

Press Council of India

Agenda Item No. 4 Adjudications based on reports of Inquiry Committee (Meetings held on May 6-7, 2015 at New Delhi, June 8-9, 2015 at Dehradun, July 6-7, 2015 at New Delhi.)

Complaints against the Press
Section-14

Inquiry Committee-I Meeting held at New Delhi on May 6-7, 2015.

1. Complaint of Shri Shyam Pannalaji Sharma, Member, Executive Committee, Berar General Education Society, Akola, Maharashtra against the Editor, Suryodaya, Maharashtra. **(14/7/13-14)**
2. Complaint of Shri Kapil Marwaha, Chartered Accountant, Mumbai against the Editor, DNA, Mumbai. **(14/533/12-13)**
3. Complaint of Dr. Jagdish K. Dadhich, Mumbai against the Editor, 'Mid-Day', Mumbai. **(14/462/10-11)**
4. Complaint of Shri Chetan Prakash Aggarwal, Mantri, Shri Chandi Mandir Prabandak Samiti (Regd.), Chandi Road, Hapur (U.P.) against the Editor 'Bhanu Gunj', U.P. **(14/250/11-12)**
5. Complaint of Shri Ambrish Gour, Senior Superintendent of Jail, Central Jail, Allahabad against the Editor, Hindustan, Allahabad, U.P. **(14/866/12-13)**
6. Complaint of Shri Rakesh Kumar Kushwah, Kanpur against the Editor, Electronic Market Report, Kanpur, U.P. **(14/634/12-13)**
7. Shri Brij Mani Singh, Former Provincial Spokesman, Akhil Bhartiya Hindu Mahasabha, Gorakhpur (U.P.) against the Editor, Dainik Jagran, Gorakhpur (U.P.). **(14/708/12-13)**
8. Complaint of Ms. Punam Mehta, Joint Director, Pension & Pensioners Welfare Department, Regional Office, Kota (Raj.) against the Editor, 'Rajasthan Patrika', Rajasthan. **(14/182/11-12)**
9. Complaint against Shri Ranjit Singh, Patiala (issue emergent from the complaint of Shri Ranjit Singh against the Editor Chardikala, Patiala) for filing false declaration in the Council. **(14/998/13-14)**
10. Complaint of Dr. Dinesh Talwar, New Delhi against the Editor, Hindustan Times. **(14/71/13-14)**
11. Complaint of Shri Sanjeev Kumar Kulshreshtha, Ghaziabad (U.P.) against the Editor, Hindustan, New Delhi. **(14/1134/13-14)**
12. Complaint of Shri O.P. Akela Jaunsari, State Secretary, Uttar Pradesh Safai Majdor Union, Nazibabad (U.P.) against the Editor, Amar Ujala, Meerut (U.P.) **(14/1136/13-14)**
13. Complaint of Ms. Simran Juneja, Ghaziabad (U.P.) against the Editor, 'Nav Bharat Times', Ghaziabad (U.P.). **(14/518/13-14)**
14. Complaint of Shri H.B Rajaram, Air Marshal, AVSM, Air Officer In-charge Administration, New Delhi against the Editor, Eastern Chronicle, Guwahati. **(14/946/13-14)**

15. Complaint of Shri Sumeet Singh, Delhi against the Editor, The Patriots of India, New Delhi **(14/319/14-15)**
16. Complaint of Shri Malik Javed Ansari, New Delhi against the Editor, Rashtriya Sahara. **(14/549/14-15)**
17. Complaint of Smt. Pratibha Bhargava, Agar (U.P.) against the Editor, 'I-Next', Agra (U.P.). **(14/254/14-15)**
- 18-19. Complaint of Shri Faseeh Akhtar, Chairman, Samajik Sanstha Kaumi Help Society (Regd.) Muzaffarnagar (U.P.) against the Editors, 1) Shah Times, Meerut and 2) Dainik Jagran, Meerut (U.P.). **(14/271 & 758/14-15)**

Inquiry Committee-II Meeting held at Dehradun on June 8-9, 2015.

20. Complaint of Shri Charan Singh & Smt. Munni Devi, Moradabad (U.P.) against the Editor, Amar Ujala, Meerut (U.P.) **(14/79/13-14)**
21. Complaint of Shri Sushil Kumar Varshney, General Secretary, Akhil Bharat Varshiy Shri Vaishya Barahasaini Mahasabha (Regd.), Aligarh (U.P.) against the Editor, Dainik Jagran, Kanpur (U.P.) **(14/334/13-14)**
22. Complaint of Shri Lokender Singh, Jhansi (U.P.) against the Editor, 'Dainik Jagran', Jhansi (U.P.). **(14/342/13-14)**
23. Complaint of Shri Pradeep Kumar Rana, Sub-Inspector, Vastan Vihar Station, Dehradun, Uttarakhand against the Editor, 'Crime Story', Dehradun, Uttarakhand. **(14/162/13-14)**
24. Complaint of Shri Neelam Singh Bhandari, Pithoragarh (U.K.) against the Editor, Amar Ujala, Haldwani (U.K.) **(14/876/13-14)**
25. Complaint of Shri Naseem Ahamad Thekedar, Muzaffarnagar (U.P.) against the Editor, Amar Ujala, Meerut (U.P.). **(14/275/14-15)**
26. Complaint of Smt. Pushpa Devi, Etawah (U.P.) against the Editor, Amar Ujala, Kanpur (U.P.) **(14/1100/13-14)**
27. Complaint of Shri Prof. N.K. Pandey, Director, Center for Information, Publication and Public Relations, Lucknow University, Lucknow (U.P.) against the Editor, Nishpaksh Divya Sandesh, Lucknow (U.P.). **(14/231/14-15)**
28. Complaint of Shri Pradeep Kumar, Project Manager, Construction & Maintenance Unit (Ganga), Uttarakhand Pey Jal Nigam, Rishikesh (U.K.) against the Editor, Kranti Gatha, Rishikesh (U.K.) **(14/671/14-15)**

Inquiry Committee-I Meeting held at New Delhi on July 6-7, 2015.

29. Complaint of Shri Mazhar Hussain, Advocate, U.P. against the Editor, Khusro Mail, Bareilly, U.P. **(14/356/12-13)**
30. Complaint of Shri Prashant Gupta, Meerut (U.P.) through his advocate Shri Sharad Jain, Meerut against the Editor, 'Dainik Janvani', Meerut (U.P.). **(14/580/14-15)**
31. Complaint of Shri Sheopal Singh, Ex-District Chairman, Congress Committee, Bulandshehar, UP against the Editor, Dainik Jagran, U.P. **(14/587/12-13)**
32. Complaint of Smt. Sunita Jain, Sagar (M.P.) against the Editor, Dainik Bhaskar, Bhopal (M.P.). **(14/291/13-14)**

33. Complaint of Shri P. Pattavi, President, Prithak Bastar Rajya Party, Raipur (C.G.) against the Editor, Dainik Bhaskar, (C.G.). **(14/802/13-14)**
34. Complaint of Shri Hari Om Verma, Meerut (U.P.) against the Editor, Dainik Jagran, Meerut (U.P.) **(14/86/13-14)**
35. Complaint of Shri Devender Kumar, Post Master, Grade-III, Muzaffarnagar (U.P.) against the Editor, Thanvi Muzaffarnagar Times, Muzaffarnagar (U.P.) **(14/82/14-15)**
36. Complaint of Shri R.N. Kundu, Kolkata against the Editor, 'The Statesman', Kolkata. **(14/247/13-14)**
37. Complaint of Smt. Vibha Sharma, District Umria, M.P. against the editor, Jan Duniya, Umria, M.P. **(14/259/13-14)**
38. Complaint of Shri Sunil Goswami, Indore against the editor, Dabang Duniya, Indore, M.P. **(14/321/13-14)**
39. Complaint of Shri Aman Kumar Singh & Smt. Yasmin Singh, Raipur (C.G.) against the Editor, Patrika, Raipur (C.G.) **(14/916/13-14)**
40. Complaint of Shri Meena Chandel, District Accounts Manager, National Rural Health Mission, District Health Society, Ujjain, M.P. against the Editor, Patrika, M.P. **(14/652/13-14)**
41. Complaint of Shri Virbhan Ajvani (I.P.S.), Superintendent of Police, Ajmer (Raj.) against the Editor, Mahanagar Times, Rajasthan. **(14/796/13-14)**
42. Complaint of Shri Jalinder K. Ramane, Inspector of Police, Nagpada Police Station, Mumbai against the Editor, Satya Shodhak Rahi, Mumbai (Mah.). **(14/673/14-15)**
43. Complaint of Shri Gyan Swaroop Ahuja, Jabalpur (M.P.) against the Editor, 'Times of India', Jabalpur (M.P.) **(14/699/13-14) (Without calling the parties)**



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 1

File No.14/7/13-14-PCI

Shri Shyam Pannalalji Sharma,
Member, Executive Committee,
Berar General Education Society,
Akola (Maharashtra).

Vs.

The Editor,
Suryoday,
Marathi Weekly.
Near Prabhat Talkies Road,
Karanja Lad, Washim,
(Maharashtra).

ADJUDICATION

Dated 7.8.2015

This complaint dated 14.3.2013 was filed by Shri Shyam Pannalalji Sharma, Member, Executive Committee, Berar General Education Society, Akola, Maharashtra against the Editor, 'Suryoday', Marathi weekly for publication of false, baseless, vulgar and obscene news item under the caption "Shayam's women learns in Akola College – Teaches in Karanja Useless College (English Version)" in its issue dated 7.1.2013. The impugned publication was couched in highly vulgar and objectionable language.

The complainant alleged that though his name was not been specifically mentioned in the impugned news item but it is related to him. According to the complainant the respondent in his writing had been tactfully using the words which implicitly aim in defaming complainant and posing him in extremely bad light due to which he is suffering mentally and his prestige has also been on stake. The respondent published the extremely vulgar obscene impugned news item to defame him and the educational society in the eyes of public and his family. He further alleged that the respondent circulated the newspaper among the people in bulk quantity to intentionally defame him in the society. He further submitted that the respondent had also published news items against his society in its issue dated 21.11.2011 and 6.2.2012. The complainant vide letter dated 21.2.2013 drawn the attention of the respondent editor and requested to publish his letter but received no response.

A show cause notice was issued to the respondent editor on 2.8.2013 for written statement.

Written Statement

The respondent in his written statement dated 29.8.2013 stated that the contents of the complaint were totally false, baseless and concocted and no person/educational institute had been named. He further stated that the impugned article was totally imaginary and comic but based on true events. He denied use of filthy and vulgar language.

Counter Comments

The complainant in his counter comments dated 13.5.2014 submitted that respondent always published contradictory statement. In the first line, he submitted 'that the news item in question published by him totally imaginary' and in the very next statement, he submitted 'that the respondent always publishes article/ news on the true events which happen in the society.' He alleged that the respondent has been publishing this newspaper with false registration and requested to take necessary action in the matter.

Report of the Inquiry Committee

Following two adjournment dated 13.5.14 and 6.1.2015 the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. Shri Shyam P. Sharma, the complainant appeared in person whereas there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant. It noted that despite service of notice, the respondent did not appear before the Committee. The Committee carefully perused the relevant papers and impugned news item and was satisfied that the impugned news item was extremely vulgar and obscene and the respondent newspaper deserved to be censured for the act. It further noted that during the course of hearing, the complainant avered that the respondent weekly, Suryodaya is not registered with the RNI.

In view of the aforesaid, the Committee recommended to the Council to **Censure** the respondent editor, Suryodaya, Marathi Weekly, Washim, Maharashtra for publication of obscene and vulgar news item. It also directed that a copy of this order be forwarded to the District Magistrate, Washim and also to the RNI for appropriate action in the course of law.

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 **Censure** the respondent editor, Suryodaya, Marathi Weekly, Karanja Lad Distt. Washim, Maharashtra.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 2

File No.14/533/12-13-PCI

Shri Kapil Marwaha
Chartered Accountant
Mumbai (Maharashtra)

Vs.

The Editor
Daily News & Analysis
Mumbai (Maharashtra).

ADJUDICATION

Dated 7.8.2015

This complaint dated 29.10.2012 was filed by Shri Kapil Marwaha, Chartered Accountant, Mumbai against the editor, “DNA” for publication of pornographic articles under the caption “Hard porn can make you soft” and “The Bad Sex award” in its issue dated 7.10.2012. The complainant submitted that the editor chose to titillate impressionable minds by publicizing pornography which is highly objectionable and unethical journalism. The complainant lodged a complaint on 12.10.2012 with the respondent Editor, DNA but received no reply through the Editor carried a note in the DNA’s edition of 14.10.2012, which shows that the editor believes that there is no difference between pornography and educative sexuality and these are ‘important, progressive and healthy’.

The complainant submitted that the respondent published his view with regret which reads as follows: “Sexuality article”- Some readers gave complaint that the article titled ‘The Bad Sex Awards Goes To Indian Men’ in the DNA Sunday Mag. of October 7 was too explicit and inappropriate for young readers. We believe that sexuality is an important subject and an open discussion on it is progressive and healthy. We are the newspaper in the country that has a page devoted to the marginalized and discriminated LGBT community. We are proud of this. Ashley Tillis shared a very personal and traumatic experience about a core issue in sexuality, without hiding behind generalities. At the same time, we are sensitive to the sentiments of all our readers, and regret any disturbance this article may have caused to some readers”.-Editor.

The complainant alleged that publishing pornography was a matter of serious concern brought out by the fact that on 11.10.2012 the Union Cabinet approved the introduction of amendments to the Indecent Representation of Women (Prohibition) Act, providing that sharing of port or obscene videos online or through multimedia messaging service (MMS) would attract a prison term up to seven years and a maximum fine of Rs.5,00, 000/-. The Law, at present is applicable only to the print media. Police officers not below the rank of inspectors will be authorized to carry out searches and seizures under the law, in addition to state and central government officers authorized by the state or central government. The complainant further

submitted that this matter has caused strong protests across the country – treating women as objects of sexual lust, and lodged the complaint to the Press Council in the hope to prevent such malpractices.

Written Statement

In response to show cause notice dated 27.11.2012, the respondent vide his written statement dated 5.2.2013 submitted that the impugned news-item was published in good faith, in public interest, without malice and based on information and/or documents received from reliable sources, believing the same to be true and correct and without malicious intent to cause damage to the goodwill, reputation and image of the complainant. He submitted that the respondent had not violated any professional norms of journalistic conduct in publishing the said article and adhered to the highest standards of journalistic ethics in publishing the article. The respondent further submitted that many other prominent newspapers in India have time and again reported such important issues for the betterment of the young generation. The contents of the complaint are incorrect.

Counter-comments

In response to written statement dated 5.2.2013, the complainant in his counter-comments dated 11.3.2013 submitted that he searched via Google on the internet and came across one more vulgar article published by the respondent on 22.1.2012 under the caption 'Porn and Women: Some like it hardcore' which is full of vulgarity. The complainant requested the Council to prevent the respondent from indulging in the subject of malpractice in future and bear exemplary costs of the cost.

Report of the Inquiry Committee

Following two adjournments dated 13.5.2014 and 5.1.2015, the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. There was no appearance on behalf of the complainant whereas Shri Varun Kimar Tikmani, Advocate appeared for the respondent.

The Inquiry Committee heard the counsel of the respondent. The Counsel of the respondent contended the impugned article is an informative article and all the views of qualified and educated peoples were taken in the impugned article. He further contended that the article was based on the harmful effects of the internet and technological advancements and it is just to inform the readers that excessive watching of porn is harmful by implication. He submitted that he quoted physiological opinions on it also in the publication. He further submitted that by the line 'if you watch excessive porn', the newspaper meant to spread a message that watching excessive porn makes you soft and you will not be able to perform well.

The Inquiry Committee carefully perused the impugned news item and opined that the impugned news item cannot be said to be obscene so as to call for any action by it. However, the Committee would like to make the general observations that while making publication of any such article due care be taken to the sentiments of the people by the newspapers.

In view of the aforesaid, the Committee recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 3

File No.14/990/13-14-PCI
(Old file No. 14/462/10-11)

Dr.Jagdish K. Dadhich, S.E.O.
Mumbai.

Vs.

The Editor,
Mid-Day,
Mumbai.

REVIEW ADJUDICATION

Dated 7.8.2015

This complaint dated 11.11.2010 was filed by Dr. Jagdish K. Dadhich, Mumbai against the editor, Mid-Day, Mumbai alleging publication of false and baseless and defamatory news item under the caption : “Crackdown on quack “Doctors? No” in its issue dated 15.9.2010 wherein his name was included in the list of quake Doctors. The respondent countered that the report was based on information received from the Health Department of Mumbai Municipal Corporation. The matter was placed before the Council on 21.12.2012 which after considering the report of the Inquiry Committee following its oral hearing of the parties and perusing the record of the case which included the letter from Registrar, Maharashtra Council of India Medicine conforming the enrolment of the complainant, decided to censure the Mid-Day, Mumbai and directed the respondent to publish clarification prominently within a month.

Review Petition

On the receipt of the decision of the Council the respondent filed a review petition dated 18.2.2013 challenging the order of the Council censuring the Mid-day Mumbai. According to the respondent at the time of hearing Hon’ble Chairman dictated an oral order in court dismissing the application of the complainant as he was absent. The respondent requested, the Council to restore the matter and opportunity of fresh hearing may be given to him.

In view of the submissions of the respondent, Hon’ble Chairman allowed Review Petition and granted opportunity of hearing subject to approval by the Council. The Council in its meeting held on 15.11.2013 at New Delhi allowed the review petition dated 18.2.2013 of respondent Mid-Day, Mumbai and decided to refer back the case to Inquiry Committee for grant of opportunity of hearing to the respondent.

Following two more listings of oral hearing where the parties failed to appear, the matter was proposed to be dismissed but recalled on the request of the parties.

Report of the Inquiry Committee on Review Petition

Following one adjournments dated 6.1.2015, the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. There was no appearance on behalf of the complainant whereas Mr. Shiv K. Suri, Mr. Saswat Pattnaik and Mr. Shikhar Bharadwaj, Advocates appeared for the respondent.

The Inquiry Committee heard the counsel of the respondent. The counsel of the respondent contended that the impugned news item dated 15.9.2010 was published on the basis of the list released by the BMC on 6.7.2010. The name of the complainant was deleted by the BMC in a subsequent list on 24.9.2010. He stated that they came to know about the deletion of the complainant's name from the said subsequent list only through the legal notice sent by the complainant. He submitted that the complainant could have informed them about the fact so that they could have published the clarification. He alleged that the legal notice sent by the complainant was not in good taste as the complainant made allegations therein that the article was defamatory.

