply of Circle Officer, Sadar, Banda**

The Respondent-Shri Rajeev Pratap Singh, Circle Officer, Sadar, Banda (presently Circle Officer, Baberu, Banda) vide his reply dated 29.7.2018 while denying the allegations has stated that the allegation levelled by the complainant is false and baseless. The respondent has informed that during his tenure in Sadar, he investigated case No.127/17 under Section 323/504/506 IPC and 3(1)10 SC/ST Act filed by Shri Ramkishore, Jaspura against the complainant and after investigation charge-sheet No.A-71/17 dated 18.11.2017 has been filed. The respondent has further informed that another case No.45/18 under Section 376 IPC was filed in Jaspura Police Station by one Ms. Radha Singh against the complainant and the matter is being investigated by the Crime Branch, Banda. While denying the allegation of any raid on complainant's house and misbehaviour, the respondent has stated that the complainant is adopting unjustified influence for filing the final report in the above case.

A copy of the reply was forwarded to the complainant on 5.9.2018 for information/counter comments.

### **Counter Comments of the complainant**

The complainant vide his counter comments dated 5.10.2018 while reiterating his complaint has alleged that the reply filed by the Circle Officer is totally false and baseless. The complainant has further alleged that the respondent implicated him in false cases under a conspiracy.

A copy of the counter comments was forwarded to the respondents on 26.10.2018.

### **Reply of Superintendent of Police, Banda**

The Superintendent of Police, Banda vide his reply dated 7.12.2018 has informed that the matter was investigated by Shri Kuldeep Kumar Gupta, Circle Officer, Sadar, Banda, who in his report stated that one Smt. Radha filed a case No.45/18 under Section 376/405 IPC dated 1.6.2018 against the complainant and after investigation charge-sheet No.68/18 dated 18.10.2018 has been filed in the matter. With a view to take revenge, complainant's mother, Smt. Gudiya filed case No.74/18 in Jaspura Police Station under Section 376D/506 IPC dated 6.9.2018 against Shri Sonu Gupta. Since the allegations could not be proved, the investigation has been concluded by placing Final Report No.22/18 dated 23.10.2018 before Hon'ble Court. The respondent has alleged that the complainant demands money

from the businessmen in the garb of journalism. Further, the allegation of raping Smt. Radha has been proved during investigation. The respondent has stated that the allegation levelled by the complainant in his complaint has been found false and baseless.

A copy of the reply of the respondent-Superintendent of Police, Banda was forwarded to the complainant on 21.12.2018.

### **Counter Comments**

The complainant vide his counter comments dated 28.1.2019 while reiterating his complaint has alleged that the respondents filed false cases against him due to publication of critical writings. The complainant has stated that he has audio/video recording and photos against the police and grain mafia, Shri Sonu Gupta. The complainant has further stated that Shri Sonu Gupta harassed him and his family but the police did not take any action. The complainant has also stated that many criminal cases are pending against Shri Sonu. The complainant has informed that he is in Banda Jail only because of exposing the illegal activities.

A copy of the counter comments was forwarded to the respondents on 21.2.2019.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Mr. Rajesh Kumar, advocate appears on behalf of the complainant. The Inquiry Committee has perused the complaint, the reply of the Circle Officer as also the Superintendent of Police. It is the allegation of the complainant that he has been implicated in false cases for his critical writing.

The subject matter of the complaint is sub-judice before a court of law. The Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, recommends for disposal of the complaint.

### **Held**

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

## **Press Council of India**

S.No. 17

F.No.13/137/18-19-PCI.

### **Suo-motu cognizance with regard to arrest of Shri Kishorechandra Wangkhem, Journalist under National Security Act.**

#### **Adjudication dated 29.5.2019**

##### **Facts**

The Press Council of India has come across a news item dated 30.11.2018 titled “**Manipur journalist arrested under NSA for criticising CM, State Govt.**” It has been reported in the news item that –

“Imphal based journalist, Shri Kishorechandra Wangkhem has been arrested under the National Security Act(NSA) for uploading controversial videos criticising the BJP-led Manipur government for observing Rani of Jhansi’s birth anniversary and allegedly using abusive words against the Chief Minister. It is also reported in the impugned news item that the Shri Wangkhem was arrested on November 27 under the NSA and sent to jail, less than 24 hours after he was granted bail in the case by a CJM court in West Imphal, which had maintained that the remarks were an “expression of opinion against the Prime Minister of India and Chief Minister of Manipur” and couldn’t be termed as seditious. The news reports further stated that calling CM, Shri N Biren Singh a “Puppet” of the Centre, he said “.....don’t betray, don’t insult the freedom fighter of Manipur. Don’t insult the present freedom struggler of Manipur. Don’t insult the people of Manipur. Therefore, I am saying this again, you, CM come and arrest me again, but I will still say you.....are a puppet of Hindutva.” He also used abusive words against the CM. Shri Wangkhem’s wife told newspaper that the journalist was first arrested on November, 20. Then he was given bail on November 26 against a bond of Rs. 70,000/-. While granting bail to Shri Wangkhem, the CJM West Imphal had stated that the comments made in the video did not appear to “create enmity between different groups of people, community, sections” nor did it appear to be attempting to bring “hatred, contempt, dissatisfaction” against the government of India or that of the state. “It is mere expression of opinion against the Prime Minister of India and Chief Minister of Manipur, which cannot be equated with an attack to invite people to violence against the government of India or Manipur to topple it.” However, a new order, issued by the District Magistrate of West Imphal on November 27, said Shri Wangkhem should be detained under Section 3(2) of the NSA, 1980 until further orders. The DM’s order said, Shri Wangkhem “would resume activities which are prejudicial to the security of the state and to maintain of public order, as he is a habitual offender invoking offences that intends to cause fear of alarm to the public...he should be prevented from commission of such prejudicial activities through an alternative preventive measure.” In August this year, Shri Wangkhem was arrested for writing allegedly communally inflammatory posts on social media.

Notice for Reply Statement dated 3.12.2018 issued to the Government of Manipur on 3.12.2018.