The Inquiry Committee carefully perused the impugned news item and the relevant record of the case and noted the following statement made by the Executive Health Officer, Medical Department in a communication dated 27.8.2012 which read as follows:

"It is stated that this department had admittedly listed the complainant as the bogus doctor in the list received from Medical Officer of Health (K/E Ward) dated 6.7.2010 and on receiving the requisite documents as required from the complainant by Medical Health Officer vide letter dated 24.9.2010 has intimated to higher official about the same and deletion of the name of the complainant. On receiving the said intimation the name of the complainant was promptly deleted & removed from the list. We are enclosing the copy of RTI received by us along with reply thereto and a copy of the letter was received by this department dated 24.9.2010 for your perusal."

In the facts and circumstances of the case, the Committee directed that the respondent shall publish the contents of the said paragraph in its newspaper within six weeks and communicate about the compliance of the order to the Council. The Committee accordingly recommended to the Council to dispose of the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 4

File No.14/250/11-12-PCI

Shri Chetan Prakash Aggarwal,
Secretary, Shri Chandi Mandir
Prabhandak Samiti (Regd.)
Chndi Road, Hapur (U.P.)

Vs.

The Editor,
Bhanoo Goonj,
Ghaziabad

ADJUDICATION

Dated 7.8.2015

This complaint dated 5.9.2011 was filed by Shri Chetan Prakash Aggarwal, Secretary, Shri Chandhi Mandir Prabhandak Samiti, Hapur, U.P. against “Bhanu Goonj”, Hindi Weekly newspaper for publication of an allegedly false and baseless news item in its issue dated 18.7.2011 under the caption “Kerala ke Padamnabh Swami Mandir se mile 90 Hazar Crore ka Khajana Rahesymay - Mystery of Undisclosed treasure of Rs. 90 Crores in Padamnab temple of Kerala - English translation” It was alleged in the news item that Management Committee of Chandhi Temple has not disclosed the Gold and Silver in their balance sheets and that the money greedy officers of Chandhi Temple sold 40 K.G. ornaments of gold and silver in the market which was received through the devotees. Government can take this treasure in its custody? The complainant submitted that he through his advocate sent a legal notice on 29.7.11 to the respondent for publication of false, baseless and objectionable news item in his newspaper. Reply dated 12.8.11 to this notice was received by the complainant from the chief editor, Bhanu Goonj but the complainant was not satisfied with the reply of the respondent and challenged the existence of the paper and intend to penalise the newspaper. Vide his further communication dated 10.9.11 the complainant while reiterating his complaint forwarded copies of the RTI application alongwith its reply.

Written Statement:

Comments of the respondent editor, Bhanu Goonj were invited on 4.10.2011. In response, the respondent-Bhanu Goonj in his comments dated 28.11.11 stated that the instant complaint was filed by the Secretary, Shri Chandhi Mandir Samiti but the same was not supported by any resolution of the Mandir Samiti resolving any authorization to the complainant in favour of him. He further stated that Mandir Samiti which was not the creation of any law and even not authorized by the people of the society. The said Samiti was not maintaining the records properly and not sharing the same with people of the society. He also stated that Mandir Samiti is

selling the gold and silver jewellery of the mandir which had been contributed by the people of the society. He further stated that after publication of the news article in the paper the jewellery of the mandir was returned to Mandir but not in the original form. According to the respondent, the allegations of the complainant were baseless and wrong and thus the complaint be dismissed. He also stated that if they receive any further clarification from the complainant, the same would be published by them.

Closure of the case

In response to Council's letter dated 3.10.11 the complainant vide his letter dated 14.11.11 has stated that they had already talked to the respondent and a settlement between them has been arrived at thus the matter may be closed. Accordingly, Hon'ble Chairman on 21.12.2011 passed the orders for closure of the case. Both the parties were informed on 10.1.2012 about the closure of the case. The complainant vide his letter dated 17.1.2012 informed the Council that the letter dated 14.11.11 is fake and has requested to provide him a copy of the letter dated 14.11.11 and also re-open the case.

Case Re-opened

Vide Council's letter dated 28.5.12 the Editor, Bhanu Goonj was requested to give his comments on the letter dated 17.1.12 of the complainant stating that his letter dated 14.11.2011 was fake. The Sub Inspector, Hapur was also requested to submit a status report of the case filed in Police Station, Hapur on 5.10.2012. No response was received in the matter from either of them. In the light of the above, the Hon'ble Chairman passed the order on 21.2.14 to re-open the case.

The Comments of the respondent were again invited in the matter vide Council's letter dated 25.3.14 forwarding therewith a copy of the complainant's letter.

Comments of the respondent

The respondent in his comments dated 16.4.2014 stated that the same matter was earlier decided by the Hon'ble Council vide its order dated 10.1.2011. He suggested that the complaint once closed cannot be re-opened. He further informed that he had not received the complete set of documents from the Council and requested to supply the complete set of documents which was sent to him vide Council's letter dated 4.6.2014.

The respondent Shri Vijay Kumar Garg, Managing Editor, Bhanoo Gunj vide another letter dated 23.6.14 again reiterated that the matter once closed cannot be reopened and the issue before the Hon'ble Council is also the subject matter of the case pending in the court of law at Hapur, U.P. and as per Section 15 of the Press Council Act, 1978 the matter cannot be reviewed or reopened on the same set of the facts especially when the matter was once closed by the Hon'ble Council.

Counter Comments of the Complainant

The complainant in his counter comments dated 24.12.2014 to the Comments dated 16.4.2014 of the respondent has stated that the respondent furnished a photocopy of the fake agreement on the basis of which the matter got closed. He further submitted that at the time of filing the complaint no case was registered before the Court of ACJM, Hapur and it was registered almost after four months and that too by the Government. He has requested the Council to take strict action against the respondent editor for filing false and fake agreement letter before the Council.

Respondent's Further Comments

The respondent, Shri Vijay Kumar Garg, Managing Editor, Bhanoo Goonj, Hindi Weekly, Ghaziabad in his further comments dated 31.12.2014 stated that the complainant has filed a case related to this matter simultaneously in two courts which shows the intention of the complainant to keep on pending the case. He further alleged that the statement given by the Assistant Information Director for Ghaziabad in his letter dated 28.8.2011 is contradictory as in line 1 and 2, he stated that as per the record of the office, the publication of Bhanoo Goonj was closed while in line 4 he stated that no record is available about the said newspaper in the office. He further alleged that the complainant as well as the Information Department deliberately misplaced their letters from the office of Information Department. He has further stated that his newspaper is registered with RNI and the all the articles are published in accordance to the rules. He has requested the Council to close the matter as the complaint has been filed on wrong facts and also the matter is sub-judice before Additional Judicial Magistrate, Hapur.

Report of the Inquiry Committee

Following one adjournment dated 6.1.2015, the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. Shri Chetan Prakash Agarwal, the complainant, Shri Ved Prakash, Advocate and Shri Anand Gupta appeared for the complainant whereas Shri Vijay Kumar Garg, Managing Editor, Bhanoo Goonj appeared.

The Inquiry Committee heard the both the parties. The complainant's counsel contended that the respondent published false news item and filed a false settlement letter on the basis of which the Council closed the complaint. He alleged that the respondent submitted the said Council's decision in the High Court. He further alleged that the caption of the impugned news item was related to the recovery of treasure in Kerala's Padnabha temple whereas the content of the news item talked about the Chandi Mandir. He alleged that on what basis the respondent did it and why the respondent had not taken his version before publication of such impugned news item. On the other hand, the respondent contended that in the impugned news item he has placed question mark w.r.t. selling of Gold & Silver by the Mandir Samiti. The news item was based on the public comments. He further informed that a civil suit was filed u/s 420/166 IPC in Hapur in the same matter which is in question. Regarding the fake letter of agreement, he denied submitting

any such letter in the Council and he submitted the letter of agreement in the High Court only after receiving the communication from PCI with which it was attached.

The Inquiry Committee carefully perused the impugned news item and opined that the respondent published the impugned news item without due verification and hence breached the journalistic ethics. It further opined that the respondent newspaper be censured for that. It, therefore, recommended to the Council to **Censure** the respondent editor, Bhanoo Goonj, Gaziabad, U.P.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided **Censure** the respondent editor, Bhanoo Goonj, Gaziabad, U.P. A copy of the adjudication be sent to DAVP/RNI, Government of U.P. for necessary action as they deem fit.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 5

File No. 14/866/12-13-PCI

Shri Ambrish Gaur,
Sr. Superintendent of Jail,
Central Jail, Allahabad

Vs.

The Editor,
Hindustan,
Allahabad

ADJUDICATION

Dated 7.8.2015

This complaint dated 24.12.12 was filed by Shri Ambrish Gaur, Sr. Superintendent of Central Jail, Naini, Allahabad against the Editor, Hindustan, Allahabad alleging publication of false and misleading news item under the caption "**Highway par nikle qaidi, hadhkamp**" (**Prisoners came out on Highway - Turmoil**) in its issue dated 23.12.2012 alongwith photo. It was alleged in the news item that jail authorities sent their two dozen prisoners on Mirzapur Highway for cutting of woods required for bonfire as their officials were feeling cold. In the impugned publication it was also alleged that while doing so they sidelined the jail manual and gave the prisoners an opportunity to flee. The complainant vide his further communication dated 27.9.2013 stated that the newspaper Hindustan, Allahabad published three more news item against the jail authorities on 1.7.2013, 25.9.2013 & 27.9.2013 under the captions "Hum Dilip Mishra Bolat Hai", "Mujhe Bacha Lo, jail Mein Maar Dalenge Nambardar" and "Naini Jail mein mahila bandi ka yaun shoshan" respectively. The complainant stated that the news items are totally false and misleading. He alleged that the respondent published these concocted news articles without verifying the facts with a motive to defame the image of the department. The complainant has further alleged that the version of the DIG Jail published alongside the impugned publication is also different. The complainant stated that he wrote two letters dated 24.12.12 & 25.9.2013 to the respondent editor, Dainik Hindustan for clarification but neither they published the same nor gave any reply.

A Show Cause Notice was issued to the respondent editor on 19.11.13. In response thereto, the respondent vide his letter dated 30.7.2014 has stated that they have not been provided entire copy of the complaint which was provided on 26.8.14 but no reply has been received from the respondent so far. A further reminder dated 16.12.14 has also been issued to the respondent.

Written Statement

The respondent, HT Media Ltd. in his written statement dated 27.1.2015 vide his e-mail dated 5.2.2015 and denied all the allegations made by the complainant and stated that the complaint was baseless, false and frivolous. The complainant had not filed any documentary proof in support of his averments. He stated that the news was published on the basis of the photo taken by the then reporter of Hindustan. He further stated that no specific derogatory statements were made in the subject article published and the concerned reporter had only acted in routine, bonafide and due discharge of his public duty as journalist. He also stated that the complaint was liable to be dismissed for being time-barred as it was filed after a lapse of seven months. He submitted that the impugned publication had not caused damage to the reputation and public image of the complainant.

Report of the Inquiry Committee

Following one adjournment dated 5.1.2015, the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. Shri Satish Chaudhary appeared on behalf of the complainant whereas Shri Arun Pathak, Attorney General appeared for the respondent, Hindustan.

The Inquiry Committee heard the representative of the complainant as also the counsel of the respondent. The complainant contended that the tree in the jail compound was being cut by the prisoners. The respondent on the other hand reiterated his stand that news was published on the basis of photograph clicked by their reporter of the said incident. On being asked by the Inquiry Committee, the complainant could not give the satisfactory reply as to how the reporter could click the photo of Jail compound from outside. It also carefully perused the impugned news item and relevant record of the case and opined that the impugned news item was not false and misleading so as to call for any action by the Committee.

In view of the aforesaid, it recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 6

File No. 14/634/12-13-PCI

Shri Rakesh Kumar Kushwaha,
Kanpur, Uttar Pradesh

Vs.

The Editor,
Electric Market Report,
Kanpur, Uttar Pradesh.

ADJUDICATION

Dated 7.8.2015

This complaint dated 4.9.12 was filed by Shri Rakesh Kumar Kushwaha, Kanpur against Hindi Weekly, Electric Market Report, Kanpur, Uttar Pradesh objecting to the publication of a news item captioned "**Electric Market Report, Prakashan ko Bhyankar Arthik Sankat**" (Electric market report, Publication is in Financial Hardship- English translation) in its issue dated 12.8.12 and another against the publication of one sided and defamatory news item in the same issue of the Weekly under the caption "**Krishna Enterprises ke saath Kanhaiya Electric works Kanpur Dwara Vishwasghat**" (English translation- Kanhaiya Electric Works Kanpur cheated Krishna Enterprises). It was stated in the first news item that Electric Market Report completed 45 years of publication and during this period they had been receiving co-operation of all the business community. Further it was also stated that some shopkeepers, businessmen and Distributors never gave any type of co-operation. The impugned publication further stated that due to non co-operation of the shopkeepers, the respondent could not extend the pages of his weekly newspaper. It was also stated in the impugned publication that during the last five years instead of 75% increase in printing expenses and 100 % increase in paper price the respondent had not increased advertisement rates and member fee and due to this the newspaper lost 5-6 lakh rupees. A request had been made in the publication that the consumer who had not deposited their annual fee to co-operate the newspaper by depositing the annual fee. It was specially highlighted in the publication that respondent newspaper did not receive any cooperation from some companies like Philips, Crompton, English Electric Company, Siemens, Havelles and Indo Asian etc. even though they had been publishing their news about meetings and conferences. Thus, in wake of financial hardship though now the newspaper decided to take Rs.2500/- as fee for publication of news with regard to details of Meeting/Conferences of the companies. The complainant stated that no newspaper can take fee for the coverage of the news. The complainant alleged that the respondent's intention was to earn money rather than pursuing journalism. In the second news item, it was stated that the complainant gave a cheque for

Rs.1,32,006/- towards purchasing of cable from M/s Krishna Enterprises which was dishonoured by the bank due to instruction of stop payment by the complainant. It was also stated in the impugned publication that the complainant used abusive language. The complainant alleged that the respondent had been publishing paid news and also blackmailing the people. The complainant vide his letter dated 16.8.12 drew the attention of the respondent with the request to furnish clarification but to no avail.

No Written Statement:

A Show Cause Notice was issued by the Council to the respondent-editor, Electric Market Report on 1.8.2013 but no reply has been received in the matter.

Report of the Inquiry Committee

Following one adjournment dated 6.1.2015, the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. Shri Anand Avasthi and Shri Rakesh Kumar Kushwaha, the complainant appeared. There was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant in person. It noted that despite service of notice, the respondent has not chosen to appear. It observed that the publication in the newspaper itself revealed that the respondent was demanding money for publication of the news item. The Inquiry Committee has no hesitation in holding that the respondent involved himself in the paid news. It, accordingly, recommended to the Council to **Censure** the respondent editor, Electric Market Report, Kanpur, U.P. It directed the respondent to publish the order prominently in his newspaper and intimation be sent to the Council after publication.

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 **Censure** the respondent editor, Electric Market Report, Kanpur, U.P. A copy of the adjudication be sent to DAVP, RNI, Government of U.P. for necessary action as they deem fit.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 7

File No. 14/708/12-13-PCI

Dr. Brijmani Singh,
Former State Spokesperson,
Akhil Bhartiya Hindu Mahasabha,
Uttar Pradesh

Vs.

The Editor,
Dainik Jagran,
Civil Lines,
Gorakhpur

ADJUDICATION
Dated 7.8.2015

This complaint dated 27.8.2012 was filed by Dr. Brijmani Singh, Former State Spokesperson, Akhil Bhartiya Hindu Mahasabha, U.P. against Dainik Jagran, Gorakhpur for publication of an objectionable news item under the caption "***Tushtikaran Ko Badhava de rahi hai Sarkar:Yogi - (Government is promoting appeasement:Yogi - English translation)***" in its issue dated 26.7.2012 alongwith photo. The news item related to a function viz Yuva Sankalp Diwas on the occasion of first death anniversary of Hindu Yuva Vahini's member, late Shri Vishnu Dutt Ojha, who was addressed as founder of the said organization. According to the complaint, Shri Yogi Aditya Nath was the founder of the said organization and in this regard he enclosed another clipping of Dainik Jagran dated July 16, 2006 wherein it was reported that Hindu Yuva Vahini has been set up by Yogi Aditya Nath. The complainant submitted that respondent published incorrect facts as a part of some conspiracy and thereby misinformed the general public which is against journalistic ethics. The complainant wrote a letter to the Editor of Dainik Jagran, Gorakhpur for publishing the corrigendum but respondent neither published the corrigendum nor gave any reply to the complainant.

Written Statement:

A Notice for Comments dated 27.2.2013 was initially sent to the respondent but when no reply is received, a Show Cause notice dated 16.4.2014 was then issued to the respondent editor. In response to Council's Show Cause Notice dated 16.4.2014 respondent Dainik Jagran vide their letter dated 6.5.2014 stated that the impugned news published in the newspaper has been relied on the press conference and Dainik Jagran had reproduced verbatim of statements given by both the leaders. He also stated that both the leaders have some political rivalry between them

therefore, they were complaining to the PCI. He further stated that the complaint filed by the complainant is totally wrong and baseless.

Complainant's Further Letter

After hearing of the case on 6.1.2015, a letter dated 30.12.2014 was received from the complainant requesting not to adjourn the matter even in case of his absence and decide the case on the basis of material available on record.

Report of the Inquiry Committee

Following one adjournment dated 6.1.2015, the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. There was no appearance on behalf of the complainant while Shri Birendra K. Mishra and Ms. Poonam Atey, Advocates appeared for the respondent.

The Inquiry Committee heard the counsel of the respondent. The counsel of the respondent reiterated that both the statements were published on the basis of the press conference. The Inquiry Committee noted that the complainant has neither appeared nor has it appeared before it in the earlier hearing of the Committee nor has it appeared today. It also took note of the fact that the respondent had published the impugned news item on the basis of the statements given in the press conference.

In view of the aforesaid, the Committee opined that it is not a fit case in which any action is sought for. It accordingly recommended to the Council to dismiss the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 8

File No. 14/182/11-12-PCI

Smt. Punam Mehta,
Joint Director, Pension & Pensioners Welfare Department, Kota,
Rajasthan

Vs.

The Editor,
Rajasthan Patrika,
Rajasthan

ADJUDICATION
Dated 7.8.2015

This complaint dated 11.7.2011 was filed by Smt. Punam Mehta, Joint Director, Pension & Pensioners Welfare Department, Kota, Rajasthan against the editor, Rajasthan Patrika for publication of allegedly false, baseless and defamatory news item under the caption "***Wahh ! Kya naukri hai – Duty mein farziwade ki shikayat, Jaanch shuru – Pension vibhag ki sayunkt nideshak kaa mamla***" in its issue dated 6.7.2011. It was alleged in the impugned news item that the complainant attendance was regularly registered without her attending the office and in this regard, the State Government appointed Addl. Divisional Commissioner to inquire into the matter. It was further reported that the Addl. Divisional Commissioner has confirmed an investigation against the complainant.