## **Reply of Govt. of Manipur**

Shri I.K. Muivah, Inspector General of Police (Adm.), Police Department, Office of the Director General of Police, Govt. of Manipur vide reply dated 15.12.2018 has forwarded a copy of the letter dated 14.12.2018 of Superintendent of Police, Imphal West District, Manipur along with report submitted by the Officer-in-Charge, Imphal Police Station. It is submitted in the Report that on 19.11.2018 at about 6.30 pm Shri K Bobby, Inspector of Police, OC-Imphal PS, reported that while surfing his Facebook account through internet, one Facebook account having profile name Wangkhemcha Wangthoi was found posting in its timelines four video clips which the Facebook Account holder speaks that brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, recites or utters obscene words in social media platform, thereby defaming the present Hon'ble Prime Minister of India and Chief Minister of Manipur. Hence a suo-motu case was taken up for investigation under case FIR No.236(11)2018 & IPS, U/s 194-A/294/500 IPC and investigated into. During investigation, the accused person is identified as Kishorchandra Wangkhem, and he was previously arrested in c/w case FIR No.173(8)2018 IPS, U/s 505(2)/500 IPC and was remanded into judicial custody. However, he was released on bail with the instruction by the Hon'ble CJM, Imphal West with the instructions that he shall refrain from doing any such act similar to the one he was charged with. During analysis of the four live selfie video clips reveals that he used unconstitutional and invective words a number of times and with middle finger gesture, and blamed the existing Government, both the State and the Union, for their policy and programme under the supervision of the Prime Minister of India. He has further submitted that the identified accused person was arrested on 2.11.2018 from the house of Chongtham Victor Singh and one VIVO mobile phone handset was seized on his production. Remanded the accused person in police custody for six days w.e.f. 21.11.2018 till 26.11.2018. During the custodial period, the arrested accused person was interrogated thoroughly and he confessed to have committed the charges levelled against him. He further stated that he would disclose the password of his mobile phone and the details of his Facebook Account along with its password. Accordingly, a disclosure procedure was conducted in presence of an Executive Magistrate in which the four live selfie videos posted by the accused person in the timeline of his Facebook Account were downloaded and copied to a compact disc. The four posts were also screen shot and reduced to hard copy. The four live selfie videos which were copied in a compact disc and the four posts which were reduced to hard copies, were seized on production by the Executive Magistrate. The arrested accused was, however, released on bail by the Hon'ble CJM, Imphal West vide order dated 26.11.2018. It is further stated in the report that the timeline updates of the Facebook Account of the accused person was further thoroughly checked, and in that the undersigned found many controversial updates in which the accused person uploaded pictures with caption that incites hate speeches which induced to commit and offence against the State or against the public tranquillity and incites any class or community of person to commit any offence against any other class or community promoting enmity, hatred or ill-will between classes on grounds of religion, caste or community.

It has been further reported that in view of the above facts and circumstances, requisition was sent to the District Magistrate, Imphal West, Manipur by Superintendent of Police, Imphal West for detention of the accused person under National Security Act, 1980. The proposal was accepted and accordingly, the District

Magistrate issued order dated 27.11.2018 and detained him under NSA. He has further informed that the accused person, when arrested in c/w the detention order, refused to tender his signatures in the arrest memo. However, the Detention Order was served by observing every formalities. The detention proposal was approved by the Home Department vide order dated 7.12.2018 and as such the Board Sitting for the detention in respect of the detainee was held on 11.12.2018 and as per the opinion expressed by the Advisory Board of the NSA, the detention of the detainee, Shri Kishorchandra Wangkhem is confirmed and further fix the period of detention for a period of 12 months from the date of detention vide Order No.17/1(9)/18-H (NSA) dated 14.12.2018, Secretariat, Home Department, Government of Manipur. It has been stated that the investigation is still in full swing and is in good progress.

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

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. Mr. L. Roshmani, Ms. Anupama and Ms. Maibam, Advocates appear on behalf of the Government of Manipur and its functionaries and state that the order of preventive detention has been challenged before the High Court of Manipur in Writ Petition (W.P./Cri/18/2018) and argument in the said case had been concluded and the judgement reserved on 4<sup>th</sup> March, 2019. As the subject matter of the inquiry is sub-judice, the Inquiry Committee drops the proceedings.

### **Held**

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to drop the proceeding for matter being sub-judice.

## PRESS COUNCIL OF INDIA

S. No. 18

F.No.13/100/17-18-PCI

### **Complainant**

Shri Aasif Shafi,  
Freelance Photojournalist,  
Anantnag,  
Jammu & Kashmir

### **Respondents**

The Chief Secretary,  
Govt. of Jammu & Kashmir  
Srinagar.

The Secretary,  
Home (Police) Department,  
Govt. of Jammu & Kashmir,  
Srinagar.

The Director General,  
Central Reserve Police Force (CRPF),  
New Delhi.

The Inspector General of Police,  
Central Reserve Police Force (CRPF),  
Srinagar.

The Director General of Police,  
J&K Police,  
Srinagar.

The Sr. Superintendent of Police,  
Anantnag, South Kashmir.

The Director,  
Information & Public Relations  
Department,  
Govt. of Jammu & Kashmir,  
Srinagar.

### **Adjudication dated 29.5.2019**

#### **Facts:**

A former Member, PCI, vide email dated 10.10.2017 while forwarding a message of Shri Aasif Shafi, Freelance Photo-journalist regarding attack on him by the CRPF personnel during coverage of news at Anantnag has stated that the Council should take up the case and call for a Report from the CRPF, Police and Government.

The affected photo-journalist, Shri Aasif Shafi vide his email dated 9.10.2017 has informed that on 9.10.2017 he was going to cover the clashes and bread chopping incident at Anantnag but Police and CRPF did not allow him to move ahead and without any provocation started beating him ruthlessly. He has stated that the CRPF personnel had beaten him to pulp while he was trying to carry out his professional duty.

A Notice for Statement in Reply dated 16.10.2017 in the matter was sent to Government of Jammu & Kashmir.

### **Reply of DIG, CRPF**

Shri Dhiraj Kumar, DIG (Ops-II), Directorate General, CRPF, New Delhi vide his reply dated December, 2017 has informed that the matter has been enquired by their senior field formation and they have categorically denied about any such incident on 9.10.2017. He has further submitted that the matter was also enquired by the concerned Police Station i.e. Mattan (Anantnag), who informed that no complaint/FIR was lodged in this regard. Due to absence of substantial evidence into the matter, the same could not be proceeded further. He has submitted that during the course of enquiry the allegations levelled by Shri Aasif Shafi, Freelance photo journalist against CRPF are unfounded.

A copy of this report has been forwarded to the complainant on 23.1.2018 for information.

### **Communication dated 28.3.2019 received from Dy. Secretary, Govt. of J&K**

In response to Council's letter dated 16.10.2018 forwarding therewith the Order passed by the Inquiry Committee on 25.9.2018, Shri Mushtaq Ahmad, Dy. Secretary to the Govt. of J&K (Home Department) vide his letter dated 28.3.2019 has submitted that no complaint has been lodged in the jurisdiction of the District Anantnag, as confirmed and reported by the concerned in the Police Department, J&K.

### **Report filed by Dy. Inspector General of Police, CRPF, New Delhi**

Dy. Inspector General of Police, Directorate of General, CRPF, New Delhi has sent a Report dated through its advocate, Shri O.P. Gupta. The Report states that the matter of the beating up a journalist is nothing but an attempt to derive name and fame for him as they have not taken proper course to get their complaints lodged or registered with the competent and concerned authorities with regard to the commission of the said offence. So, the onus is on the journalist to demonstrate as to how the incident took place and who was involved in the matter and why the proper channel was not invoked for bringing the culprit to the books for the offence committed by them. The Report further states that the matter was also enquired from the concerned Police Station i.e. Mattan (Anantnag). This Police Station has also denied and confirmed that no such incident of attack on journalist took place on 9.10.2017. The Report has given the reference of Question/Answer being asked from the complainant Aasif Shafi and states that the complainant did not want to press the issue further as he just wants the compensation and nothing else. He intentionally filed the complaint for compensation only. The statements of other witnesses have also been enclosed with the Report who claim that no such incident took place there. Dy. Inspector General of Police has requested the Council to close the matter in the interest of justice.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Despite service of notice, the complainant has not chosen to appear. While adjourning the case on 25<sup>th</sup> September 2018, the Inquiry Committee had given the complainant time to produce evidence in support of the allegations

that he was assaulted by the men of the CRPF. The complainant is not present nor has produced any material to substantiate his allegation. Mr. O.P Gupta, Advocate appears on behalf of the CRPF. As the complainant has not chosen to place on record any material to substantiate his allegation, the Inquiry Committee is left with no option than to dismiss the complaint.

**Held**

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

**Press Council of India**

S.No 19

File no. 13/76/18-19/PCI

**Complainant**

Shri Mahinder Singh,  
Editor/Publisher/Printer/Owner, Kisauli  
Times,  
District Bulandshahar,  
Uttar Pradesh

**Respondent**

The Superintendent of Police,  
Bulandshahar,  
Uttar Pradesh.

**Adjudication dated 29.5.2019**

This complaint dated 23.07.2018 has been filed by Shri Mahinder Singh, Publisher/Printer/Owner/Editor, Kisauli Times, Bulandshahar, Uttar Pradesh against the shopkeepers for allegedly filing a criminal case with the connivance of police due to publication of critical writings. According to the complainant, he published some critical news about adulteration by the shopkeepers. Annoyed with this, these shopkeepers filed a false case of extortion with the connivance of the police in the Police Station Agota under the case No.117/2018 dated 23.06.2018 under Section 386/506/IPC. The complainant has informed that there are adulterated items of Mava, Paneer, Desi Ghee etc. for sale in the shops of Shri Rohit Sharma and Shri Umesh Kumar. The complainant has further informed that the Food and Medical Officer, Bulandshahar, raided the said shops and collected the samples which on examination found to be adulterated. The complainant has alleged that the said persons filed false case against him with the connivance of the police with a view to close down his newspaper. The complainant has requested the Council to take necessary action in the matter.

Comments of the Superintendent of Police, Bulandshahar, Uttar Pradesh were invited in the matter on 16.08.2018.

**Comments**

The Senior Superintendent of Police, Bulandshahar, Uttar Pradesh vide his letter dated 02.09.2018 has informed that the matter was investigated by the Circle Officer, Sikandrabad, U.P., who in his report dated 30.08.2018 stated that on 10.12.2017 a case No.336/17 under Section 388/389/IPC has been registered against Shri Mahinder Singh (complainant) by Shri Hazi Imran s/o Shri Mubin Khan r/o Ajitpur, Police Station Agoata, District Bulandshahar, U.P. The case has been investigated by Shri Rishi Pal, Sub-Inspector of Agoata Police Station. It has been stated in the Inquiry report that on the basis of the evidence on 5.5.2018 a charge sheet No.68/18 had been filed before the Hon'ble Court and on 23.6.2018 Shri Umesh Kumar s/o Shri Jaipal of Aaoata, Bulandshahar, U.P. has filed case No.117/18 under Section 386/506 of IPC against Shri Mahinder Singh (complainant). The complainant's arrest has been deferred by the Hon'ble High Court. Report further states that the complainant had demanded the bribe from the above shopkeepers; Principal of Schools/Manager and Gram Pradhan and many other charge sheets have been filed against the complainant in various cases. The respondent has stated that the complainant is habitual in filing the complaints by levelling false allegations.

A copy of the comments was forwarded to the complainant on 03.10.2018 for information/counter comments.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Neither the complainant nor the respondent has chosen to appear.

It is the allegation of the complainant that for his critical writing he has been falsely implicated in case. The Senior Superintendent of Police, Bulandshahar in his report has stated that after investigation the case has been found to be true and accordingly, charge sheet has been submitted against the complainant.