The complainant while denying the allegations leveled in the impugned news item stated that the respondent published false, misleading and defamatory news item along with the cartoon captioned "This is advantage of being an officer". The complainant further alleged that the respondent published the distorted material with the intention to damage her reputation and published it without verifying the facts as she was attending the office regularly. She mentioned that earlier too the respondent had also published similar news item in its issue dated 11.12.2010. The complainant in a letter dated 6.7.2011 addressed to the President, Rajasthan Audit Service Association, Jaipur has stated that the ADM (Admin) deliberately made her absent under a conspiracy with a motive to defame her and also propagating it through the newspapers. She further submitted that she had sent a letter dated 6.7.2011 to the respondent requesting him to verify the facts before publishing the material but received no reply.

A Show Cause Notice was issued to the respondent on 6.9.2011 for his written statement.

Written Statement

Shri Sukumar Verma, Deputy Editor, Rajasthan Patrika in his written statement dated 30.10.2012 while denying the allegations levelled by the complainant stated that the news item was published on the basis of the facts which the complainant itself confirmed in her complaint by accepting that an investigation was going on this issue therefore, in the news item could not be treated as false and baseless. He further stated that the news item was not published to malign the complainant but to present the facts before the public.

Counter Comments

The complainant vide letter dated 5.2.2013 has stated that the impugned news item was associately published without any verification of facts but with an intention to sensationalize and malign her in public at large. The complainant provided a copy of the letter dated 30.8.2011 of Deputy Secretary, Finance (Revenue) Department, Govt. of Rajasthan addressed to the DM, Kota with a copy endorsed to her stating that no disciplinary action was warranted against her. She has requested the Council to direct the respondent to publish an apology.

Complainant's Further Reply

Smt. Punam Mehta vide her further letter dated 19.3.2014 forwarded a copy of the report of Deputy Secretary, Finance (Revenue) Department, Govt. of Rajasthan addressed to District Collector & District Magistrate, Kota, Rajasthan to the Council in which it was mentioned that as per the Investigation Report no further necessary action is required in the matter and it should be closed.

Report of the Inquiry Committee

Following two adjournments dated 23.8.2013 and 6.1.2015, the matter came up for final hearing before the Inquiry Committee on 6.5.2015 at New Delhi. There was no appearance on behalf of the complainant. The complainant vide her e-mail dated 27.4.2015 requested the Committee to decide the case on merits. Shri Ankit R. Kothare, Advocate appeared for the respondent.

The Inquiry Committee heard the counsel of the respondent. The counsel of the respondent contended that the impugned publication was based on the report of the Inquiry Officer. He further contended that he also published the version of the complainant.

The Inquiry Committee carefully perused the impugned news item and relevant record of the case and opined that the news item cannot be said to be without any foundation. It observed that the very fact that an inquiry was held in the matter clearly shows that the publication is not baseless so as to call for any action by the Committee.

In view of the aforesaid, the Committee recommended to the Council to dismiss the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl.No. 9

File No.14/998/13-14-PCI

Shri Ranjit Singh,
Patiala, Punjab

Vs.

The Editor,
Daily Chardikala,
Patiala, Punjab

ADJUDICATION

Dated 7.8.2015

An undated joint complaint received in the Secretariat of the Council on 15.1.2014 from S/Shri Ranjit Singh and Rajdeep Singh, Patiala filed against Shri Jagjit Singh Dardi, former Member of Press Council and Editor, Punjabi Daily Chardikala for publication of misleading and defamatory news item along with photo of the complainant, Shri Ranjit Singh under the caption "**Challenge by Ranjit Singh to SSP, you can harm me to the extent you can- English Translation**" in its issue dated 8.1.2014. It has been alleged in the news item that the complainant Shri Ranjit Singh and his companion were operating a gang which commits crime cases in the neighbouring area. Further it was reported that the police was in search of the complainants. The complainant submitted that the impugned publication caused them mental, tension and defamed them in the society. He sent a letter dated 7.2.2014 to the respondent but received no reply. Shri Rajdeep Singh, Patiala earlier had also filed a complaint in July 2013 against the editor, Chardikala for objecting to the publication of advertisement/invitation notice on 11-12.5.2013 to influence the religious sentiments of the residents of the locality by using the religion, caste and unauthorized name of Shri Akal Takhat Sahib the complaint was closed on 10.3.2014 for non-pursuance.

Comments

Shri Jagjit Singh Dardi, Editor-in-Chief in his comments dated 16.4.2014 stated that the complainants' Shri Rajdeep Singh and Shri Ranjit Singh have filed false affidavit in contravention of Regulation 3(2) of the Press Council (Procedure for Inquiry) Regulations, 1979 on non-pendency of the matter in court of law. Both these persons were involved in the criminal cases U/s107/151 Cr. P.C. as they had attacked the journalists in the Police Station and were arrested by the police. A case was pending in the Court of SDM, Patiala. He asserted that both the complainants had filed false statement/declaration in the Council that there was no case pending in any court of law. He further stated that Mr. Ranjit Singh was also facing criminal charges in Muzaffarnagar vide FIR No.1714/13 U/s 23/504/307/506-IPC. The respondent alleged that the complainants were heading criminal gang and filed false

cases against the innocent people to extort money. He requested the Council to send this case to the DGP, Punjab, Chandigarh to take action against these culprits for filing false cases in Press Council of India as well as in the various Police Stations.

Matter before the Council

The Council considered the matter in its meeting held on 2.6.2014 at Goa. Pursuant to this, a Notice was issued to the complainant on 11.7.2014 with the direction to file his reply as to why action should not be taken against him for filing false declaration/affidavit, a punishable offence under section 199 of IPC that reads as: "*False statement made in declaration which is by law receivable as evidence*".

Reply of Notice

In reply to the Notice dated 11.7.2014, Shri Ranjit Singh vide his letter dated 21.7.2014 stated that the affidavit and the complaint were based on true facts and there was no litigation pending in any Court between him and Shri Jagjit Singh Dardi in respect of the complaint made by him. He further stated that the allegations as alleged against him in the Notice were totally false, vague and baseless. He also stated that Shri Jagjit Singh Dardi had mentioned defamatory and derogatory remarks against him in the last para of the 2nd page of the complaint. Also, a CWP (Public Interest Litigation) No. 8456 of 2008 was filed by him along with others against Shri Jagjit Singh Dardi and others and the Hon'ble Punjab and Haryana High Court passed a strict Order against Shri Jagjit Singh Dardi regarding raising of illegal construction, etc. He submitted that the respondent has been running his press in residential area by overlooking the bye law of Improvement Trust. The complainant alleged that the respondent misused the name & fame of PCI.

Reply by Shri Jagjit Singh Dardi

In response to the Council's letter dated 19.8.2014, Shri Jagjit Singh, Editor-in-Chief, Chardikala vide his letter dated 1.10.2014 has forwarded the copies of Criminal Suit/Litigation which was pending before the SDM Court, Patiala. He has forwarded the copy of the Order dated 13.8.2014 passed by Sub-Divisional Magistrate, Patiala in two criminal cases having DDR No. 9 & 26. It was stated in the Order (as per English translation provided by him) that the case was under process from last six months and there is no point of continuing it since no case or information about dispute has been reported from local police so far. It discharged the respondents after warning and similar Order was passed in both the cases.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Shri Ranjit Singh, the complainant appeared in person whereas Mr. J.P. Singh and Shri Harpreet S. Popli appeared for the respondent.

The Inquiry Committee heard both the parties. The complainant contended that no case was pending between him and the respondent, Shri Jagjit Singh Dardi and he was ready to file an affidavit to that effect. On the other hand the representative of the respondent contended that apart from this case another matter was also pending before the High Court at the time of filing of the complaint.

The Inquiry Committee carefully perused the record of the case. It after having heard Shri Ranjit Singh and the counsel for the respondent opined that no false declaration was made by the complainant before the Council at the time of filing the complaint. It, recommended to the Council that no action was called for in the matter.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Item No. 10

File No.14/71/13-14-PCI

Complainant

Vs.

Respondent

Dr. Dinesh Talwar,
New Delhi.

The Editor,
Hindustan Times,
K.G. Marg , New Delhi.

Adjudication

Dated: 7.08.2015

Facts

This complaint dated 25.3.2013 was filed by Dr. Dinesh Talwar, New Delhi against the editor, Hindustan Times, New Delhi for publication of insensitive and objectionable news item under the caption “Hemraj having or about to have sex before death: Doc” in its issue dated 23.3.2013. In the impugned news item it was stated that the Talwar’s servant was indulging or was about to indulge in sexual activity when his death took place. The witness, Dr. Naresh Raj a senior paediatrician at the Noida district hospital conducted the post mortem of Hemraj and Dr. Naresh Raj told CBI special public prosecutor R.K. Saini that Hemraj’s sexual organs showed signs of arousal, indicating he had or was about to have sex just before he died. Hemraj was the domestic help of Rajesh Talwar and Nupur Talwar . His body was found on the terrace of the house a day after Aarushi Talwar was found dead. It was further stated in the impugned news item that Dr. Raj said the marks on the elbow could be because he was dragged on a hard surface. The neck injury could have been caused by a sharp edged item such as a golf stick.

The complainant submitted that the media has been highlighting with blaring headlines, the fact that the 14 year old child was sexually active abused by the male servant but this fact neither established in the court of law nor by any forensic report. He further submitted that the National Commission for Protection of Child Rights taken cognizance of his complaint. He requested the Council to take necessary action against the respondent.

A Show Cause Notice was issued to the respondent editor, Hindustan Times, New Delhi.

Written Statement

In its written statement dated 26.2.2015 the respondent Hindustan Media Limited submitted that the complaint was baseless without merits coupled with ulterior motives. The complainant intentionally with ulterior motives want to allege the publication as incorrect or biased. The respondent further stated that the subject article dated 23.3.2013 is based on a court proceeding where a prosecution witness, Dr. Naresh Raj, produced by the CBI in the court proceeding. The Aarushi – Hemraj murder case on 23.3.2013 stated that the Talwar's servant was indulging or was about to indulge in sexual activity when his death took place without any opinion. Hence, no ill will and/or malafide can be attributed at any or all to the answering addressee herein. According to the respondent the HT report in question is confined to the testimony of a particular witness who talked about Hemraj's possible sexual activity before his murder. The report in question is restricted to Hemraj and does not talk about his alleged sexual involvement with person whatsoever.

The respondent pointed out that the said news article was published on the basis of the statement on oath recorded by the court of prosecution witness (Doctor) in the said court proceeding and further stated that the impugned news item was based on the prosecution evidence of concern doctor who had duly completed the post mortem of dead body. The respondent also stated that this complaint is time barred and not maintainable as per rule and regulation of PCI and prayed the Council to dismiss the complaint.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. The complainant Dr. Dinesh Talwar with Mr. Aditya Wadhwa appeared before the Committee while Shri Arun Pathak, Attorney Holder appeared for the respondent.

The Inquiry Committee heard both the parties. The Inquiry Committee is of the view that the impugned news item is based on the evidence of Involved, the paper could have waited for the cross examination of the prosecution witness (Doctor) as quoting a statement of witness without his cross examination did not give the clear picture and it also violates journalistic norms of accuracy and fairness. The paper had only published the half fact. The respondent counsel on the other side contended that paper had merely quoted the statement of witness and news was based on his attributions. The Inquiry Committee after going through material on record and hearing the contentions of the parties noted that the impugned news item had merely reproduced the statement of the witness Doctor and thus cannot be construed as objectionable or insensitive. It therefore, opined that as the impugned news item is based on the evidence of prosecution witness, what ways such evidence is to be attached to it, is for the Court of law to decide, the newspaper has not violated any journalistic ethics so as to call for any action by it. The Inquiry Committee accordingly recommends for dismissal of the complaint with the aforesaid observation.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Item No. 11

File No.14/1134/13-14-PCI

Complainant

Vs.

Respondent

Shri Sanjiv Kumar Kulshreshtha,
H-100 Patel Nagar-3
Ghaziabad-201 001 U.P.

The Editor,
Hindustan (Hindi),
K.G. Marg , New Delhi.

Adjudication

Dated: 7.8.2015

Facts

This complaint dated 25.2.2014 was filed by Shri Sanjiv Kumar Kulshreshtha, Working as CMI/PMS & Re-weighment, Delhi Division, Northern Railway against the editor, Hindustan (Hindi) Delhi for publication of allegedly misleading, wrong and one sided news items in its issue dated 22.11.2013 and 27.12.2013 under the captions “Platform par replay mein railkarmi out” and “Railway Board Ke Nirdesh ko nahi mante Parcel Inspector” respectively.

It was reported in the first news item that re-weighment inspectors of Railway Parcel Department seized 138 goods parcel of a lease holder on the charge of overloading. The news item further reported that a complaint had been forwarded to the vigilance department by the lease holder saying that the officials of the railway department demanding huge money on the eve of Deepawali. In the other news item it was stated that the Parcel Department of Railway are not obeying the orders of Railway Board and taking different action on similar matters. It was further reported seizure of leased consignment on account of overloading on October 31, 2013 at Delhi Railway Station. It was also reported that the officials of Railway are not obeying the orders of Railway Board Vigilance Directorate for delivering the consignments on taking affidavit of undertaking to deposit the penalty if found at fault but consignment was delivered only after deposition of penalty. In a similar case from the Indore Intercity train at Hazrat Nizamuddin Station 1.5 tonnes material of a lease holder was unloaded and the rest material was allowed to depart after connivance between lease holder and Mr. Ashish Gulati, Railway Inspector. An undertaking had been taken just for formalities for depositing the penalty if found excess at destination Indore. An incorrect message was sent to Indore Division resulting re-weight was not being done for concerned lease.

The complainant submitted that the allegations have been published without verifying the facts either from them or concerned department (Northern Railways) The complainant alleged that he and his colleagues have been harassed by the corrupt lease holders for doing their duties honestly. Due to this unverified and irresponsible news published by the Hindustan, their department was forced to take action against them despite the fact that they were cleared in two enquiries.

The complainant drew the attention of respondent editor, towards the impugned news article published on 27.12.2013 vide his letter dated 28.12.2013 but no response was received. He further alleged that the reporter has been sending veiled threats through others to malign him. He requested the Council to take appropriate action against the respondent.

A Show Cause Notice was issued to the respondent editor, Hindustan(Hindi) New Delhi on 8.5.2014.

Written Statement

In his written statement dated 30.3.2015 the respondent Authorised Signatory of Hindustan Media Ventures Limited strongly denied all the allegations levelled by the complainant and stated that the complaint is baseless and without merits coupled with ulterior motives. The facts reported in the subject news article were not derogatory or defamatory to any person including the complainant. He further stated that the joint reading of the subject news item and the contents of the complaint makes it evident that there was no sufficient ground for holding an inquiry on the subject issue. The respondent also stated that subject news item dated 27.12.13 was published on the basis of the act of Parcel Inspectors who disobeyed the directions of Railway Board and it was substantiated the correct reporting in the newspaper. He further stated that their newspaper being a responsible publisher through this subject news item intended to inform the public at large about prevalence of such offences in the society which requires the attention so as to avoid situations where bad elements in society takes advantage of their power vested in them by the Railway Board. The news item was published in good faith and as part of fair practice of journalism. The respondent concluded by saying that the news item was not contrary to recognised ethical canons of journalistic propriety as they had acted in routine, bonafide and the due discharge of their public duty and published the same after due and adequate verification He requested the Council to dismiss the complaint with exemplary costs in the interest of justice.

A copy of the Written Statement of the respondent was forwarded to the complainant on 16.4.2015 for information/counter comments.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. No body appeared on behalf of the complainant while Shri Arun Pathak, Attorney Holder appeared for the respondent.

The Inquiry Committee heard the counsel for the respondent . It noted that despite service of notice nobody appeared on behalf of the complainant. The Inquiry Committee perused the complaint and the Written Statement alongwith other relevant papers on record. The Committee come to the conclusion that the respondent newspaper has not breached any journalistic ethics so as to call for any action. It accordingly recommends for dismissal of the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 12

File No.14/1136/13-14-PCI

Shri O. P. Akela Johnsari,
Secretary (State),
U.P. Safai Mazdoor Sangh,
Bijnaur, U.P.

Vs.

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

ADJUDICATION
Dated 7.8.2015

This complaint dated 25.2.2014 was filed by Shri O.P. Akela Johnsari, Secretary, U.P. Safai Mazdoor Sangh, Baijnaur, U.P. against the editor, Amar Ujala, Meerut, U.P. for publication of following baseless and objectionable news items in its various issues:

Sl. No.	Captions	Date
1.	छह साल बाद कर्मचारी बर्खास्त	29-12.2013
2.	17 सालों तक मामला दबाने की जांच हो	9.01.2014
3.	फाईल गुम होने की रिपोर्ट	24.01.2014
4.	सी.एम.ओ. तलब, पत्रावली मांगी	2.02.2014

It was reported in the impugned news items that one Shri Bhagat Singh obtained job of Dhobhi against the post reserved for ST category in the Health Department in 1997 fraudulently by producing a false ST Certificate. It was further reported that one Shri Manohar Lal Bharti, Advocate wrote a letter to the Chief Secretary, Health Department in 2007 alleging that Shri Bhagat Singh belongs to SC category and not ST category and demanded a departmental inquiry against Shri Bhagat Singh. Departmental inquiry was initiated which proved the allegations true but despite that no action was taken against Shri Bhagat Singh for last six years. It was further reported

that the CMO took action against Shri Bhagat Singh only on the directions of the administration and suspended him on 27.12.2013. In the impugned news items, it was also reported that the CMO failed to produce the file of Shri Bhagat Singh to the administration stating that the said file was not traceable in the department. The only action taken by the department against the accused was suspension. Neither any salary was recovered from him nor any FIR was lodged against him in the matter.

The complainant denied the allegations levelled in the impugned news items and stated that the allegations were baseless and objectionable. He alleged that the respondent published the impugned news items without taking his version which was against the journalistic ethics. He further alleged that the respondent had intentionally published the news items against the accused Bhagat Singh in order to defame him. He also stated that by publishing such one-sided news items, the respondent harassed him mentally, economically and socially. The complainant further submitted that the respondent insulted the SC/STs by not publishing the truth. According to him, the respondent also abused Order No. 12446/5 dated 2.11.2010 of the Hon'ble High Court which found the ST Certificate issued by the DM as bonafide and the same was submitted by Shri Bhagat Singh at the time of the appointment and dismissed the case. The complainant wrote a letter to the editor on 25.2.2014 and requested him to publish his contradiction but the respondent neither replied nor published any contradiction.

A Show Cause Notice was issued to the respondent editor on 13.8.2014 for his written statement.

Written Statement

The respondent in his written statement dated 6.9.2014 stated that the complainant had no locus standi to file this complaint as nothing was reported against him. The respondent further stated that since the complainant was not an aggrieved person, the complaint was liable to be dismissed on this ground. He further submitted that the publication of the news items was neither objectionable nor the newspaper or editor had offended against the standards of journalistic ethics or public taste. The respondent also submitted that they had not committed any professional misconduct. He also submitted that the impugned news items were objective and fair reporting made in good-faith in discharge of public duty, devoid of any malice and based upon true facts. He further stated that the news items were published only after proper verification. He also submitted that it was an admitted fact that some sort of departmental inquiry was initiated against Shri Bhagat Singh on the basis of the complaint made by Shri Manohar Lal Bharti, Advocate and Amar Ujala had only reported the incident in good faith without any malice against anyone and only to make general public aware about the happenings in the society. He vehemently denied that the news items were published with a view to tarnish the image of the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Shri O.P. Akela, the complainant appeared in person whereas Shri Amit Kumar Choudhary, Assistant Manager and Shri Rajhans P.R., Advocate appeared for the respondent.

The Inquiry Committee heard the complainant in person as well as the counsel for the respondent. The complainant on being questioned about his locus replied that he is the father of the aggrieved who is not literate enough to file his complaint and as such he had filed the complaint on his son's behalf. He contended that the newspaper published the impugned news article on the basis of the statement given

by the CMO but the Court found the statement of CMO as false which is evident from the Court's order. He further contended that the SC certificate was valid even before the publication of the impugned news item. He also stated that his main grievance is that the respondent has not published his version in his newspaper. On the other hand, the counsel of the respondent while denying all the allegations of the complainant contended that the complainant has no locus-standi in this case due to which the complaint is not maintainable and liable to be dismissed on that ground. He further contended that the news item was factually correct and published in good faith without any malice against anyone and only to make general public aware about the happenings in the society.

The Inquiry Committee noted that the complainant's main grievance is that his version was not published by the respondent newspaper. The Committee asked the respondent whether he is ready to publish the complainant's version or not. The respondent replied that if such version is furnished by the complainant, he shall publish the same. In view of this assurance of the respondent, the Committee directed the complainant to furnish his version in short to the respondent for publication. It further directed the respondent to publish the version of the complainant at a prominent place.

In view of the aforesaid, the Inquiry Committee did not proceed further in the matter. It recommended to the Council to dismiss the complaint while taking into account the assurance given by the respondent to publish complainant's version.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 13

File No.14/518/13-14-PCI

Ms. Simran Juneja,
Ghaziabad, U.P.

Vs.

The Editor,
Navbharat Times,
Ghaziabad, U.P.

ADJUDICATION

Dated 7.8.2015

This complaint dated 13.8.2013 was filed by Ms. Simran Juneja, Ghaziabad against the editor, Nav Bharat Times, Ghaziabad alleging publication of misleading news items under the caption "**Chandigarh mein road accident, Vaishali ke 2 students ki maut**" and "**Akhir kaun chala raha tha Audi**" in its issues dated 24.7.2013 and 25.7.2013 respectively. It was reported in the impugned news item dated 24.7.2013 that two students of Vaishali namely Sahil Juneja and Kuldeep Singh died in an accident at Chandigarh. Both the students alongwith their two friends had hired a Tavera and went to Kasuali and on return they met with an accident. The driver of the Tavera also died and a case was registered against him. In the impugned news item dated 25.7.2013, it was reported that Sahil did not inform his parents/family that they were going by a car which belong to one of his fellow students. The four students went on the trip purported to be a college trip and before the accident they informed their family that they have extended their trip for two more days.

The complainant stated that the respondent paper maligned her deceased brother in the impugned news item. She stated that her brother Sahil Juneja was one of the deceased in the Chandigarh accident that occurred on 22.7.2013 where an Audi Q7 crashed into the Tavera carrying five people. She submitted that the respondent published her brother's name explicitly and stated that he did not inform his parents/family that they were going by a car which belongs to one of the students but within the same article it was stated that the driver from Himachal Pradesh died in the accident which was contradictory. She further submitted that it was also reported in the news item that they went on the tour purported to be a college trip but in fact all the four students were from different colleges and their respective families were unaware of this fact. In this regard, she personally went to Nav Bharat Times office in Sahibabad on 29.7.2013 but she was not allowed to enter in the office. On the contrary, officials misbehaved with her. The complainant through e-mails demanded an apology from the respondent. The complainant admitted that

the respondent on 5.8.2013 telephonically asked her a copy of the statement to be published in the newspaper. She further stated that the respondent published the clarification on 9.8.2013 on page 3 of Nav Bharat Times Ghaziabad edition whereas impugned news was published on the main page. Further, the respondent neither provided any statement nor there was any communication received by her before publication of the news item.

A Notice for Comments was issued to the respondent editor on 31.3.2014 but no reply was filed. Thereafter, a Show Cause Notice was issued to the respondent editor, Navbharat Times, Ghaziabad on 13.8.2014 for his written statement.

Written Statement

The Counsel for the respondent in his written statement dated 8.10.2014 denied vehemently the contents of the complaint and refuted in toto. He further submitted that the impugned article dated 25.7.2013 was published for the information of the general public in public interest about the road accident in which two precious human lives were lost. The article was basically on the various aspects of the road accident and investigation of the police. It is common knowledge that journalists have various sources from which they get information and generally they try to verify the facts from other sources but in some cases it is not possible. He further submitted that it was never the intention of the respondent to hurt the feelings/emotions of the complainant and their family members. He also submitted that the respondent carried clarificatory news on 9.9.2014 captioned “चंडीगढ़ के हादसे का मामला- घर वालो का बताकर गया था स्टूडेंट (English translation–The accident case of Chandigarh -complainant’s late brother had gone to Chandigarh after informing the parents)”. He stated that the said article was a fair and balanced report based on the information received from public authorities and the family members of the deceased Sahil Juneja. It was further clarified in the clarificatory news dated 9.8.2013 that the vehicle Tavera did not belong to deceased Sahil Juneja’s friend and was hired after reaching Chandigarh. He further denied that Mr. Nitish Sinha, Nav Bharat Times official misbehaved with the complainant at any point of time whether telephonically or in person. He also vehemently denied that the complainant was put to any inconvenience and disadvantage by delaying the clarificatory publication. He alleged that the allegations wherein the complainant was misquoting the statements of Mr. Nitish Sinha were strongly denied in toto and was nothing but a tactics of complainant to unduly influence the Council for a favourable order.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Ms. Simran Juneja, the complainant appeared in person whereas there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant in person and also perused the impugned news item. The complainant contended that the officials of the respondent newspaper misbehaved with her when she requested them to publish an apology in the matter but they refused by saying that they would never publish the

same in their newspaper. The Inquiry Committee having heard the complainant and perusing the record of the case observed that as far the impugned publication is concerned, the newspaper has already published the clarification. As regards the complaint of misbehaviour, there is claim and counter claim, hence in the facts of the present case the Press Council is not the right, forum. It further observed that the Council's remedy covers breach of professional ethics.

In light of the above observation and keeping in view that the clarification has been published by the respondent newspaper, the Committee opined that no action is called for in the matter. However, with regard to conduct of that person the complainant may take recourse to the other available remedy in law.

In view of the aforesaid, the Committee recommended to the Council to dispose of the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 14

File No.14/946/13-14-PCI

Complainant

Vs.

Respondent

Shri H.B. Rajaram,
Air Marshal, AVSM VSM,
Air Officer Incharge, Administration,
New Delhi.

The Editor,
Eastern Chronicle,
Shillong Edition,
Guwahati.

Adjudication

Dated: 7.08.2015

Facts

This complaint dated 13.12.2013 was filed by Air Marshal Shri H.B. Rajaram, AVSM VSM, Air Officer Incharge, (Administration) New Delhi against Eastern Chronicle Shillong edition for publication of allegedly inaccurate news item in its issue dated 2.11.13 captioned "Delay at Great Peril in Finalising Fighters for IAF". The complainant submitted that the abovesaid article was purportedly authored by Air Marshal, Vinod Patney, SVSM, PVSM, AVSM (Retd.) and contained erroneous and factually inaccurate information about the IAF. He further stated that Air Marshal, Shri Vinod Patney, SVSM, PVSM, AVSM (Retd.) took up the issue with the Chief Editor, Eastern Chronicle and found that the said article was published in the newspaper without even ascertaining its authenticity from him. He addressed a letter to the Chief Editor, Eastern Chronicle on 2.12.2013 asking him to mention in the paper that complete details leading to the publication of the said article in his name at a prominent and conspicuous space alongwith an unconditional apology for the said lapse.

A show cause notice was issued to the newspaper on 4.8.2014.

Written Statement

In response, the respondent editor, Eastern Chronicle in his written statement dated 22.8.2014 stated that the article under dispute was received by them from Interpretative News And Views and published accordingly. He further stated that the Air Marshal, Vinod Patney, SVSM, PVSM, AVSM (Retd.)

complaint was that the impugned write up was not authored by him but the syndication service clarified that the printed write up was delivered at the gate of the office by someone. He also submitted that the agency is in existence over 20 years and associated with them, had been patronised by eminent people from defence, judiciary, politicians and academicians of eminence. The respondent submitted that the **apology** as desired was published on **December 6, 2013**.

A copy of the Written Statement of the respondent was forwarded to the complainant on 10.9.14 for information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Capt. J.S. Bhalla, Authorised Representative appeared on behalf of the complainant while Shri K.N. Pandey, appeared for the respondent Eastern Chronicle. The complainant's representative stated that the impugned article is attributed to Air Marshal Vinod Patney (retd.) and the impugned article contains inaccurate data. The impugned article stated that Air Marshal, Vinod Patney (retd.) IAF is the author of the article, whereas Marshal Patney denied it. An article concerning the sensitive issue can defame the name of the country which has been published without any verification. The respondent stated that somebody delivered the article at the agency gate and that they published it. The Inquiry Committee is of the opinion that it was the duty of the news agency as also the newspaper to verify the authenticity of the article before its publication. The Inquiry Committee is also of the opinion that the conduct of the agency as also the newspaper is total breach of the Journalistic Conduct.

It in view of the above recommends to censure the newspaper as also the news agency.

The Inquiry Committee also directs that the order of the Council be published in the newspaper prominently.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and censure the newspaper.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 15

File No.14/319/14-15-PCI

Shri Sumit Singh
New Delhi.

Vs.

The Editor,
Patriots of India,(Weekly)
Delhi.

ADJUDICATION

Dated 7.8.2015

This complaint dated 17.6.2014 was filed by Shri Sumeet Singh, Delhi against the editor, The Patriots of India, Delhi based Hindi weekly for publication of a series of allegedly false & baseless news items against him. The series of impugned publication relates to alleged illegal occupancy of House No.317 in Tagore Garden by the complainant. It was further stated that after repeated complaints to Delhi Urban Shelter Improvement Board, the house could not be got vacated from the complainant. In one of impugned news items, it was reported that Shri Sumeet Singh (complainant) filed a false affidavit so as to seek Low Income Certificate. The complainant also stated that the editor of the newspaper, Shri Harjinder Singh had been harassing him by publishing these types of misleading and defamatory news articles. The complainant drew the attention of the respondent editor on 26.7.2014 towards the impugned publications with the request to publish contradiction but he did not publish any contradiction and had been continuously publishing defamatory news item against him.

A Show Cause Notice was issued to the respondent editor, The Patriots of India, on 21.8.2014.

Written Statement

In his written statement dated 6.9.2014, the respondent editor, Shri Harjinder Singh Grover stated that he had been running his weekly newspaper for the last seven years without any fear and with full devotion and denied the allegations of the complainant w.r.t. extorting of money and publication of false news items. He further stated that the news items published on 16.6.2014, 23.6.2014, 7.7.2014 and 4.8.2014 were completely true and based on the true facts therefore no case is made out for action against the newspaper. He alleged that the complainant wants to cut the throat of the media and kill the freedom of press. The respondent prayed the Council to forward the matter to the CBI for proper investigation of the trespass issue.

Counter Comments

The complainant in his counter comments dated 5.11.2014 stated that the reply of the respondent was baseless and far from reality. He further stated that respondent had been threatening him by sending him a legal notice dated 6.9.2014 that he would file a defamation case against him if the instant complaint has not been withdrawn by him.

Further Comments of the Respondent

The respondent editor, Shri Harjinder Singh Grover vide his letter dated 27.1.2015 reiterated that he had been running a newspaper without any fear for the last seven years and the letter of the complainant dated 5.11.14 was completely baseless and miles away from the truth. The respondent also enclosed a copy each of the letter dated 8.8.14 received from Shri Ashok Kumar, Dy. Director(Vigilance) and letter dated 29.8.2014 from Shri Surender Kumar, Executive Magistrate regarding obtaining an income certificate by Shri Sumit Singh on the basis of false documents and affidavit.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Shri Sumit Singh, the complainant appeared in person whereas Shri Harjinder Singh Grover, Chief Editor, The Patriot of India appeared.

The Inquiry Committee heard both the parties. The complainant contended that the allegations levelled in the impugned news item were completely baseless. He alleged that the respondent has been misusing the power as an editor and using column of his newspaper for his personal grudges against him by publishing defamatory news against him on regular basis and for this the respondent must be apologized. On the other hand, the respondent refuted the contention of the complainant.

The Inquiry Committee noted that it was an admitted position that the complainant and the respondent are the neighbours. It carefully perused the records of the case and opined that the respondent published the impugned news item as he have personal grudge against the complainant which is in breach of journalistic conduct. It, therefore, recommended to the Council to **Censure** the respondent editor, The Patriot of India. The Committee further directed the respondent to publish this order prominently in his weekly.

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 **Censure** the respondent editor, The Patriot of India, Delhi. A copy of the adjudication be sent to DAVP/RNI, Government of NCT of Delhi for action as they deem fit.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 16

File No.14/549/14-15-PCI

Shri Malik Javed Ansari,
Advocate & Solicitor,
Partner, AJ Law Office,
New Delhi.

Vs.

The Editor,
Rashtriya Sahara,
New Delhi,

ADJUDICATION

Dated 7.8.2015

This complaint dated 9.9.2014 was filed by Shri Malik Javed Ansari, Advocate & Solicitor, Partner, AJ Law Office, New Delhi against the editor, Rashtriya Sahara, New Delhi for publishing Public Notice on 29.7.2014 in classified column using his firm's name 'AJ Law Office' without his authorization/consent letter which was immoral, unethical and gross professional misconduct. The complainant alleged that he had not given any authorization orally/written neither to Rashtriya Sahara nor to Mr. Adil Ahmad to use his firm's name. The complainant submitted that the said publication injured the reputation to his colleagues and his firm as that public notice/advertisement deals with the sale of disputed property and he was not involved in sale of that disputed property. The complainant served a legal notice to the Chief Editor, Rashtriya Sahara on 6.8.2014 and inquired about the authorization/consent letter for illegal publication but no reply was received from the respondent. The complainant has requested the Council to take appropriate legal action in terms of pecuniary compensation and an apology letter should be published in Rashtriya Sahara newspaper.

A Notice for Comments was issued to the editor, Rashtriya Sahara on 30.9.2014 for their comments.

Comments

The respondent, Rashtriya Sahara in his comments dated 11.10.2014 submitted that the Public Notice published in the classified column of Rashtriya Sahara was not at all immoral, unethical and gross professional misconduct as alleged. The respondent further submitted that he received a Release Order No. 260 dated 28.7.2014 for publication of the said public notice and received payment against the said publication by Advertising Agency namely ' Dhruv Advertising, 264-A-12, Near Dr. Lal Nursing Home, New Railway Road, Jawahar Nagar, Gurgaon – 122 001. He also submitted that presently under Indian law there is no pre-clearance agency for advertisement although the advertisers had to take permission from the

local municipal corporation if they want to publicize their products or article through posters. It was Dhruv Advertising that had released order to publish the public notice at its own risk, peril and violation. He further stated that the complainant has not stated anywhere in the complaint that in what manner the publication of the matter is objectionable within the meaning of the Press Council of India Act, 1978.

Counter Comments

The complainant in his counter comments dated 15.11.2014 stated that the reply given by the respondent editor is unsatisfactory. He submitted that the respondent had clearly done immoral, unethical and gross professional misconduct by publishing public notice on 29.7.2014 in his newspaper without any authority letter/consent. He further stated that in his reply, the respondent mentioned that he received payment for publication from Dhruv Advertising but on the other hand, he (the complainant) hired the said agency for publication of Public Notice and that is why he asked the respondent Rashtriya Sahara to show the authority letter/approval or consent letter. He further submitted that it is the moral and professional duty of the newspaper to ask for the authority letter from Dhruv Agency but the respondent not asked because they had paid money to them. He further stated that the respondent clearly violated Norms of Journalistic conduct.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Shri Malik Javed Ansari, the complainant appeared in person whereas there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant in person. The complainant contended that they had not engaged any ad agency for publication of the impugned advertisement in the paper. On being inquired in detail by the Inquiry Committee, the factual position of the case that emerged was that one of the complainant's clients wanted to publish the Notice vis-à-vis his specific disputed property in the paper and deliberately added reference to the AJ Firm stating that it deals in disputed property cases also.

In wake of the above findings and after carefully perusing the available record of the case, the Inquiry Committee, opined that it is a matter between AJ Firm and its client and the respondent newspaper had not breached any norms of journalistic conduct so as to call for action by the Committee. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 17

File No.14/254/14-15-PCI

Smt. Pratima Bhargava,
w/o Shri Govind Prasad Bhargava, Vs.
Agra, Uttar Pradesh.

The Editor,
“I next” Dainik Jagran,
Agra , U.P.

ADJUDICATION

Dated 7.8.2015

This complaint dated 4.6.2014 was filed by Smt. Pratiba Bhargava, Agra, Uttar Pradesh against Dainik Jagran Prakashan Ltd. and the daily newspaper “I next” Dainik Jagran, Agra for publication of an allegedly concocted, false and defamatory news item in its issue dated April 9, 2014 captioned “***Patni ko dekh pati hua gayab (After seeing the wife the husband disappeared - English translation)***”. The impugned news item referred to a scene created by the wife of Shri Pramod who exposed their affair in public. In the impugned news item, it was reported that the resident of Friends Colony, Pratima Bhargava and her husband, Govind Bhargava were builders by profession. The resident of Tajganj, Deepti’s (changed name) allegation was that Pratima Bhargava, the resident of Friends Colony was extorting money from her husband, Pramod for four years. Not only this, she claims her right over Deepti’s husband too. The whole family of the other woman was involved in this matter. It was also reported that Deepti accused that Pratima Bhargava was after her husband for last four years. She did not relent even after being asked not to do so. She had entrapped her husband. They indulge in dirty talks despite the fact that she had four daughters and a son.

According to the complainant, the impugned news item was intentionally published by the person, known to her with an intention to harm her reputation and goodwill in the society. He further alleged that the respondent newspaper did not get the facts verified from her before publishing the report which is against journalistic norms. The complainant submitted that she was social worker who had actively been associated with Rotary Club of Agra Heritage and founder member of Vanita Women Welfare Organization and the impugned publication had lowered her image in eyes of society at large. The complainant drew the attention of the respondent editor vide notice dated 18.6.2014 but received no response.