As the subject matter of the complaint is sub-judice, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, recommends for disposal of the complaint.

### **Held**

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

## **Press Council of India**

S.No. 20

### **Complainant**

Shri Harendra Malik,  
Correspondent,  
Dainik Shah Times,  
Jhijnhana,  
Shamli (U.P.)

F.No.13/92/18-19-PCI.

### **Respondent**

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

Shri Rajkumar Sharma,  
Station House Officer,  
Police Station-Jhijnhana,  
Shamli (U.P.).

## **Adjudication dated 29.5.2019**

### **Facts**

This complaint dated 20.8.2018 has been filed by Shri Harendra Malik, Correspondent, Dainik Shah Times, Shamli (U.P.) against Shri Rajkumar Sharma, Station House Officer, Police Station-Jhijnhana, Shamli (U.P.) for allegedly misbehaving, manhandling and damaging complainant's camera during coverage of news. According to the complainant, on 17.8.2018 he received information that a minor girl missing from Khanpur Kalan has been found in unconsciousness state. He reached the Shamli Hospital to cover the news. The complainant has alleged that respondent-Shri Rajkumar Sharma, SHO reached there along with police team and started misbehaving and intimidating him. The respondent damaged his camera and snatched Rs.2,500/- from him. He also made a false certificate with the connivance of one Dr. Praveen that he (complainant) was under inebriated condition. The complainant thereafter reached on Hospital and got done his blood test where no traces of alcohol was found. The complainant has alleged that the respondent is continuously threatening him. While apprehending danger to his life, the complainant has requested the Council to take action against the respondent.

Notice for Comments was issued to the respondent, Shri Rajkumar Sharma, SHO, PS-Jhijnhana on 27.9.2018 but the same has been received back undelivered from the postal authorities with the remarks "transferred to Ghaziabad". Thereafter reminders dated 27.11.2018 and 14.1.2019 were issued to the respondent on Ghaziabad address but no response has been received. Notice for Statement was therefore issued to the Superintendent of Police, Shamli on 1.3.2019.

### **Reply filed by the S.P., Shamli**

The Superintendent of Police, Shamli, U.P. has forwarded a Report dated 15.3.2019 to the Press Council of India. The report states that a complaint was filed by Shri Harendra Malik on 20.8.2018 against Shri Rajkumar Sharma alleging that he had broken his camera and snatched money. The allegations levelled by the complainant were investigated by the Circle Officer, Kairana and a Report was produced on 27.9.2018 wherein allegations of the complainant could not be confirmed.

Later, on the direction of Dy. Inspector General of Police, who directed to produce point-wise conclusion of the investigation, the Circle Officer, Kairana produced the Report stating that they enquired from the victim, Ms. Aarti and his

father as to whether the complainant's camera was broken by Shri Rajkumar, Inspector while he was covering the story of victim. They denied any such incident had taken place in their presence. Hence, the allegation levelled by the complainant could not be confirmed. The Superintendent of Police has requested the Council to close the proceeding of the matter.

### **Communication received from Dy. I.G.P, Ghaziabad**

Shri Upendera Kumar Agarwal, Dy. Inspector General of Police, Ghaziabad, U.P. vide his letter dated March 27, 2019 has informed the Council that due to General election to be held on 11.4.2019, Shri Rajkumar, Inspector is unable to attend hearing on 28.3.2019.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi.

Despite service of notice, the Complainant has not chosen to appear. Shri Manohar Gupta, advocate appeared on behalf of respondent No. 2, Shri Raj Kumar Sharma, SHO and Mr. Omvir Singh Tyagi, Inspector, appeared on behalf of the Superintendent of Police, Shamli, U.P. and state that no case was registered against the complainant when the doctor found him drunk. In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter any further and recommends for disposal of the complaint.

### **Held**

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

## **Press Council of India**

S. No. 21

F.NO. 13/93/18-19 PCI

Shri Balram Yadav  
Correspondent  
Buddh Shanti Jan Sandesh  
Kasia, Kushinagar, (U.P.)

Shri Ghanshyam Shukla,  
Kanungo,  
Office of the Deputy Collector,  
Tahsil- Kasia,  
Dist- Kushinagar (U.P.)

### **Adjudication dated 29.5.2019**

#### **Facts:**

This complaint dated 25.7.2018 has been filed by Shri Balram Yadav, Correspondent, Budh Shanti Jan Sandesh, Kushinagar against Shri Ghanshyam Shukla, Kanungo at Deputy Collector's Office, Kasia, Kushinagar for non-cooperation in sharing information regarding alleged illegal land occupancy. The complainant further submitted that he got an order from Suchna Ayog, Lucknow, in his favor for collecting information from the Deputy Collector's Office. However on 24.7.2018, when the complainant reached the Office of Deputy Collector requesting for information he was allegedly humiliated, and was subjected to physical and verbal abuse by the Kanungo. The complainant further submitted that the Kanungo threatened him with charges of fake records. The complainant has, therefore, requested the Council to take necessary action in the matter.

Notice for Comments dated 27.9.2018 was issued to the respondent-Shri Ghanshyam Shukla, Kanungo, Tehsil Kasia, Kushinagar.

#### **Reply Filed by the Respondents**

Shri Ghanshyam Shukla, Kanungo, Tehsil Kasia, Kushinagar vide his undated reply received in the Secretariat on 23.10.2018, has informed that he was an Accountant at Tehsil Kasia and he does not know the complainant. He has further informed that he never contacted the complainant over telephone and the allegations levelled by him are false and baseless. The respondent has stated that the averments made by the complainant are far from truth and he has also not enclosed the relevant documents. He has requested the Council to dismiss the complaint.

A copy of the reply was forwarded to the complainant on 29.10.2018 for information/counter comments, if any. Nothing received from him so far.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Despite service of notice the complainant has not chosen to appear. The Inquiry Committee has perused the complaint, the reply and all other connected papers. It is the allegation of the complainant that while he had gone to collect news, he was abused by the respondent, Kanungo. The respondent has filed the reply and has denied the allegation and further stated that he is not Kanungo. In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter any further and recommends for disposal of the complaint.

**Held**

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

## **Press Council of India**

S. No. 22

File no. 13/77/18-19/PCI

### **Complainant**

Shri Umakant Mishra  
Chief Editor,  
Dainik Seema Rekha,  
Deoria, Uttar Pradesh

### **Respondent**

The Chief Secretary,  
Government of Uttar Pradesh,  
Lucknow.

The Director General of Police,  
Uttar Pradesh,  
Lucknow.

The Superintendent of Police  
Deoria, Uttar Pradesh.

Shri Atma Ram Jaiswal,  
Deoria, Uttar Pradesh.

The Secretary,  
Home (Police) Department,  
Government of Uttar Pradesh  
Lucknow.

Smt. Rambha Devi  
W/o late Shri Ganeswar Mishra,  
Deoria  
Uttar Pradesh.  
Shri Rajesh Mani Tripathi,  
S/o Shri Ramgopal Mani Tripathi,  
Deoria  
Uttar Pradesh.

### **Adjudication dated 29.5.2019**

#### **Facts:**

This complaint dated 14.07.2018 has been filed by Shri Umakant Mishra, Chief Editor, Dainik Seema Rekha, Deoria, Uttar Pradesh against the police authorities alleging negligence in the case of his son's murder with the connivance of the accused. According to the complainant, his son Shri Gyaneshwar was killed on 04.12.2017. In this regard he has registered case No. 0956/2017 under Section 302/IPC on 27.12.2017 in the Kotwali, Deoria, U.P. The complainant has alleged that despite orders of the Higher Officers, Shri Sita Ram, the Circle officer and Shri Satinder Pandey, Inspector Incharge of Kotwali, have filed final report in the matter without taking any statement of the witness and call details. The complainant has pointed out that if the police collected/recovered the call details of the named accused, the illegal relationship and conversation between deceased's wife Smt. Rambha Devi, Shri Atma Jaiswal and Rajesh Mani Tripathi itself would have been exposed. The complainant has stated that the call detail would have been sufficient evidence for filing the charges sheet against the accused. The complainant has alleged that the accused persons are trying to implicate his elder son, Sh. Vireshwar

Mishra, who is an accredited journalist from the U.P. Government, in the criminal case and also trying to kill him. The complainant has further submitted that the above matter has only been forwarded to the Superintendent of Police and is yet to be placed before the Court of Law.

The complainant wrote a letter dated 24.1.2018 followed by a reminder dated 17.2.2018 to the Chief Minister of U.P. and a letter dated 12.4.2018 to the Special Secretary of the Chief Ministry of U.P.

The Council issued Notices for statement in reply to the Government of U.P. and Shri Aatam Ram, Smt. Rambha Devi and Shri Rajesh Mani Tripathi of Deoria on 16.10.2018.

### **Written Statement**

The Superintendent of police Deoria, U.P. vide his written statement dated 08.01.2019 has informed that the matter was investigated by the Additional Superintendent of Police Deoria (North). He has stated that the Inquiry Officer informed that case No. 956/2017 under Section 302/IPC against Smt. Rambha Devi w/o Shri Gyaneshwar Mishra (ii) Shri Rajesh Mani Tripathi and (iii) Shri Aatam Jaiswal of Deoria, U.P. has been registered on 27.12.2017 on the basis of the complaint of Shri Umakant Mishra, Chief Editor, Seema Rekhi Hindi Dainik, Deoria. He has further stated that in the said case Final Report No.01/2018 dated 18.01.2018 closing the case has been sent due to lack of sufficient evidence against the accused. He has further informed that the Regional Officer, Deoria City has objected on this report and again the said case has been referred to Deoria Kotwali.

A copy of the written statement was forwarded to the complainant vide Council's letter dated 20.2.2019 for information.

### **Communication from complainant**

Shri Umakant Mishra, complainant vide letter dated 28.3.2019 has submitted that the call details of the accused, Smt. Rambha Devi have not included in the investigation. He has further submitted that the Inspector Incharge, Shri Satyender Mishra has recorded false statement and deliberately tried to save the accused.

### **Communication from respondent, Smt. Rambha Devi**

Smt. Rambha Devi, respondent, vide letter dated 28.3.2019 has submitted that the present case does not pertain to the Press Council of India. It is the matter of her husband's murder. She alleged that the murder has been committed by the complainant, Shri Umakant Mishra and his family. She has further submitted that the matter is under consideration before the court of law.

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

The matter came up for hearing before the Inquiry Committee on 28.3.2019 at New Delhi.

The Inquiry Committee has heard the complainant, the Sub Inspector of Police, Shri Vijay Bahadur and counsel for the respondent, Smt Rambha Devi and has also perused the complaint, the written statement and all other connected papers. The Inquiry Committee is of the opinion that the subject matter of the complaint has nothing to do with the freedom of the Press and accordingly, declines to enter into the merit of the case. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

**Held**

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

## **Press Council of India**

S.No. 23

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

### **Complainant**

Shri Ankit Rai  
Chief Bureau  
Gaon Gaon ki Khabar  
G.G. News live channel  
Fauji Complex, Chunha, Karotia  
Sultanpur.

### **Respondent**

1. The Chief Secretary  
Govt. of Uttar Pradesh  
Lucknow, UP
2. The Director  
Information & Public Relations  
Department  
Govt of Uttar Pradesh  
Lucknow, UP.
3. Shri Rajendra Bahadur Singh  
Dist Information Officer  
Dist Information Office  
Sultanpur, UP

### **Adjudication dated 29.5.2019**

#### **Facts:**

This complaint dated 23.04.2018 has been filed by Shri Ankit Rai, Bureau Chief, Gaon Gaon ki Khabar and G.G. News Live Channel, Sultanpur (U.P.) against the District Information Officer, Sultanpur for allegedly misbehaving and restricting him from covering a event of District Panchayat Office. The complainant submitted that on 23.04.2018, he visited the District Panchayat office to cover No-Confidence Motion against the President of District Panchayat. The complainant has alleged that the District Information Officer under the influence of some other journalists from the opposition party did not allow the complainant to cover the story and was disrespectful towards him. The complainant has stated that such behaviour against journalists is a direct attack on the freedom of the press. He has requested the Council to take necessary action in the matter.