No Written Statement

A Show Cause Notice was issued to the respondent editor on 12.8.2014 followed by time bound reminder dated 31.10.2014 but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Smt. Pratima Bhargava, the complainant appeared in person whereas Shri B.K. Mishra & Smt. Poonam Atey, Advocates appeared for the respondent.

The Inquiry Committee heard the complainant in person and the counsels of the respondent. The complainant alleged that the reporter of the newspaper deliberately with an intention to assassinate her character has published false news and identified her with her real name alongwith her son and husband's name whereas the other woman's real identity was not disclosed by the paper. The counsel for the respondent contended that the impugned news item was published on the basis of the matter reported in local police station by a woman with regard to the alleged affair of her husband with another lady. On the identification of the complainant, the counsel contended that the complainant being a public figure known to be associated with local women organization, her name was therefore identified.

The Inquiry Committee carefully perused the impugned news item and noted that though this news item was published on the basis of certain facts, the paper had grossly erred in disclosing the name of the complainant. The Committee, thus, opined that the respondent newspaper had not applied due care before publishing the impugned news report which is against the journalistic ethics.

In view of the aforesaid, the Committee recommended to the Council to **Censure** the respondent editor, I-Next, Dainik Jagran Prakashan Ltd, Agra, U.P. for breaching the journalistic ethics.

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 **Censure** the respondent editor, I-Next, Dainik Jagran Prakashan Ltd, Agra, U.P. A copy of the adjudication be sent to DAVP/RNI, Government of U.P. for necessary action as they deem fit.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 18-19

File No.14/271&758/14-15-PCI

Sh. Faseeh Akhtar ,
Chairman, Samajik Sanstha,
Qaumi Help Society, Budana Town,
District Muzaffarnagar,
Uttar Pradesh

Vs.

1. The Editor,
Dainik Shah Times,
Meerut, U.P.
2. The Editor,
Dainik Jagran,
Meerut, U.P.

ADJUDICATION

Dated 7.8.2015

This complaint dated 2.6.2014 was filed by Sh. Faseeh Akhtar, Chairman, Samajik Sanstha, Qaumi Health Society, Muzaffarnagar, Uttar Pradesh against Dainik Shah Times and Dainik Jagran, Meerut U.P. for publication of false, defamatory and concocted news item in daily newspaper on 29.5.2014 and 30.5.2014 under the caption "***Kotwali Ki Jamin Par Kabja***" & "***Jamin Naam Karane wale bhumafiyoon mein hadkamp***" respectively. In the first news item, it was reported that some land mafias in Budana town with the patronage of some political leaders illegally acquired land of Budana police station and got it transferred in their names which was being used by Budana police station for parking and when the matter came to the notice of higher officials the land mafias began construction work on the said land. It was further reported in the impugned news item that the construction work was stopped by Inspector, Dananjay Singh and the then SDM, Shri Manish Kumar Sharma assured to investigate the matter. In the second news item, it was reported that a great turmoil had occurred among the land mafias who had got the acquired land of Budana police station transferred in their name in connivance with Consolidation officials. Former Councillor, Faseeh Akhtar and another Councillor, Shri Rashid Azeem created a ruckus by claiming to be the owner of the land. It was also stated in the news item that they made fake documents of the land and sold it to a party.

According to the complainant, the land as referred in impugned news item i.e. Khasra number- 1321 was owned by his father and out of total rakba of 0.1844 land, 0.1610 (rakba) was acquired for police station and remaining land was duly earmarked for the complainant and his family by the Consolidation officials. However, when he began construction on the said land, Shri Dhananjay Mishra, Inspector In-charge demanded bribe of one lakh rupees and on complainant's

refusal, he got the construction work stopped and in connivance with journalists, namely Pradeep Mittal and Phool Kumar got the impugned news published. The complainant further submitted that he drew the attention of the editors/respondents of the newspaper towards the impugned publication vide letter dated 2.6.2014 but received no response.

No Written Statement

A Show Cause Notice was issued to both the respondent newspapers on 3.9.2014 followed by a time bound reminder dated 13.1.2015 but no written statement was filed by them.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.5.2015 at New Delhi. Shri S.Y. Usmani appeared on behalf of the complainant whereas Shri B.K. Mishra and Smt. Poonam Atey, Advocates appeared for respondent, Dainik Jagran. There was no appearance on behalf of the other respondent, Dainik Shah Times.

The Inquiry Committee heard the representative of the complainant as well as the counsel for respondent no. 2 (Dainik Jagran). The representative of the complainant contended that the respondent editor, Dainik Jagran published the word 'Bhumafia' in the heading of the report and mentioned the complainant's name inside the report which projected the complainant's image as 'Bhumafia' in the eyes of public. He further contended that the respondent no. 1 i.e Dainik Shah Times has apologized for the impugned publication but Dainik Jagran did not. The complainant's representative stated that he did not want to proceed further against respondent no. 1 i.e. Dainik Shah Times.

The Inquiry Committee noted that since the complainant does not want to proceed further in the matter against respondent no. 1, it recommended to the Council to drop the proceeding being withdrawn.

The Inquiry Committee carefully perused the impugned news item published in Dainik Jagran as well the record of the case. It noted that the impugned news item was published on the basis of certain material and therefore the respondent has not breached any journalistic conduct so as to call for action by the Committee. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No.20

File No.14/79/13-14-PCI

Shri Charan Singh,
Ward Boy & Smt. Munni Devi,
L.H.V., Community Health Centre,
Thakurdwara,
Moradabad, U.P.

Vs.

The Editor,
Amar Ujala,
Mordadabad.

Shri Chaman Lal,
Local Correspondent,
Amar Ujala, Mordadabad.

ADJUDICATION

Dated 7.8.2015

This joint complaint dated 23.4.2013 was filed by Shri Charan Singh, Ward Boy and Smt. Munni Devi, L.H.V. Community Health Centre, Thakurdwara District Moradabad (U.P.) against the Reporter, Shri Chaman Lal of 'Amar Ujala', Hindi daily, Moradabad for publication of false news item under the caption "***Asptaal mein pashu bandhne se gandagi***" in its issue dated 20.4.2013. The complainant submitted that earlier too the respondent had published such misleading news items under the captions "*Marijon Ki jageh mile pashu*" "*Sarkari Asptaal mein pashuo ka dera*" in its newspaper issues dated 7.10.2012 and 6.6.2013 respectively. It has been reported in the impugned news item that no action was taken by the Superintendent despite the orders of the C.M.O. against the officials of Community Health Centre for keeping the cattle in hospital premises. It was further reported that two officials of the Community Health Centre were rearing cattle in the hospital complex due to which the hospital complex became unhygienic. Earlier, on a complaint, the Superintendent, Dr. S.S. Tomar had issued notices to two officials of the Community Health Centre but no action was taken thereafter. It was also reported that the CMO, on receiving a complaint regarding rearing of the cattle in Community Health Centre, ordered the Superintendent, Dr. S.S. Tomar to lodge an FIR against them but the Superintendent did not comply with the direction of the CMO. Almost all the contents of the other news items earlier published were same.

The complainants alleged that the respondent published the impugned news item with malafide and such attitude is in transgression of his right of privacy. He submitted that while rearing the cattle in the Community Health Centre complex, they were very vigilant towards cleanliness, human rights and freedom of the people. He alleged that the respondent was unnecessarily and deliberately giving significance to the issue of cattle rearing. The respondent continuously published inappropriate

news against them. He further submitted that they are Hindus and as a part of their religious rituals, they have kept cows. He also alleged that the news item was published with a motive to blackmail them. The complainant informed that respondent had not responded to his letter dated 27.4.2013.

A Show Cause Notice was issued to the respondent editor on dated 28.2.2014.

Written Statement:

In his written statement dated 6.9.2014, the respondent submitted that the averments made by the complainant are not admitted except that there appeared news item in Amar Ujala in its issue dated 20.4.13 (*Hospital mein pashu bandhne se gandagi*) and rests all allegations as made in the complaint are not admitted and denied by the respondent. He further stated that the publication of the news item was neither objectionable nor the newspaper or editor acted against the standards of journalistic ethics or public taste nor the editor committed any professional misconduct. The respondent also stated that the complainant's admission that he had kept the cow in hospital campus clearly shows that the news was true and fair reporting had been made in good-faith in discharge of public duty.

Report of the Inquiry Committee

Following one adjournment, the matter came up for final hearing before the Inquiry Committee on 8.6.2015 at Dehradun. Shri Charan Singh, the complainant appeared in person whereas Shri Amit Kumar Chaudhry, Assistant Manager and Shri P.R. Rajhans, advocate appeared on behalf of the respondent.

The Inquiry Committee heard the complainant in person and the counsel for the respondent. The complainant contended that he has some photographs which make it clear that the animals were not found in the Hospital ward but he admitted that the animals were being reared in the Hospital compound itself. He alleged that the journalist demanded money from him and on refusal published the news item as a reprisal measure.

The Inquiry Committee carefully perused the impugned news item and other record of the case. It noted that the complainant admitted that he was rearing his animals in the Hospital compound itself. In the face of it, the allegations made by the complainant against the newspaper seem to be far-fetched. The Committee opined that the respondent has not breached any journalistic ethics so as to call for any action. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 21

File No.14/334/13-14-PCI

Shri Sushil Kumar Varshnay,
General Secretary,
Akhil Bharvarshiya Shri Vaishya
Barhasaini Mahasabha,
Shahdara, New Delhi.

Vs.

The Editor,
Dainik Jagran,
Kanpur.

ADJUDICATION

Dated 7.8.2015

This complaint dated 10.7.2013 was filed by Shri Sushil Varshnay, President, Akhil Bharvarshiya Shri Vaishya Barhasaini Mahasabha, Shahdara, New Delhi against the Editor, Dainik Jagran for publication of defamatory and indecent news item under the caption "***Yatra Aastha, Manyata, aur Paramparaon Ki***" in its issue dated 30.6.2013. The objected portion read as follows:-

It is believed that when Lord Krishna was in Vrindaban, his maternal uncle Kans had made several plans for his murder, he sent a demon named Akroor with his chariot from Mathura but child Krishna having gauged his intention assured his true form and killed Akroor. The Chariot festival of Jagannath Puri has been seen in this context since centuries.

The complainant stated that the news item was not based on facts and had hurt the sentiments of the Varshnay community that drew its lineage from the highly esteemed Shri Akroorji Maharaj. The complainant substantiated the same by quoting from Bhagvat Puran which identified him as elder of Shri Krishna. Akroor was addressed as Guru/Uncle by Lord Krishna and not demon. He submitted that due to the impugned publication, a lot of discontent spread in the Vaishya Society. The complainant and many other organisation of the community wrote to the editor for publishing apology but received no response.

No Written Statement:

Show Cause Notice was issued to the respondent editor, Dainik Jagran on 12.9.2014 followed by a reminder dated 19.12.2014 but no written statement was filed by him.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 8.6.2015 at Dehradun. Shri Sushil Kumar Varshnay, the complainant appeared in person whereas Ms. Poonam, Advocate appeared on behalf of the respondent.

The Inquiry Committee heard the complainant in person and the counsel for the respondent. The complainant contended that the respondent has used objectionable and derogatory addresses in the impugned article against Shri Akroor Ji Maharaj with facts contrary to the renowned scriptures like Bhagwad Mahapuram. He further contended that their main objection is on the usage of the word 'दैत्य (Demon)' and the incorrect statement 'अक्रूर का वध कृष्ण ने किया (Akroor was killed by Lord Krishna)' published in the news item.

The Inquiry Committee carefully perused the impugned news item and other connected papers. It noted that the complainant is aggrieved by an article published in the respondent newspaper wherein Akroor was described as demon and was allegedly killed by Lord Krishna. The complainant stated that the scriptures do not support this conclusion in the article. In view of this, the Committee directed the complainant to send his perception about Akroorji and his alleged killing by Lord Krishna, supported by scriptures to the respondent within six weeks. The Committee also directed the respondent to seek opinion of the author of the article and then publish both the viewpoints in his newspaper.

With the aforesaid directions, the Inquiry Committee recommended to the Council for disposal of the case.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 22

File No.14/342/13-14-PCI

Sh. Lokendra Singh,
Stenographer,
Krishi Beej Bhandar Campus,
Jhansi, (U.P.)

Vs.

The Editor,
Dainik Jagran,
Jhansi, U.P.

ADJUDICATION

Dated 7.8.2015

This complaint dated 6.7.2013 was filed by Shri Lokendra Singh, Stenographer, Krishi Beej Bhandar Campus, Jhansi, U.P. against the Editor, Dainik Jagran, Jhansi, U.P. for publication of incorrect and baseless news item against him under the caption "***Krishi Vibhag: Farzi Marksheet par steno, Shikayat par hui jaanch mein samne aaye aarop***" in its issue dated 4.5.2013. It was reported in the impugned news item that the complainant obtained the job on the basis of fake marksheet in Krishi Vibhag and in this regard, a chargesheet was also sent to the concerned person. The chargesheet letter issued by Joint Director (Agriculture) contained the point wise complaint against the Stenographer, Shri Lokendra Singh working in Matatila Branch, Deputy Director (Land Conservation). It was further stated that upon inquiry in the matter, the allegations levelled against the stenographer have been found to be correct that he had no knowledge of stenography and obtained the job of stenographer on the basis of fake marksheet.

The complainant submitted that the respondent published a baseless news item without verifying the facts. The complainant further submitted that he had written two letters dated 9.5.2013 and 24.6.2013 to editor, Dainik Jagran to provide the sources of information. In response to his letters, the editor, Dainik Jagran vide his letter dated 29.6.2013 apprised the complainant that the said impugned news was published on the basis of chargesheet letter issued by Joint Director (Agriculture). The complainant was not satisfied with the reply of the respondent.

A Show Cause Notice was issued to the respondent editor, Dainik Jagran on 6.2.2014.

Written Statement:

The respondent editor, Dainik Jagran in his written statement dated 9.4.2014 stated that the news item was published on the basis of chargesheet issued to the complainant by the Joint Director (Agriculture), Jhansi. The respondent further

submitted that he has also replied to the complainant. He further stated that Dainik Jagran's policy was never to malign the image of any person or any institution.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 8.6.2015 at Dehradun. There was no appearance on behalf of the complainant while Shri Surender Singh appeared on behalf of the respondent.

The Inquiry Committee heard the representative of the respondent and also carefully perused the complaint and other relevant papers. It noted that in the newspaper, the respondent published that the complainant had obtained appointment as Stenographer on the basis of forged mark-sheet. It further noted that the respondent in his written statement stated that the news item was published on the basis of the allegations made against the complainant in a memorandum of charges.

In view of the aforesaid, the Inquiry Committee opined that the respondent has not violated the norms of journalistic ethics so as to call for any action. It recommended to the Council to dismiss the compliant accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 23

File No.14/162/13-14-PCI

Shri Pradeep Kumar Rana,
Sub-Inspector
SHO Vasant Vihar, Dehradun,
Uttarakhand.

Vs.

The Editor,
Crime Story,
Evening Daily,
Dehradun, Uttarakhand.

ADJUDICATION

Dated 7.8.2015

This complaint dated 16.6.2013 was filed by Shri Pradeep Rana, Sub Inspector & SHO, Vasant Vihar Police Station, Dehradun against the editor, Crime Story, Evening Hindi Daily, Dehradun for publication of false, concocted and baseless series of news item. The date & caption of the news items are as follows:-

S.No.	Caption	Dated
1	डी.जी.पी. को चुनौती दे रहा थानेदार- चौकी प्रभारी	23.3.2013
2	थानेदार चौकी प्रभारी के आगे बेबस डी.जी.पी.	25.3.2013
3	डी.जी.पी. से बड़ा थानेदार	29.3.2013
4	डी.जी.पी. साहब उत्तराखण्ड में अधिकारी ही नहीं दरोगा भी रखता है राजनीतिक ताकत	5.4.2013
5	बंसत विहार में हो रहा अवैध खनन शराब का काला कारोबार	27.4.2013
6	बंसत विहार के सुंदरीवाली व सेवली में कच्ची शराब का गोरखधंधा	29.4.2013
7	साहब के चेहेते लूट रहे दून!	1.5.2013
8	डी.जी.पी. के आदेश हुए तार-तार-अवैध खनन से मालामाल हुई खाकी।	15.5.2013
9	अवैध खनन रोकने में डी.जी.पी. फेल	16.05.2013
10	सावधान: शहर में धूम रहे दबंग चोर-बदमाश सड़को पर, पुलिस चौकियों में फरमा रही आराम	23.05.2013
11	शिक्षा के हब में खाकी की दादागिरी	24.05.2013
12	डी.जी.पी. साहब: राजधानी में दबंग है बंसत विहार पुलिस	28.05.2013

The Crime Story, Evening Daily carried out several news items critical of the complainant by showing that all kind of illegal activities such as illegal mining, illegal construction, illicit liquor brewing are going right under his nose. It was alleged in one of the impugned news items despite standing orders of the DGP that police must ensure that no illegal activity should happen in their respective area, the illegal mining work and black marketing of liquor were taking place in Vasant Vihar area of Uttrakhand. These all work was happened with the support of some police officials who did not took any action in this regard. It was also reported in the impugned news item dated 29.4.2013 that with the help of local police, million litres of raw liquor was made in the forest area of Sundervali and Saveli in Vasant Vihar and this illegal work was going on openly in collusion of the police.

The complainant stated that the allegations made in the news item were false and baseless and damaged his reputation in the public. The complainant submitted that he wrote to the editor on 25.4.2013 and 29.4.2013 requesting him to publish the corrigendum but no received no reply.

A Show Cause Notice was issued to the respondent editor, Crime Story on 27.11.2013.

Written Statement:

Shri Rajesh Sharma, Editor, Crime Story in his written statement dated 30.1.2014 stated that the complainant Shri Pradeep Kumar Rana, the then SHO, Vasant Vihar, Dehradun through his advocate served a notice to Crime Story. He further stated that the complainant had filed a case in Court JM-II Dehradun and this case no. M.56/13 was closed on 6.11.2013. In between, the complainant filed this complaint to PCI which means that the complainant had filed a false declaration in order to misled the Council.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 8.6.2015 at Dehradun. There was no appearance on behalf of the complainant despite service of notice while Shri Arun Kumar Sharma represented on behalf of the respondent.

The Inquiry Committee heard the representative of the respondent. It noted that the complainant had filed a criminal complaint in respect of the same subject matter which is before the Inquiry Committee. It further noted that at the complainant's request, the Judicial Magistrate by Order dated 6.11.2013 decided not to proceed in the matter.

In view of the aforesaid, the Inquiry Committee opined that the matter doesn't deserve to be perused. It recommended to the Council to dismiss the complaint accordingly.

The representative of the respondent assured that the levy dues on Crime Story shall be paid within two weeks to the Council.

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.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 24

File No.14/876/13-14-PCI

Shri Neelam Singh Bhandari,
President & Priest of Patal
Bhubaneshwar Mandir
Committee,
Village & P.O. Patal-
Bhubaneshwar,
Janpad, Pithorgarh, Uttrakhand.

vs.

The Editor,
Amar Ujala,
Uttrakhand.

ADJUDICATION

Dated 7.8.2015

This complaint dated 12.11.2013 was filed by Shri Neelam Singh Bhandari, President & Priest of Patal Bhubaneshwar Mandir Committee, Village & P.O. Patal-Bhubaneshwar, Janpad, Pithoragarh, against the editor, Amar Ujala for publication of false, baseless and defamatory news item under the caption "***Baba Ki Kali Kartooton Ne Kiya Sharmsaar***" in its issue dated 6.9.2013. It was reported in the news item that the complainant was declared as an accused by the police in a theft case of an idol of Patal Bhubaneshwar temple.

The complainant stated that police team had recovered the idol and also caught the idol thieves. He further stated that on the day of the incident he had gone to Delhi for his personal work. He alleged that he was defamed in the impugned news item. He denied the allegation levelled in the news item and submitted that he was not an accused in theft case. The complainant vide his letter dated 26.9.2013 and 26.10.2013 drew the attention of the respondent editor and requested to publish his contradiction but received no response.

A Show Cause Notice was issued to the respondent editor, Amar Ujala on 25.4.2014.

Written Statement:

The respondent editor Amar Ujala in his written statement dated 4.5.2015 stated that the averments made in the complaint were not admitted except that there appeared a news item in Amar Ujala, Nainital on 6.9.2013 "***Baba Ki Kaali Kartooton Ne Kiya Sharmsaar***" and rest all were denied. The respondent further stated that they are responsible newspaper and know their duties and responsibilities. The impugned news was not published with a view to defame the complainant rather that it was published in good-faith without any malice. The

respondent further stated that they had no personal grudge or vendetta against the complainant and therefore on receiving the notice, they had also published the corrigendum on 3.5.2015 with the caption "*Bhandari Ka Murti Chori se koi lena dena nahi*".

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 8.6.2015 at Dehradun. Shri Neelam Singh Bhandari, the complainant appeared in person whereas Shri Amit Kumar Chudhary, Assistant Manager and Shri P.R. Rajhans, Advocate appeared on behalf of the respondent.

The Inquiry Committee heard the complainant in person and the counsel for the respondent. It also perused the complaint and all other connected papers. The Committee noted that it is an allegation of the complainant that the news item is false. However, it is admitted by the complainant that after investigation, the police filed a chargesheet and initiated trial against him.

In view of the aforesaid, the Inquiry Committee opined that the respondent has not violated the norms of journalistic ethics so as to call for any action. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 25

File No.14/275/14-15-PCI

Shri Naseem Ahmed,
Contractor,
District Muzaffarnagar, U.P.

vs.

The Editor,
Amar Ujala,
Meerut.

ADJUDICATION

Dated 7.8.2015

This complaint dated 2.6.2014 was filed by Shri Naseem Ahmed, Contractor, District Muzaffarnagar, U.P. against the editor, Amar Ujala, Meerut for publication of discriminatory and misleading news item in its issue dated 29.5.2014 under the caption "***Paimaish mein croron ki zamin nikli***". In the impugned news item, it was reported that on the direction of administration, the land near the main gate of the police station, Budana was evaluated and found worth crores. This piece of land was used for parking. In the month of February, Shri Fasih Akhtar, Contractor, Shri Naseem and Shri Rashid Azim who were nominated as members of Nagar Panchyat illegally tried to grab the said land. It was further reported that on the direction of Chief Minister's office, the Revenue department checked the ledger and measured the land and found 0.0941 Hectare Rakba short which was worth crores.

The complainant stated that he is a contractor and obtained the tender from nagar panchayat which was published in Amar Ujala on 30.8.2013 for the construction of a park in front of Budana police station. The land had been earmarked by the nagar panchayat and it had issued an Order dated 7.10.2013 in this regard. The complainant further stated that on 29.5.2014, a journalist, Shri Satyapal Singh from Amar Ujala published the complainant's name in impugned news item and reported that he had illegally occupied the disputed land. He alleged that the journalist, Shri Satyapal Singh Malik is Notary advocate and pressurized the complainant to work with him as Notary. He further stated that the respondent demanded Rs. 5000/- as bribe before publishing the impugned news item.

A Show Cause Notice was issued to the respondent editor, Amar Ujala on 3.9.2014.

Written Statement

In his written statement dated 4.11.2014, the Company Secretary & Chief Compliance Officer, Amar Ujala stated that the averments made in the complaint are not admitted except that there appeared a news item in Amar Ujala in its issue dated 29.5.2014 under the caption "*Paimaish mein croron ki zamin nikli*" and rest all allegations as made in the said complaint are not admitted and denied. The respondent stated that the news item was neither objectionable nor the newspaper offended against the standards of journalistic ethics or public taste. The news item was objective and a fair reporting. The respondent further denied vehemently that the news item in question was published with a view to tarnish the image of the complainant. The respondent also stated that they published the news item on the basis of a complaint made by Station House Officer, Budana to the SDM and the District Magistrate, Muzaffarnagar.

A copy of the written statement was forwarded to the complainant on 7.12.14 for information.

Counter Comments:

In his counter comments dated 17.12.2014 the complainant, Shri Naseem Ahmed stated that he is not satisfied with the reply of the respondent that the respondent published the news on the basis of Press Note dated 28.5.2014 of Shri Dhananjay Mishra, Incharge Inspector, Kotwali, Budana as the letter to the District Magistrate did not carry his name and the press note should have been verified. He further stated that he is a contractor and had built up the park on the direction of the panchayat and had no stake in the controversial land. The news published by the respondent was wrong and published without verification.

A copy of the counter comments was forwarded to the respondent on 5.1.2015 for information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 8.6.2015 at Dehradun. There was no appearance on behalf of the complainant despite service of notice whereas Shri Amit Kumar Chaudhary, Assistant Manager and Shri P.R. Rajhans, Advocate appeared on behalf of the respondent.

The Inquiry Committee perused the complaint and all other connected papers and heard the counsel for the respondent. It noted the assertion of the respondent that the news item is based on the press note in the make of a report made by the SHO to the SDM, Budana and the District Magistrate, Muzaffarnagar and that a press note was issued by the SHO in this regard.

In view of the aforesaid, the Inquiry Committee opined that the respondent has not breached any norms of journalistic ethics so as to call for any action. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 26

File No.14/1100/13-14-PCI

Smt. Pushpa Devi,
VPO Sisahat,
Etawah (U.P.)

vs.

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

ADJUDICATION

Dated 7.8.2015

Smt. Pushpa Devi, VPO Sisahat, District Etawah (U.P.) vide her e-mail dated 17.2.2014 filed a complaint against the editor, Amar Ujala for publication of an incorrect and objectionable news item captioned "***Sipahee Kee Jameen Par Kiya Kabja (Encroachment on the land of soldier - English translation)***" in its issue dated 14.2.2014. It was reported in the news item that the complainant whose son is an IAS Officer, taking undue advantage of his position, had pressurized and encroached the land which belongs to one constable. The news item further reported that on inquiry, the local Tehsildar had established the complainant's possession as unauthorized and thus directed to stop the digging work for foundation. It was reported that the son of Shri Sokhilal and Mrs. Pushpa Devi is an IAS Officer in Meerut.

The complainant alleged that the respondent has published an incorrect news item without verifying the facts. She stated that her son was in class 8th when she purchased the land in question and took possession in the year 1988. The complainant further stated that the journalist dragged her son's name into the dispute without any proof and basis and used defamatory words for him such as '*rasookhdar*' and '*hanak*'. She further alleged that the respondent had published the misleading and incorrect facts in news item to tarnish the image of her family as no encroachment was done by them. The complainant vide her undated letter drew the attention of the respondent editor, Amar Ujala and requested to publish her rejoinder but in vain.

A Show Cause Notice was issued to the respondent editor, Amar Ujala on 9.5.2014.

Written Statement:

The respondent editor, Amar Ujala in his written statement dated 21.6.2014 denied the allegations of the complainant and stated that the complainant had no locus-standi to file this complaint as nothing was published against her and the same was liable to be dismissed. The respondent submitted that the impugned news item was objective and fair reporting made in good faith in discharge of public duty,

devoid of any malice and based upon true facts. He further submitted that it was an admitted fact that there was a dispute between the complainant and Mr. Lalta Prasad regarding the possession of an agricultural land. One Mr. Guruvind had made a complaint against the complainant and Tehsildar investigated in the matter. In his report, the Tehsildar stated that Mr. Sokhilal, husband of the complainant was encroaching the land and digging foundation and thus he recommended to stop him by using police force. The respondent vehemently denied that news item was published with a view to tarnish the image of complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 8.6.2015 at Dehradun. There was no appearance on behalf of the complainant despite service of notice whereas Shri Amit Kumar Chaudhary, Assistant Manager and Shri P.R. Rajhans, Advocate appeared on behalf of the respondent.

The Inquiry Committee heard the Counsel for the respondent and also perused the news item and all other connected papers. It noted that the news item was based on the Tehsildar's Report and also carried the version of the complainant's husband.

In view of the aforesaid, the Inquiry Committee opined that the respondent has not breached any norms of journalistic ethics so as to call for any action. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 27

File No.14/231/14-15-PCI

Prof. N.K. Pandey,
Director,
Centre for Information,
Publication & Public Relations,
Lucknow University,
Lucknow (U.P.).

Vs.

The Editor,
Nishpaksh Divya Sandesh,
Lucknow (U.P.).

ADJUDICATION

Dated 7.8.2015

This complaint dated 12.05.2014 was filed by Prof. N. K. Pandey, Director, Centre for Information, Publication and Public Relations, Lucknow University, Lucknow against a Lucknow based Hindi Weekly “Nishpaksh Divya Sandesh” for publication of false, fabricated and defamatory news-items in its issues dated 22.03.2014 and 19.04.2014 under the captions “***Jaatiya nafrat Ki Hinsa Mein Jhulsa Dalit Chhatra***” and “***Dalit Chhatra Ko Pareshan Karne Ke Liye Bheja Legal Notice***” alongwith a photograph of Dr. Ritu Narang, Assistant Professor. It was reported in the first news item that Dr. Ritu Narang bore personal malice against Shri Vipin Kumar and made casteist reference against him. That he failed in MBA examination because of the Casteist animosity which Dr. Narang had against him. In the second news item, it was reported that Dr. Narang had sent legal notice to Shri Vipin Kumar, Student, MBA due to which he was very upset. It was also reported in the said news item that the Chancellor (His Excellency the Governor of UP) also did not pay any heed to the plight of the student and rejected his request regarding re-evaluation of the papers saying that there is no provision of re-evaluation of answer-sheets in the University Act. It was further reported in the impugned news item that the University re-evaluated the copies of many students and there is provision of re-evaluation of answer sheets in other Universities.

The complainant averred that the respondent published the impugned news items without even trying to verify the allegations either from the University authority or from the concerned teacher. He further charged that the respondent after publishing the impugned news item in the newspaper, in order to ensure that the said malicious article reaches everyone in the University, also sent the said news report through e-mail to various authorities, teachers and students of the University.

The complainant submitted that on receiving the impugned report through e-mail he, being the Director, I&PR, University of Lucknow sent an e-mail dated 7.04.2014 to the respondent objecting to the action of the newspaper in publishing the report without proper verification and also informed him about the correct facts. He also requested the respondent to publish a corrigendum in the subsequent issue of the newspaper and tender an unconditional apology. The complainant alleged that the respondent after receiving the said mail instead of tendering any apology or even verifying the facts replied the next day i.e. 8.04.2014 alleging that Dr. Narang was deliberately failing the student in her subject and the University was not paying any heed to the plight of the student but was more interested in (Protecting) her. The complainant further stated that Dr. Ritu Narang through her counsel also sent a Legal Notice to Respondent and Shri Vipin Kumar on 14.04.2014 requesting them to publish a written apology for publishing false and fabricated news item. The newspaper instead made baseless and malicious allegations in the news item published it in its issue dated 19.04.2014 even against the Chancellor. The complainant submitted that the allegation of Shri Vipin Kumar, that Dr. Narang deliberately failed him is false & baseless as he could not clear two back papers in second semester. The complainant further submitted that Shri Vipin Kumar approached the National Commission for Scheduled Castes & Scheduled Tribes who advised the University to look into the complaint of Shri Kumar and the University found that there was no substance in the complaint. Shri Vipin Kumar preferred a writ petition before the Hon'ble High Court of Judicature at Allahabad reiterating the allegation against Dr. Narang and the University but the Hon'ble High Court found no merit in the allegation and directed Shri Vipin Kumar to approach the Chancellor. He represented before the Chancellor who did not find any merit in the case and rejected his representation. The complainant submitted that in the Lucknow University, answer sheets of all the students are coded before sending the same to the examiners who have no knowledge about the identity of the candidate at the time of evaluating the answer sheets. Thus, there was no chance that while evaluating the answer sheet, Dr. Narang could have deliberately awarded less marks to Shri Vipin Kumar. Further, Shri Kumar was not the only student either in faculty or in the University belonging to the backward class. There are several students belonging to the backward classes studying in the University and no such complaint had ever been made against Dr. Narang. The complainant further stated that Shri Vipin Kumar after failing in his efforts before various authorities approached the newspaper who published the impugned reports without trying to ascertain/verify the facts. He alleged that the action of the respondent was irresponsible and maligns the image and lowers the reputation of the University and Dr. Narang in the minds of the right minded persons. The complainant also asserted that the respondent had indulged in yellow journalism.

A Show Cause Notice was issued to the respondent-editor, Nishpaksh Divya Sandesh on 3.09.2014.

Written Statement of the Respondent

The Chief Editor, Nishpaksh Divya Sandesh, Lucknow in his written statement dated 18.09.2014 submitted that the allegation of the complainant of yellow

journalism against them was totally baseless as a Scheduled Caste student Shri Vipin Kumar levelled allegation against Dr. Ritu Narang for failing him deliberately continuously. Shri Vipin Kumar gave them some documents which have been proved. The news item in question was also published in some other newspapers. He further stated that after the publication of the news of victim student, on the direction of Hon'ble Governor the Lucknow, University ordered to evaluate the answer sheet from other teachers and this time the victim student Shri Vipin Kumar passed by securing good marks which proved the allegation made by Scheduled Caste student against the complainant and raised question on the functioning of Lucknow University. The respondent concluded by saying that they acted as per accepted norms of journalistic ethics.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.6.2015 at Dehradun. Smt. Ritu Narang, representative of the complainant along with Shri Avdesh Kumar, Advocate appeared for the complainant. Shri Rajender Kumar Gautam, Special Correspondent appeared for the respondent.

The Inquiry Committee heard the Counsel for the complainant as well as the representative of the respondent. It carefully perused the impugned news item and all other connected papers. The Counsel for the complainant contended that all the copies were coded and in that situation there is no question of caste or name being known to the examiner as discrimination arises with a particular candidate. He further contended that the particular candidate was not a good performer as he repeated his entire year. He later cleared the paper not on revaluation but by reappearing for the exam. He further alleged that the reply given by the respondent is also contradictory to the news items published. On the other hand, the representative of the respondent contended that Shri Bipin Kumar, the candidate had given a letter in writing about such incident that the University discriminated with him due to his caste and it was the base of the publication of impugned news items. He further contended that he did not have any personal intention to defame the complainant. Other newspapers also published this news.

The Inquiry Committee noted that the complainant happened to be the Director of Centre for Information, Publication and Public Relations of the Lucknow University. It noted the contentions of the respondent that the news item was published on the basis of the information given by the candidate, Shri Bipin Kumar. Shri Bipin Kumar, however, stated in response to the lawyer's notice that he never met the correspondent who reported the said news. Be that as it may be, the comments attributed Shri Bipin Kumar had been projected by the newspaper as a statement of fact with sensational and provocative headlines carrying overtones of casteist bias. This is against the norms of journalistic ethics and this is not the way to report. Accordingly, the Inquiry Committee **Censures** the respondent newspaper with the direction to the respondent to forward this Inquiry Committee's Order to all the media and authorities to whom the respondent had forwarded the impugned news item through e-mail. It also directed the respondent to upload the Order on his Facebook account of the newspaper. The Inquiry Committee recommended to the Council to **Censure** the respondent editor, Nishpaksh Divya Sandesh, Lucknow, U.P.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **Censure** the respondent editor, Nishpaksh Divya Sandesh, Lucknow, U.P. A copy of the adjudication be sent to the DAVP/RNI, Government of U.P. for necessary action as they deem fit.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 28

File No.14/671/14-15-PCI

Shri Pradeep Kumar,
Project Manager,
Construction & Maintenance
Unit (Ganga),
Uttarakhand Pey Jal Nigam.

vs.

The Editor,
Kranti Gatha,
Rishikesh, Dehradun,
Uttarakhand.

ADJUDICATION

Dated 7.8.2015

This complaint dated 10.10.2014 was filed by Shri Pradeep Kumar, Project Manager, Construction & Maintenance Unit (Ganga), Uttarakhand Pey Jal Nigam, Rishikesh (Uttarakhand) against the Editor, 'Kranti Gatha', Hindi Weekly, Dehradun for publication of an allegedly false, baseless and defamatory article in its issue dated 15.08.2014 under the caption '**25 लाख देकर मनचाही पोस्ट पायी है। एम.डी. से लेकर मंत्री तक मेरी पहुँच है। जो उखड़ता है उखाड़ लो।**' In the impugned article, it was reported that Shri Pradeep Kumar worked in Ganga Pollution Control Unit and Pey Jal Nigam as an Executive Engineer who known to be the Big Boss enjoyed the new post. In every six months he got posting as per his choice. He was a stigma in Pey Jal Nigam. He proclaimed that all MDs, Minister were in his full control. It further reported in the news item that the information received under RTI revealed that the Speaker of the Legislative Assembly, Shri Govind Singh Kunjwal wrote a letter to the M.D to favour him. The information also revealed that this person got govt. job in Uttarakhand under his forged status as Hill Cadre. The impugned publication also stated that the complainant through his corrupt means has made wrongful gain by misappropriating the funds of various schemes of Uttarakhand Pey Jal Nigam and had also owned benami properties worth crores of rupees and has heavy bank balance.

The complainant submitted that the respondent published an utter reckless, malicious, scandalous and defamatory news item for destroying his image in public and by this act respondent has offended against standards of journalistic ethics and being the owner and editor has committed professional misconduct and misused his position to settle personnel score as the impugned article tends to lower down his respect and image in the estimation of right thinking men of the society. The impugned article contains insinuation and cast aspersion on the integrity and honesty of the complainant. The complainant sent a legal notice dated 1.9.2014 to the respondent along with the printing press drawing their attention toward heinous

defamatory article and same was duly served upon them. In reply, the Counsel of the respondent vide his letter dated 13.09.2014 stated that the news item published by them was true and based on documents. He further countered the statement of the complainant that he had not acquired properties worth of crores of rupees by corrupt practices.