Notices for Statement in Reply were issued to the Government of U.P. and District Information Officer, Sultanpur on 28.5.2018.

#### **Reply of the District Information Officer, Sultanpur**

Shri Rajendra Bahadur Singh, District Information Officer, Sultanpur vide his reply dated 12.6.2018 while denying the allegations levelled by the complainant has informed that on 23.4.2018 the process of No-Confidence Motion was being carried out against the District Panchayat President where several media persons were present to cover the story and the complainant, Mr. Ankit Rai was also present there. No journalist was allowed to the main room where the strength test was taking place. At the gate, Mr. Ankit Rai had an argument with some other journalists and thereafter he left the venue. The complainant, therefore, was not stopped from covering news, as alleged by him. The respondent has further informed that vide

letter dated 13.4.2018 issued by the District Magistrate, Sultanpur, the complainant has been barred from covering any Government Press Conference as he has been banned by the press associations and newspaper representatives.

A copy of the reply from the respondent has been forwarded to the complainant on 2.7.2018. No further response received from the complainant.

### **Reply from the Director Information, I&PRD Govt. of UP, Lucknow**

A copy of the communication dated 24.8.2018 from the Director Information, I&PRD Govt. of UP, addressed to the District Magistrate, Sultanpur, has been endorsed to the Secretariat of the Council, in which the Director Information has directed the DM to investigate the matter and submit the report to the Information and Public Relations Department, Govt. of Uttar Pradesh, Lucknow, UP.

### **Communication received from District Information Officer, Sultanpur**

The District Information Officer, Sultanpur vide letter dated 25.3.2019 has stated that the then District Information Officer, Shri Rajendra Bahadur has retired from service on 30.9.2018. Moreover, the matter has been settled amicably between the complainant and Shri Rajesh Singh. Presently, the complainant has no differences with Shri Rajesh Singh or with the office.

### **Communication received from complainant**

Shri Ankit Rai, Complainant vide letter dated 24.3.2019 has informed the Council that the respondent, Shri Rajesh Singh personally met him and tendered an apology for the mistakes committed by him inadvertently. The complainant has further submitted that the matter has been settled amicably between the complainant and Shri Rajesh Singh. Moreover, the respondent has retired from service. Therefore, he does not want any action to be initiated against him. Further, the complainant has requested the Council to close the proceedings in the matter.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. There was no appearance on behalf of the respondent, District Information Officer.

Despite service of notice, the complainant has not chosen to appear. The Inquiry Committee has perused the complaint, the reply filed by the respondent and all other connected papers. It is the allegation of the complainant that while he had gone to cover the "No Confidence Motion" against the President of the District Panchayat, he was abused by the District Information Officer. The complainant has further filed an application praying for dismissal of the complaint on various grounds. The Inquiry Committee accedes to the prayer of the complainant and dismisses 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**

S.No. 24

File no. 13/24/18-19/PCI

### **Complainant**

Shri Ramesh Yadav  
Sub- Editor,  
Sunami Lahar,  
Farrukhabad, U.P.

### **Respondent**

The Chief Secretary,  
Government of Uttar Pradesh,  
Lucknow.

The Secretary,  
Home (Police) Department,  
Government of Uttar Pradesh  
Lucknow.

The Director General of Police,  
Uttar Pradesh,  
Lucknow.

Shri Gyaneshwar Kumar Singh,  
Sub-Inspector, C.O. Sadar,  
Banda, U.P.

Shri MahinderKatiyar  
KotwaliFatehgarh,  
Farrukhabad, U.P.

Shri Yash Pal Gautam,  
Sub-Inspector,  
AwasiVikasChowki,  
Kotwali Farrukhabad  
Uttar Pradesh.

### **Adjudication dated 29.5.2019**

#### **Facts:**

This complaint dated 07.05.2018 has been filed by Shri Ramesh Yadav, Sub-Editor, Sunami Lahar, Farrukhabad, U.P. against anti-social elements for allegedly threatening to kill and implicate in false case due to publication of critical writing. The complainant has submitted that he published some news items against the police and others on their illegal activities. Annoyed with this, one Shri Mahinder Singh Katiyar, Businessman filed a false case No.620/18 under Section 384/504/506 in the Kotwali, Fatehgarh, U.P. against him and his editor. The complainant has submitted that he complained to the Superintendent of Police and Sub-Inspector, Chowki Awasi Vikas but no action was taken. While apprehending danger to his life the complainant has requested the Council to take necessary action in the matter.

Notices for statement in reply were issued to the Government of U.P. and Shri Gyaneshwar Kumar Singh, Sub-Inspector Shri Mahinder Katiyar, Businessman and Yash Pal Gautam, Sub-Inspector on 29.06.2018.

## **Written Statement**

The Superintendent of Police, Fatehgarh, U.P. vide his written statement dated 06.08.2018 has informed that the matter was investigated by Shri Tribhuvan Singh, Additional Superintendent of Police, Fatehgarh, who in his report stated that a case No.620/18 under Section 384/504/506 has been registered by Shri Mahinder Singh Katiyar, Ex-Zila Panchyat Member against Shri Ajay Chauhan, Editor, Shri Ramesh Yadav, Correspondent and Shri Sanjeev Kumar, Editor and Printer of Sunami Lehar, Fatehgarh for using indecent and unparliamentarily language against them in the newspaper and demanded Rs.5 lakhs and threatened them to continue the publication if the demand is not fulfilled. It has been further stated that Shri Ramesh Yadav, Correspondent, Shri Ajay Chauhan, Editor and Shri Sanjeev Kumar Printer of Sunami Lehar published impugned news against Shri Yash Pal Gautam, Sub-Inspector and Shri Gyaneshwar Kumar, Sub-Inspector and Shri Mahinder Singh Katiyar, Businessman without any substance with a view to pressurize and blackmail them. The respondent has stated that the allegations levelled by the complainant could not be proved during the investigation and no further action is appears to be taken in the matter.