A Show Cause Notice was issued to the respondent on 11.11.2014 to the respondent.

Written Statement

The respondent Editor, Kranti Gatha in his written statement dated 12.12.2014 submitted that he is a reputed person in Rishikesh, Uttarakhand and discharges his journalism duty in public interest. He further submitted that the complainant wanted to stop the publication because he had exposed his misdeeds and corruption in project. The respondent further submitted that after the hearing of second appeal, the complainant used abusing language and threatened to kill him and in this regard he lodged a complaint against the complainant which is pending investigation.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.6.2015 at Dehradun. Shri Sachin Sehgal, the representative alongwith Shri Prashant Kumar Sharma, Advocate appeared for the complainant. Shri Ram Gupta, Editor, Kranti Gatha appeared in person.

The Inquiry Committee noted that the Counsel for the complainant has requested to adjourn the matter for another date as the complainant was out of station. The Committee finds no justification in granting adjournment in the matter as the counsel was present but not willing to argue. It accordingly recommended to the Council to dismiss the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 29

File No.14/356/12-13-PCI

Shri Mazhar Hussain, Advocate,
Meerganj, District Bareilly (U.P.)

Vs.

The Editor, Khusro Mail,
Bareilly (U.P.)

ADJUDICATION

Dated 7.8.2015

This complaint dated 4.7.2012 was filed by Shri Mazhar Hussain, Advocate, Meerganj, District Bareilly, U.P. against the Editor, 'Khusro Mail', Hindi daily, Bareilly alleging publication of false and baseless news item in the issue dated 27.6.12 under the caption "*Matdaan se pahle do pratyashiyon ne maidan chhoda*". It was reported in the news item that an independent candidate, Mazhar Hussain Ansari contesting for the post of Chairman of Meerganj Panchayat withdrew his nomination right before election and gave support to Mohd. Ilyas Ansari. Earlier Mazhar Hussain was defeated five times.

The complainant submitted that he had not withdrawn his candidature and this news item published on the day of polling adversely affected his prospects and due to which he did not get enough votes and lost election. He further stated that due to the publication of impugned news item his image had been denied in the society and also caused him a lot of mental and financial loss. The complainant vide letter dated 30.6.2012 drew the attention of the respondent editor holding him responsible for the impugned publication and causing harm to his electoral prospects. He sought a response but to no avail.

No written statement:

A Show-Cause Notice dated 31.7.2013 was issued to the respondent editor but the same was received back undelivered with postal remarks "Office remain closed hence returned".

Report of the Inquiry Committee

Following two adjournments dated 6.1.2015 and 6.5.2015, the matter came up for final hearing before the Inquiry Committee on 6.7.2015 at New Delhi. There was no appearance from either side.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. It further noted that earlier also during hearing on 6.1.2015 and 6.5.2015, he had not been present.

In view of the above, the Committee was not inclined to adjourn the matter any further and accordingly recommended to the Council to dismiss the case for non- pursuance.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 30

File No.14/580/14-15-PCI

Shri Prashant Gupta,
Director, Jaswant Sugar Mills Ltd.,
Meerut (U.P.).

Vs.

The Editor,
Dainik Janvani,
Meerut (U.P.).

ADJUDICATION

Dated 7.8.2015

This complaint dated 23.9.2014 was filed by Shri Prashant Gupta, Director, Jaswant Sugar Mills Ltd., Meerut through his counsel Shri Sharad Jain against "Dainik Janvani" for publication of an allegedly false and defamatory news item captioned "90 करोड की जमीन पर भूमाफिया का कब्जा" (Encroachment of land mafia on the land worth 90 crores) in its issue dated 22.9.2014. It was reported in the impugned news item that property worth Rs.90 crore owned by U.P. State Sugar Corporation Layhana was illegally occupied by land encroachment and after dividing the property into plots, they were selling it at the rate of Rs.70,000 to 80,000 per yard. It was further reported that the ADM Finance is getting the matter investigated from the Tehsildar and thereafter land mafia should be booked for illegal occupation of government land.

According to the complainant, the respondent paper depicted him as land mafia in the impugned news item. While denying the allegations levelled in the impugned news item, the counsel for the complainant informed that the land of the company situated at Khasra No.1049 was illegally and unauthorisedly auctioned by the then Collector, Meerut without having any valid Recovery Certificate against the company. He further informed that the company challenged it and filed a Writ No.16451/1999 before Hon'ble High Court and Hon'ble Court vide Order dated 27.4.2001 declared all the proceedings of auction as illegal and ordered to restore *status quo ante* as it was before the initiation of the auction process. Following the Hon'ble Court's Order, the Tehsildar, Meerut gave land possession to the company on 21.8.2001. Thereafter, Hon'ble High Court vide Orders dated 3.9.2011 and 28.4.2003 also ordered to remove all the encroachments made by third parties during this period and in compliance of the said orders the encroachment was removed recently in September, 2014. The Counsel for the complainant further

stated that against the Order of the Hon'ble High Court an Appeal No.7126-7129/2003 was made by the Commissioner, Meerut, District Magistrate, Meerut and Sub-Divisional Magistrate, Meerut before the Hon'ble Supreme Court of India, which was dismissed by the Hon'ble Court's Order dated 30.6.2014. The counsel for the complainant added that the U.P. State Sugar Corporation had never any concern with the said land nor did the corporation ever make any claim on the land. He alleged that the impugned news item was totally false, vexatious and defamatory and published with a view to blackmail them. The attention of the respondent was drawn towards the impugned news item on 23.9.2014 with a request to publish correction but to no avail.

A Show Cause Notice was issued to the respondent-editor, Dainik Janvani, Meerut on 11.11.2014.

Written Statement

The respondent editor in his written statement dated 6.12.2014 denied the allegations levelled against him by the complainant and stated that they were far from facts. The respondent stated that the instant complaint had not been filed by the Jaswant Sugar Mill Limited but by one-Shri Prashant Gupta, who had not submitted authenticated list of Directors as a proof to show him as the Director of the above company. The respondent stated that neither the complainant's name nor the Khasra No.1049 was published in the impugned news item. The respondent informed that the similar news was also published by other newspapers. He further stated that Dainik Janvani published exact news regarding comments of the ADM Finance, Meerut and the investigation made by him alongwith the photos of on the spot inquiry. Dainik Janvani had not mentioned the name of complainant, Shri Prashant Gupta and Khasra Number in the news nor addressed him land mafia as alleged. The respondent stated that he has not violated the norms of journalistic conduct.

Counter Comments

The Counsel for the complainant in his counter comments dated 24.12.2014 stated that the respondent instead of replying the points raised in the complaint misguided the Hon'ble Council by making false statement. While reiterating his earlier complaint, he informed that the respondent had published a series of allegedly false and defamatory news items in his newspaper issue dated 23.9.2014, 24.9.2014, 25.9.2014, 26.9.2014, 28.9.2014 and 29.9.2014.

Report of the Inquiry Committee

Following one adjournment dated 7.5.2015, the matter came up for final hearing before the Inquiry Committee on 6.7.2015 at New Delhi. Shri Ajit Bansla, Advocate appeared for the complainant whereas there was no appearance on behalf of the respondent.

The Inquiry Committee heard the Counsel for the complainant who reiterating his complaint contended that the respondent had shown contempt of the Hon'ble Supreme Court's Order which came on 30.6.2014 by publishing again a false news item under the caption "*Sarkari zameen pe kiya hai kabza*" on 10.5.2015.

The Inquiry Committee noted that despite service of notice, the respondent has not chosen to appear. It further noted that earlier also on 7.5.2015, the respondent had remained absent. The Committee carefully perused the impugned news item and all other relevant documents and noted that it is an allegation of the complainant that the impugned news item is false and defamatory. However, the Inquiry Committee found that in the written statement, the plea of the respondent is that the news item was published on the basis of the statement given by the Additional District Magistrate (ADM).

In view of the aforesaid, the Committee directed that the complainant to give his version to the respondent in brief, with regard to the matter in question, within two weeks. It further directed the respondent to publish the same in his newspaper within one week thereafter. It recommended to the Council to dispose of the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 31

File No. 14/587/12-13-PCI

Shri Sheopal Singh,
Ex District President,
Congress Committee,
Bulandshahar, U.P.

Vs.

1. Shri Sanjay Gupta,
Editor, Dainik Jagran,
Meerut.
2. Shri Dharendra Mohan,
Publisher, Dainik Jagran
Meerut
3. Shri Gaurav Dikshit,
Dainik Jagran,
Bulandshahar.

Shri Sanjay Kumar Sharma &
Ms Paricul Begum, Advocates,
Chamber No.458, Lawyer Camber Block,
District Court Saket, New Delhi

ADJUDICATION

Dated 7.8.2015

This complaint dated 30.10.2012 was filed by Shri Sheopal Singh, Ex District President, Congress Committee, Bulandshahar against Dainik Jagran, Bulandshahar (Uttar Pradesh) for publishing an allegedly defamatory news item captioned '*Viklangon ke hak par daka*' with sub caption "*Lootkhasot mein shamil congress*" (*Infringing on the rights of the differently abled – Congressmen involved in plunder-English translation*). It was reported in the impugned news item that all Congress men were involved in plunder. It was further reported that the NGO run by Central Law Minister and his wife in Bulandshahar are looting disabled people's rights/benefits. The impugned publication further reported that the henchmen of the minister distributed the tricycle, wheelchair and hearing aid to handicapped person on papers only. According to the complainant, the impugned news item was totally false and baseless and published with a view to tarnish his image in public. The complainant wrote to the respondent on 11.10.12 for publishing clarification of said wrong and baseless news item but the respondent did not take any action.

No Written Statement:

A Show Cause Notice was issued to the respondent-editor, Dainik Jagran on 2.8.2013 followed by a reminder dated 4.3.2014 but received no reply.

Report of the Inquiry Committee

Following two adjournments dated 6.1.2015 and 6.5.2015, the matter came up for final hearing before the Inquiry Committee on 6.7.2015 at New Delhi. Shri Siddharth Singh, Advocate appeared for the complainant. Shri B.K. Mishra, Advocate and S/Shri Sudesh Tyagi and Aditya Kumar appeared on behalf of the respondent.

The Inquiry Committee heard both the Counsels. It noted the statement of the learned Counsel for the respondent that a letter of regret duly signed by the editor shall be given to the complainant within two weeks. It further noted the assertion of the Counsel for the complainant that in case such a letter is given, they will not pursue the complaint.

As undertaken, the respondent may furnish the complainant a letter of regret duly signed by the editor within two weeks.

In view of the aforesaid, the Inquiry Committee recommended to the Council to dispose of the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No.32

F.No.14/291/13-14-PCI

Smt. Sunita Jain,
Macronia, Sagar, M.P.

Vs.

The Editor,
Dainik Bhaskar, Bhopal
Madhya Pradesh.

ADJUDICATION
Dated 7.8.2015

This complaint dated 9.7.2013 was filed by Smt. Sunita Jain, Sagar, M.P. against the editor, Dainik Bhaskar, Bhopal alleging publication of false statement in its issue dated 21.6.2013. The objected statement was "*she is no more*". According to the complainant, her son who was not residing with her gave the statement and the respondent without verifying it published the same. The complainant submitted that her son Manudev Jain obtained rank 8th in IEC Exam and in his interview he said that his mother is not alive. Aggrieved with the statement, the complainant contacted the office of the Dainik Bhaskar and intimated them that she, the mother of Manudev Jain, is alive and requested them to publish corrigendum, but received no response. The complainant submitted that after reading the impugned news she was mentally as well as physically disturbed. The complainant further stated that due to the publication of the news item/statement, her friends and relatives continuously inquired about her well being. She informed that she had married Mr. Pawan Kumar Jain in 1989 but after some time her husband, due to some irreconcilable differences, noticed her for divorce, which is pending in the family court, Sagar. The complainant also stated that after publication of the news item/statement, she talked to the respondent's office and requested them to publish corrigendum of the false statement but when no clarification was published, she vide her letter dated 3.7.2013 requested the respondent editor, Dainik Bhaskar, Bhopal to publish the corrigendum/contradiction but he refused to take the Notice.

No Written Statement

A Show-Cause Notice dated 18.3.2014 was issued to the respondent editor, Dainik Bhaskar, Bhopal but despite reminder dated 22.5.2014 received no response.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.7.2015 at New Delhi. There was no appearance from either side.

The Inquiry Committee noted that despite service of notice, neither the complainant nor the respondent appeared before the Committee. It noted that the grievance of the complainant is that she is alive but the newspaper has published that she is no more. It carefully perused the impugned news item and other relevant documents. It opined that the news item was based on the statement of the complainant's son himself whose meritorious performance was being reported and thus, the respondent newspaper could not be held to have breached any journalistic ethics so as to call for any action by the Council made under the Press Council Act.

In view of the aforesaid, the Inquiry Committee recommended to the Council to dismiss the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 33

File No. 14/802/13-14- PCI

Shri Pillu Pattavi,
President,
Prithak Bastar Rajya Party,
Raipur, Chhattisgarh

Vs.

The Editor,
Dainik Bhaskar
Raipur, Chhattisgarh

ADJUDICATION

Dated 7.8.2015

This complaint dated 25.10.2013 was filed Shri Pillu Pattavi, President, Prithak Bastar Rajya Party, Raipur, Chhattisgarh against the editor, Dainik Bhaskar for publication of objectionable sub report under the caption "***Bastar Prithak Party***" in its issue dated 21.10.2013 while publishing a report on the state and states of various political parties that had been launched subsequent to the formation of the state of Chhattisgarh. It was reported in the impugned news item that after retiring from the post of Additional Commissioner, Shri P. Pattavi launched his party in 2004 to become a politician as he know what the power of politician was. It was further reported that the Naxalities had killed his younger brother and he wanted to take revenge for which he had floated this party. Presently the party is in a state of oblivion and the party's office is at complainant's home.

The complainant stated that the newspaper had projected him and his party in bad taste drawing out of it a sadistic pleasure. He alleged that the respondent not only destroyed his reputation but also put to risk the lives of his relatives who were living in remote Bastar areas. He submitted that one Shri Arvind Pandey alongwith his cameraman came to his home on 18.10.2013 at around 11.30 am and asked several questions about formation of his party. He replied to all the questions very politely and in a decent manner but despite that the respondent published the impugned news item in a very abusive manner which maligned his image. The complainant vide his undated letter requested the respondent editor to publish the contradiction but in vain.

No Written Statement

A Show Cause Notice was issued to the respondent editor on 28.4.2014 followed by a reminder dated 10.7.2014 but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.7.2015 at New Delhi. There was no appearance on behalf of the complainant whereas Mr. Gaurav Chaudhary, Advocate along with Ms. Shrishti Singh appeared for the respondent.

The Inquiry Committee noted that despite service of notice, nobody appeared on behalf of the complainant. It heard the Counsel for the respondent and also carefully perused the impugned news item and all other relevant documents. It held that the respondent newspaper has not violated any journalistic ethics so as to call for any action under the Press Council Act.

In view of the aforesaid, the Inquiry Committee recommended to the Council to dismiss the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 34

File No. 14/86/13-14- PCI

Shri Hariom Verma,
Meerut, U.P.
Presently in Bareilly,
U.P.

Vs.

The Editor,
Dainik Jagran,
Meerut, U.P.

ADJUDICATION
Dated 7.8.2015

This complaint dated 23.3.2013 was filed by Shri Hariom Verma, Meerut, U.P against the Editor, Dainik Jagran, Meerut U.P. for publication of an allegedly false news item under the caption "***ghar mein chori karne aaye padosi ko Inspector ne dhuna(Inspector beats up neighbour who entered the house to steal)***" in its issue dated 23.3.2013 containing boxed text as "*Teen saathi farar, aaropi ke pariyan bata rahe prem prasang ka mamla*" three accomplices flee. family of accused term it a case of love affair) which was repeated towards the end of the impugned news item. It was reported in the impugned news item that the Inspector of ITBP, Shri Hariom Verma beat up his neighbour Shantunu as he was caught red handed while carrying out theft at his home. It was also reported that the relatives of Shantunu stated that this is a case of love affair.

The complainant stated that the respondent has published false facts that defamed him while other newspapers had published true facts about the incident of theft. Other newspapers which carried news on this incident did not carry any such reference related to love affair. Clippings carrying the incident of theft of other newspaper were enclosed by the complainant to prove his stand. He further submitted that at the midnight on 21/22.3.2013 Shantanu (his neighbour) was caught red handed at his home while he was carrying out theft at his home and was subsequently handed over to the police. The police recovered an amount of Rs. 2,000 and two wrist watch and some gold from him. A case no. 161/2013 against Shantanu u/s 380, 411 IPC was registered in the police station Ichauli. The complainant alleged that the respondent had inter alia reported that it was a matter of love affair which is absolutely false. He stated that due to this publication his and his family image was badly tarnished in the society. He further alleged that the respondent intentionally disclosed the names of all of his family members including

female in the impugned news item which caused danger to his family members including friends. He also alleged that his children had psychologically been badly affected due to this impugned publication. He stated that after publication of the impugned news item they faced lots of humiliation and problems and had sold house and shifted to Bareilly and had borne financial loss. The complainant has enclosed a copy of the unsigned notice dated 23.3.2013 of his counsel with the complaint sent to the respondent for publication of apology.

No Written Statement

A Show Cause Notice was issued to the respondent editor on 1.8.2013 for his written statement followed by a reminder dated 28.4.2014 but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.7.2015 at New Delhi. Shri Hariom Verma, the complainant appeared in person. S/Shri B.K. Mishra, Aditya Kumar Sharma and Sudesh Tyagi, Advocates appeared for the respondent.

The Inquiry Committee heard the complainant in person as also the Counsel for the respondent. The complainant while reiterating his complaint described his mental humiliation after the publication of the impugned news item as his and his daughter's image one around 18 and another 11 year was badly tarnished due to the publication. He contended that the respondent did not even reply to his registered notice. He pointed out the identifying his family members with their real name in the impugned publication is against the norms of journalistic ethics. On the other hand, the Counsel for the respondent contended that he had not received any Notice as stated by the complainant and asserted that they had only reported under the family members of the accused had informed their reporter.

The Inquiry Committee noted that despite opportunity given to the respondent, it has not chosen to file any written reply. It carefully perused the impugned news item and all other relevant documents on record and opined that the impugned news item was published without due diligence which gravely affect the reputation of the complainant and his family.

In view of the aforesaid, the Inquiry Committee recommended to the Council to Censure the respondent newspaper, Dainik Jagran, Meerut, U.P as also its editor. It further directed the respondent to publish this Order prominently on the front page of his newspaper.

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 **Censure** the respondent editor, Dainik Jagran, Meerut, U.P. A copy of the adjudication be sent to DAVP/RNI, Government of U.P. for necessary action as they deem fit.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 35

File No. 14/82/14-15- PCI

Shri Devender Kumar,
Post Master, Grade-II,
Muzaffarnagar City,
U.P.