A copy of the written statement was forwarded to the complainant on 23.08.2018 for information.

## **Further communication from the respondents**

The respondent-Superintendent of Police, Fatehgarh vide his letter dated 21.12.2018 has informed that the instant matter has been investigated by Shri Ramlakhan Saroj, Circle Officer, Fatehgarh, who stated that many cases have been registered between Shri Ramesh Yadav, (complainant) and Shri Ajay Chauhan *versus* Shri Mahinder Singh Katiyar and Shri Dharmendar Yadav. The Report further states that Shri Ramesh Yadav (complainant) and Shri Ajay Yadav has withdrawn the complaint against Shri Yashpal Gautam, Sub-Inspector. The case of Shri Ramesh Yadav (complainant) against Shri Mahinder Singh Katiyar has been investigated by Shri Gyaneshwar Kumar, Sub-Inspector and allegation levelled against Shri Gyaneshwar Kumar could not be proved. Further, the case No.620/18 against the complainant is under investigation. A case No.149/18 under Section 500/IPC filed by Shri Mahinder Singh Katiyar against Shri Ramesh Yadav is pending for consideration before Hon'ble Court.

## **Counter comments**

The complainant vide his counter comments dated 23.08.2018 has denied the facts stated in the written statement filed by the Superintendent of Police, Fatehgarh. The complainant has alleged that the investigation report has been prepared with the connivance of the anti-social elements. He has requested the Council to take action against the respondents.

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

## **Further communication from the complainant**

The complainant vide his letter dated 23.01.2018 while reiterating his complaint has alleged that the reply filed by the respondent is misleading, false and far from the truth. He has requested the Council to take action in the matter.

A copy of the communication was forwarded to the respondents on 21.02.2019 for information.

### **Communication received from the respondent, Shri Mahindra Katiyar**

Shri Mahendra Katiyar, one of the respondents vide undated letter has stated that the complainant, Shri Ramesh Yadav has mentioned in his Declaration letter that no case is pending against him before any court of law, while the truth is that a Case with S.No. 620/2018 Under Sections 384/504/506 IPC has been registered against him in Fatehgarh Police Station. The Charge sheet in the matter has been filed in the Court. He has further submitted that the complainant was served a Notice following false and fabricated news was published against him. The complainant demanded money for not publishing news against him. The respondent has requested the Council to cancel the registration of the complainant's newspaper.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. The Inquiry Committee has heard the complainant and Shri Mahendra Katiyar and has also perused the complaint, the written statement and other connected papers.

It is the allegation of the complainant that because of his critical writings, he has been falsely implicated in the case. Mr. Katiyar points out that after investigation the police has submitted the charge-sheet against the complainant. He has also brought to the notice of the Inquiry Committee that the complainant was earlier also charge-sheeted in a criminal case.

As the subject matter of the inquiry is *sub-judice*, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, recommends for disposal of the complaint.

### **Held**

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

## **Press Council of India**

S.No. 25

File no. 13/43/18-19/PCI

### **Complainant**

Shri Kallimullah,  
Sr. Journalist,  
Siddharthnagar  
Uttar Pradesh

### **Respondent**

The Chief Secretary,  
Government of Uttar Pradesh,  
Lucknow.

The Secretary,  
Home (Police) Department,  
Government of Uttar Pradesh  
Lucknow.

The Director General of Police,  
Uttar Pradesh,  
Lucknow.

The Superintendent of Police,  
Siddharthnagar,  
Uttar Pradesh.

Shri Harendra Pathak,  
Sub-Inspector,  
Naugarh Chowki,  
Siddharthnagar, U.P.

### **Adjudication dated 29.5.2019**

#### **Facts:**

This complaint dated 04.06.2018 has been filed by Shri Kallimullah, Journalist, Siddharthnagar (U.P.) against Shri Harinder Pathak, Sub-Inspector of Naugarh Chwoki, Siddharthnagar for allegedly threatening and registering false case against him due to publication of critical news items. According to the complainant, on 01.06.2018 his younger brother, Shri Sohrab Ali was beaten up by some persons and when he along with his brother to went to the Naugarh Police Station for registering an FIR, Shri Harinder Pathak, Sub-Inspector called them miscreants in the Police Station and misbehaved with them. He has further alleged that the respondent honoured the said culprits as guest by serving them tea, breakfast and dinner. The complainant has further alleged that the police put him and his brother behind the bar full night and on next day i.e. 2.6.2018 the police took action under Sections 151, 107 and 116 of IPC. The complainant has further alleged that on the occasion of Samadhan Diwas, the respondent Sub-Inspector again misbehaved and threatened him. While apprehending danger to his life, the complainant has requested the Council to take necessary action in the matter.

Comments of Shri Harinder Pathak, S.I., Chowki Incharge, Naugarh Chowki, Siddharthnagar were invited on 26.6.2018. In the absence of any reply, Notices for statement in reply were issued to the Government of U.P. and Shri Harinder Pathak on 10.08.2018.

## **Written Statement**

Shri Padmakar Shukal, Under Secretary to the Government of U.P. vide his letter dated 02.11.2018 has forwarded a copy of the written statement dated 22.10.2018 of the Superintendent of Police, Siddarthnagar. The Superintendent of Police Siddarthnagar has submitted that the Circle Officer of Siddarthnagar Police Station investigated the matter and found that there is some money dispute with regard to sale and purchase of land between the complainant's brother Shri Sohrab Ali and Shri Ubed that led to scuffle on 01.06.2018. On receiving the information Shri Harinder Pathak, Sub- Inspector/Chowki Incharge, Naugarh, Siddarthnagar on 01.06.2018 and S/Shri Shorab, Kalimullah and Gayasuddin and opposite party S/Shri Oabed Khan, Mustak Ahmed were arrested under Section 151, 107, 116 of IPC. He has further informed that on 02.06.2018 all the culprits were produced before the Court of SDM, Naugarh, Siddarthnagar, Uttar Pradesh. The respondent has submitted that other allegations levelled in the complaint could not be proved during the investigation.

A copy of the comments of the Government of U.P. was forwarded to the complainant vide Council letter dated 27.11.2018 for information.

## **Counter Comments**

The complainant vide his letter dated 13.12.2018 while reiterating his complaint has alleged that the report of the police is totally false and baseless. He has requested the Council to inquire the matter from a higher officer of another department and also check the CCTV footage.

A copy of the counter comments was forwarded to the Govt. of Uttar Pradesh on 21.12.2018.

## **Report of the Inquiry Committee**

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Despite service of notice, the complainant has not chosen to appear. Respondent No.5, Shri Harinder Pathak, Sub-Inspector of Police is present. The Inquiry Committee has perused the complaint and all other connected papers. In the report, the respondent has stated that the complainant was taken into preventive custody for maintenance of law and order. The Inquiry Committee finds that the allegation made by the complainant is untenable and, accordingly recommends for dismissal of the complaint.

## **Held**

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

## Press Council of India

S.No. 26

F.NO.13/95/18-19 PCI

### **Complainant**

Smt. Shruti Chaddha  
Bureau Chief  
24 Hours Today News  
Jhansi (U.P.).

Shri Nishakant Gupta,  
Editor,  
Jhansi Vaarta,  
Jhansi (U.P.).

### **Respondent**

1. The Chief Secretary  
Govt. of Uttar Pradesh  
Lucknow, U.P.
2. The Secretary  
Home (Police) Department  
Govt. of Uttar Pradesh  
Lucknow, U.P.
3. The Superintendent of Police  
Jhansi, Uttar Pradesh
4. The Superintendent of Police,  
Lalitpur, Uttar Pradesh
5. The Director General of Police  
Uttar Pradesh Police  
Lucknow.

### Adjudication dated 29.5.2019

#### Facts:

This complaint dated 23.08.2018 has been filed by Smt. Shruti Chaddha, Bureau Chief, 24 Hours Today News, Jhansi (U.P.) against police authorities alleging police inaction in the FIR lodged on 18.08.2018 regarding deadly attack on her. The complainant submits that unless Mr Rijwan Sabir, Executive Engineer, Rural Engineering Department, Lalitpur is not transferred from his present post, no action will be taken by the police in the FIR No.0982 lodged by her.

The complainant has submitted that she and her team of 24 Hours Today News reached the site to cover the news when they received an information regarding high level investigation being conducted by the National Quality Monitor on the alleged corruption, quality and illegal mining in road construction at Khokra, Lalitpur under Pradhan Mantri Gramin Sadak Yojna. Mr Mathur and Mr Rizwan Sabir, Executive Engineer, Rural Engineering Department were examining the quality of 18 km road located in Khokra, Dist- Lalitpur on 17.8.2018. While the complainant was video graphing the story, she along with her team members were attacked by the contractor. Their camera and mobile phones were allegedly snatched from them. The complainant had therefore lodged an FIR at the police station. According to the complainant, the police neither took any action and nor arrested any person. The perpetrator, Mr Habib Khan and Indrapal, the mafia contractors, are following the complainant and her team reporters while they cover the news story thereby unnecessarily creating tense atmosphere. The Complainant further submitted that Mr Rijwan Sabir, Executive Engineer, Rural Engineering Department, PIU, Pradhan Mantri Gram Sadak Yojna, Lalitpur, under the pressure of the mafias

is not taking any action in the matter, infact, during the investigation process no police personnel was guarding the site and when the complainant and her team was attacked and Inspecting team of the National Quality Monitor present at the site did not oppose such inhuman action.

In another submission dated 15<sup>th</sup> October 2018, the complainant has forwarded a complaint filed by Mr Nishakant Gupta, reporter, Jhansi Varta, Jhansi, who reiterates the submissions made in the complaint by her. In addition, he submits that police is wilfully delaying the action in their matter to make the opponent's case stronger. The land mafias/contractors of the road have obtained a fake medical report showing that during the scuffle one of the alleged perpetrators got his finger broken so as to bring the case in favour of the opponent contractor. The complainant, therefore, has pleaded the Council to take necessary action in the matter.

### **Reply Filed by the Respondents**

Notice for Comments dated 3.10.2018 followed by a reminder on 8.11.2018 was issued to the respondent. Vide communication dated 18.12.2018 the respondent Superintendent of Police, Lalitpur has informed that a case was filed on 8.11.2018 by Shri Nishakant Gupta regarding attack and robbery under IPC 395 which was an outcome of a clash between the journalists and contractors that took place at the site of investigation of the delay in construction of road under the Pradhan Mantri Grameen SadakYojna at Khokra, Lalitpur. After investigation and recording witness's statement it was found that the case was booked under IPC Section 147, 323, 504, 506. Proper investigation was carried out by the Police Department, details of which are submitted in the written response. Also it has been stated that after medical examination of the accused person, it was found that the accused finger was fractured during the clash at the site of investigation on road construction in Lalitpur. After a close observation and examination of the case, the police has reached the conclusion that no further inquiry is required in the case.

A copy of the reply of the respondent was forwarded to the complainants on 10.1.2019.

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

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Despite service of notice, the complainants have not chosen to appear. Mr. Vinod Singh, Dy. Superintendent of Police, Lalitpur and Mr. Himanshu, DSP, Jhansi have appeared. It is the allegation of the complainants that while they had gone to cover the inspection of road by the authorities, they were assaulted. The Superintendent of Police in his report had stated that at the time of inspection, clash took place between the journalists and the contractor's men and on the basis of the reports given by the journalists and the contractor's men, separate cases were registered and after investigation police had submitted charge-sheet against both groups. It has further been stated that no charge-sheet had been submitted against the complainant Smt. Shruti Chaddha. As the subject matter of the complaint is *sub-judice* before a court of law, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, recommends for disposal of the complaint.

**Held**

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