Vs.

Dr. Naseem Thanvi,
The Editor,
Thanvi Muzaffarnagar Times,
U.P.

ADJUDICATION

Dated 7.8.2015

This complaint dated 15.4.2014 was filed by Shri Devender Kumar, Post Master, Grade II, Muzaffarnagar U.P. against the Dr. Naseem Thanvi, Editor, Thanvi Muzaffarnagar Times, U.P for publication of an allegedly defamatory and false news item under the caption "शिवचौक पोस्ट आफिस में द्वितीय पोस्ट मास्टर देवेन्द्र का आतंक- महिलाओं से करता है अश्लील हरकतें" in its issue dated 7.4.2014 as a reprisal measure in order to malign his image in the public. The complainant stated that the compounder of the respondent editor who is also a doctor came to his office on 5.4.2014 to book the parcel of medicine containing liquid and he was informed that rules do not allow booking a parcel having liquid material. On this the respondent got annoyed and misbehaved with him. It was reported in the impugned news item that there was a terror of the complainant in the post office as he can be seen indulging in objectionable activities in the office and that he drinks liquor with his fellow clerk in the office. It was also reported that one lady, Smt. Suman Lata W/o Shri Pawan Kumar from Krishna Nagar alleged that the complainant misbehaved with her while she went to the Post Office for opening an account. The complainant further stated that the respondent also published allegedly defamatory news items against him in his newspaper issues dated 21.4.2014 & 28.4.2014 captioned "सिटी पोस्ट आफिस में उप डाकपाल के पद पर रसिया बने देवेन्द्र का महिलाओं में आतंक" and "उप डाकपाल देवेन्द्र ने महिला के साथ अश्लील हरकते करने की खबर से चिढ़कर थानवी मु. टाइम्स को गायब किया" respectively.

The complainant while denying the allegations levelled in the impugned news item stated that the news items were completely false and baseless. He submitted that the respondent editor had used an indecent language for him in the impugned article which is against Norms of Journalistic Conduct and has published the

impugned news item with the motive to blackmail him. He also alleged that the news item has been published without verifying the facts and with the intention to malign his image in public at large.

A Show Cause Notice was issued to the respondent editor on 19.6.2014 for his written statement.

Written Statement

The respondent in his written statement dated 7.7.2014 denied the allegations levelled by the complainant and stated that the news item in question was published on the basis of a Press Release dated 4.2.2014 sent by Smt. Suman Lata along with a letter dated 2.4.2014 written by her to the President, National Woman Commission. He further submitted that neither he carries grudges against the complainant nor he tried to malign the complainant's image by publishing the news item. He only published the contents of the Press Release. He further submitted that only after verifying the facts of the Press Release from the Post Office he published the said news item. The respondent stated that neither the complainant contacted him with regard to the news item in question nor he sent his written objection to him.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.7.2015 at New Delhi. There was no appearance from either side.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. It carefully perused the impugned news item and all relevant papers on record. It further noted that the respondent in his reply stated that the impugned news item was published on the basis of Press Release and the complainant has not controverted the aforesaid statement of the respondent.

In view of the above, the Inquiry Committee opined that the respondent has not violated any journalistic ethics so as to call for any action by the Committee. It recommended to the Council to dismiss the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No.36

File No. 14/247/13-14-PCI

Shri R.N. Kundu,
Kolkata.

Vs.

The Editor,
The Statesman,
Kolkata.

ADJUDICATION

Dated 7.8.2015

This complaint dated 18.05.2013 was filed by Shri R.N. Kundu, Kolkata against the Editor, "The Statesman", Kolkata for publication of an allegedly unfounded, unethical and unsubstantiated article by Mr. Susanta Kumar Sur a freelancer under the caption "From cloud to storm" Historical Agony of 'The Bengali Nation' in its issue dated 24.03.2013. In the impugned publication it was reported that Mahatma Gandhi had agreed to partition at the behest of his financial backer, G.D. Birla implying that he agreed to it 12 years before the actual division of the country in 'August 1947' and 5 years before the Lahore resolution of 1940. The impugned publication reported that Churchill had appreciated Birla's role in persuading Gandhi to agree to Partition. He told Birla: "Mr. Gandhi has gone up very high in my esteem". It was further reported that Jinnah's proposal was not acceptable to GD Birla who since 1937 was relentlessly persuading Gandhi to reject every proposal on a Hindu-Muslim coalition between the Bengal Congress and Huq's KPP or Suhrawardy's League. The financier was also keen on dividing the province into Muslim Bengal and Hindu Bengal with Calcutta to maintain his fiscal domination. It was also reported that pre-scripted partition of Bengal in August 1947 had destroyed the "Bengali Nation" forever. The complainant submitted that the unsubstantiated assertions published by the newspaper were unethical because the same were patently slanderous and the objects of slander were Gandhiji and G.D. Birla. He further submitted that the assertions/aspersions were not substantiated by citing reliable references. The complainant alleged that the impugned article published by the newspaper was an attempt at disparaging no less a person than Mahatma Gandhi and G.D. Birla and the author took recourse to sensationalism and showed scant regard for the hurt that it may cause to the multitude of admirers of Gandhiji. Equally seriously, these wild allegations are attempts at distorting the history of India's freedom struggle. The complainant submitted that the article published by the author cast unfounded and unsubstantiated aspersion against

Mahatma Gandhi, G.D. Birla and the Congress Party while it needs no elaboration that Mahatma Gandhi was revered by millions all over the world as an apostle of peace and non-violence. G.D. Birla, a leading industrialist of India, was a philanthropist with a record of significant contribution to the cause of India's freedom struggle and lifelong associate of Mahatma Gandhi. The complainant further submitted that he drew the attention of the respondent vide an email dated 9.04.2013 followed by a letter dated 22.04.2013 drawing his attention towards the following statements seeking clarification but no response was received:-

- a) Mahatma Gandhi had agreed to Partition of India at the behest of his financial backer G.D. Birla which implies that he agreed to it 12 years before actual division of the country (August 1947).
 - b) Churchill had appreciated Birla's role in persuading Gandhi to agree to Partition. He told Birla: "Mr. Gandhi has gone up very high in my esteem".
 - c) West Bengal was, in fact meant for the protection of the financial interests of Calcutta-based Marwari sponsors of the Congress.
 - d) Jinnah's proposal was not acceptable to G.D. Birla who since 1937 was relentlessly persuading Gandhi to reject every proposal on a Hindu-Muslim coalition.
 - e) The financier was also keen on dividing the province into Muslim Bengal and Hindu Bengal with Calcutta to maintain his fiscal domination.
- A Notice for comments dated 29.08.2013 was issued to the respondent editor, The Statesman, Kolkata.

Comments of the Respondent-editor, The Statesman were invited vide notice dated 29.08.2013:-

The respondent editor in his comments dated 11.10.2013 stated that he did not receive any email from the complainant in respect of the article and the letter dated 24.04.2013 did not in his view present a contrary point of view or rebut statements made in the article, but merely affirms that the assertions were in the correspondent's view unsubstantiated and therefore unethical. In essence, the correspondent's grievance was that he had not been told what 'reliable references' were used by the author. The "reliability" of a reference is a subjective proposition, and the study and interpretation of history was a nuanced art. He further stated that the first assertion of the complainant finds objectionable-'Gandhiji agreed to partition of India 12 years before the actual division of the country'-the short answer was that this was the author's interpretation of historical events based on his conclusion that the Government of India Act of 1935 was the root of Partition. The 1935 Act was publicly rejected by both Jinnah and Nehru at first, but the latter felt subsequently persuaded to accept it. The respondent also stated that the British historians Anthony Reid and David Fisher commented in *The Proudest Day: India's Long Road to Independence*, (WW Norton, page 257): "Surprisingly Gandhi was in favour of accepting the Act, largely on the advice of the industrialist G.D. Birla. Birla had been active in London throughout the passage of the Bill, lobbying intensively and acting as an intermediary between Congress and the British Government and reporting everything back to Gandhi regularly. Birla summed up... when he wrote after meeting the Under-Secretary of State for India, Lord Butler, 'to me it was

already evident that the English in London sincerely believed that a great step towards India's self-government was about to be taken as soon as the Bill became law." So far Churchill telling Birla, "Mr Gandhi has gone very high in my esteem", the statement was from G.D. Birla's book *In the Shadow of the Mahatma*, cited by British historian Sir Martin Gilbert in *Winston Churchill, Volume 5: The Coming of War (1922-1939)*.

He further submitted that the complainant was aggrieved that the article in question 'slanders' Gandhi, G.D. Birla and the Congress Party. It is settled law that the dead cannot be defamed. This applies especially to famous dead people. Whether the Congress Party of Gandhi's day survives as an entity is debatable; however there was nothing to suggest the party that today calls itself the Congress has authorised Mr. Kundu to address the so-called slander.

Counter Comments:-

The complainant in his counter comments dated 23.12.2013 rejected the comments furnished by the respondent editor as totally unsatisfactory. He has requested the Council to censure the respondent editor, Statesman and also direct him to suitably retract the offending statements, in particular the following which are most derogatory:

- a) Mahatma Gandhi had agreed to Partition at the behest of his financial backers G.D. Birla, which implies that he agreed to it 12 years before the actual division of the country (August 1947) and five years before the Lahore resolution of 1940.
- b) Churchill had appreciated Birla's role in persuading Gandhi to agree to Partition.

Complainant's letter dated 1.7.2015

In response to the notice for hearing Shri R.N. Kundu vide his letter dated 1.7.2015 reiterated that among the objectionable assertions, the following two derogatory ones are palpably untenable:

- (a) Mahatma Gandhi agreed to partition at the behest of his financial backer G.D. Birla12 years before the actual decision of the country, *vide para 1 of the article*.
- (b) Winston Churchill appreciated G.D. Birla's role in persuading Gandhi to partition. He told Birla "Mr. Gandhi has gone up very high in my esteem", *vide para 4 of the article*.

He submitted that the editor in his reply with reference to article at (a) above stated that this was the author's interpretations of historical events based on his conclusion that the Government of India Act, 1935 was the root of Partition. He stated that in the said article, the author made no mention of any such connection. He simply presented this assertion as an independent, unlinked observation making it appear as if Gandhiji's agreeing to partition was a historical fact which was lying hidden in some dark recess of Gandhiji's life, and was brought to light by his investigative zeal. He further stated that the writing was merely an interpretation and not an established fact. He alleged that this kind of publication ought to be termed as sensationalism at best or character assassination at worst. With regard to

the article at (b), he submitted that the author was quoting Churchill's eulogy as an incontrovertible proof that Gandhi did agree to partition. But Gandiji's life was an open book yet no biographer, no historian, or anyone ever before recorded or even whispered, let alone wrote an article claiming the impugned fact. He alleged that the assertions were atrocious and contradictory to the known facts of history. He further alleged that the author has truncated the original quotation and omitted a crucial clause thereby radically altered the import of what Churchill has actually said.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi. There was no appearance on behalf of the complainant. Shri Satyajit Sarna, Advocate appeared on behalf of the respondent.

The Inquiry Committee noted that the complainant vide his letter dated 1.7.2015 submitted his contentions and requested the Committee to decide the case on merits. The counsel for the respondent contended that while dead people cannot be defamed as accepted by the court, it was essential to appreciate the right of the author to analyses and interpret actions and events of historical importance. Had the complainant sought publication another view point that would have been legitimately considered but the Press could not be subjected to cross examination. The Inquiry Committee carefully perused the impugned news item and all relevant papers and opined that the interpretation of history on the basis of contemporaneous events cannot be said to be unethical so as to call for any action under the Press Council Act. It recommended to the Council to dismiss the complaint.

Held

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

*Shri Ravindra Kumar, Member recused.



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 37

File No.14/259/13-14-PCI

Smt. Vibha Sharma,
District Umaria
Madhya Pradesh.

Vs.

The Editor,
Janduniya,
Umaria.

ADJUDICATION

Dated 7.8.2015

This complaint dated 17.5.2013 was filed by Smt. Vibha Sharma, Headmistress, Government Middle School, Binjhala Tola, Pali District Umaria Madhya Pradesh against the Editor, Janduniya, Umaria for publication of an allegedly false, baseless, misleading and defamatory news item in its issue dated 22.3.2013 under the caption "***Sanvida Shikshak Ki Bharti mein vyapak Aniyamatita ki shikayat – Soochna ke adhikar niyam ka ud raha makholl***". It was reported in the impugned news item that in ward no. 4 of Nagar Panchayat Area Government Primary /Middle School, Binjhala Tola, Pali, the Nagar Panchayat administration committed major irregularities in the appointment of teachers on Contract in the year 2003 and complainant's appointment was questionable. The news report claims that entire procedures were overlooked and even no advertisement was published in local newspaper or posted on the notice board in any department about vacancy by the local government administrative officers and Nagar Panchayat representatives. The report further added that this appointment was an outcome of a clear nexus among the candidate, elected public representatives and local government officials without caring for established procedures in a doubtful situation. In the report, the complainant was clearly identified as Smt. Vibha Sharma wife of Shri Nagendra Sharma, Resident of Pali Project was appointed and then regularized as Headmistress in the year 2008 as a part of the ongoing nexus.

The complainant stated that the impugned news item contains imputations against her which were manifestly defamatory. The editor, Shri Santosh Kumar Gupta neither checked facts with due care and attention while publishing the impugned news item nor had given any opportunity to her to elicit her version/comments. The complainant further stated that the advertisement for this post was published in local newspaper and the recruitment was carried out as per established procedure/guideline and she was offered the post on merit and not

through wrong practice as alleged in the news item in question. She furnished a copy of the official circular released by the Nagar Panchayat Pali in June 2003 and a copy of the advertisement appeared in Danik Bharati issue dated 13.6.03. The complainant further stated that her brother Dr. Bipin Kumar Rai wrote a formal complaint letter on her behalf on 9th April 2013 to editor but received no response despite having received it on 15.4.2013. The complainant alleged that Shri Dipu Tripathi, the press reporter in Janduniya and his father Shri Mathura Prasad Tripathi had been involved in many criminal offences registered in local police stations which were under trial in different courts. They were in business of blackmailing or extortion of money from people under threat of maligning the people through the columns of newspaper, raising false complaints and were well known for misuse of RTI Act to harass public servants. She further alleged that the respondent by publishing the impugned news item breach the recognized ethical canons of Journalistic propriety.

A Show Cause Notice was issued to the respondent editor, Janduniya on 1.8.2013.

Written Statement

In his written statement dated 26.8.2013, the respondent editor, Jan Duniya stated that the news item in question was published in the newspaper on the basis of the facts provided by their Pali based correspondent who sent it on the basis of Shri Mathura Prasad Tripathi's letter. The respondent further stated that Shri Tripathi filed an RTI and demanded the information on the recruitment. On 25.3.2013, a letter was given to Shri Tripathi informing that the recruitment file was not available. He also stated that the impugned news was based on the facts which he had received from his representative and Shri Tripathi. He also stated that he made a call on mobile No.09977629927 of Smt. Vibha Sharma to enquire about the matter but she refused to talk. He submitted that the news item in question was published in public interest. The respondent submitted that they had no ill-will against the complainant. He denied that their correspondent Shri Deepu Tripathi had a criminal nature and blackmailer as alleged by the complainant.

Counter Comments:

In his counter comments dated 11.10.2013, the complainant Smt. Vibha Sharma, stated that the intent of the respondent behind publishing the news was to create pressure on her to facilitate in the recruitment of Smt. Madhu Tripathi wife of Shri Deepu Tripathi and Daughter-in-law of Shri Mathura Prasad Tripathi as Guest Teacher. She further stated that the respondent in his reply admitted that the entire news item was based on the material provided by Shri Deepu Tripathi and on the material received through RTI filed by Shri Mathura Prasad Tripathi. However, in the published news report it was claimed that no information was provided by the authorities in response to the application filed under RTI by Shri Mathura Prasad Tripathi. Both the statements were contradictory. The complainant reiterated that the advertisement for the post was published in the local newspapers and posted on notice board of Nagar Palika, Pali, Umaria. According to the complainant, on one hand that Shri Mathura Prasad Tripathi was indicating the date of the meeting of selection committee which was held 10 years ago and on the other hand the

respondent editor had published a news claiming that no advertisement was published and none of the established recruitment process followed. The entire report was based on the material provided by Shri Deepu Tripathi and Shri Mathura Prasad Tripathi therefore it was well established that the respondent had published this fraudulent baseless news report with all knowledge and intent to manifestly defame her and her husband.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi. Dr. Bipin Kumar Rai, brother of the complainant appeared on behalf of the complainant whereas there was no appearance on behalf of the respondent.

The Inquiry Committee noted that the respondent vide his letter dated 1.7.2015 sought adjournment in the matter on the ground of his illness. It heard the representative of the complainant. The representative of the complainant alleged that the name of individual teacher was intentionally mentioned in the impugned news item and the respondent had not taken the version of his sister before publication of the impugned news item. He further alleged that when he asked about the publication from the respondent, the respondent threatened him. He contended that his main objection is that there was no need to publish the name of the complainant and on what basis the respondent published her name.

The Inquiry Committee carefully perused the impugned news item and all other relevant papers and noted that the impugned news item was based on the information given under the RTI Act, 2005 in which the name of the complainant's sister is mentioned. The Committee was not satisfied that the respondent has committed any breach of journalistic ethics so as to call for any action by the Committee. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 38

F.No.14/321/13-14-PCI

Shri Sunil Goswami,
Indore.

Vs.

The Editor,
Dabang Duniya,
Indore.

ADJUDICATION

Dated 7.8.2015

This complaint dated 21.6.2013 was filed by Shri Sunil Goswami, Indore against the editor, 'Dabang Duniya', Hindi Daily, Indore (M.P.) alleging publication of false, malicious, concocted and fabricated news item captioned "***Vidur nagar ka mamla: E.O.W ke haathlage dastavez se khulasa – aise hadpi Holkar ki 400 crore ki zameen***" in its issue dated 7.6.2013. It was reported in the impugned news item that the Vidur Nagar Graha Nirman Sahakari Sanstha Maryadit, Indore grabbed valuable land of former ruler, Queen Usha Raje Holkar. The concerned land documents were stolen and people forgot this scam and suddenly EOW discovered documents which were reported to have been stolen in 1971. It was further reported in the impugned news item that Vidur Nagar Sanstha had been making the statement which proved false from the documents. It was further reported that in 1999 District Magistrate passed orders of recording this valuable land in the name of Holkar, However, Patwari and Tehsildar deliberately did not hid these facts and did not substitute the name of Vidur Nagar Sansthan with that of the Queen Holkar. It was also reported that the Vidur Nagar was developed on the land in question which was earmarked for regional park and as per news published in another paper, Sansthan had purchased the land from Usha Raje Holkar in the year 1971 whereas as per inter departmental letter of the Assistant Registrar of Societies, Indore, the Sansthan itself was registered in 1977.

Denying the allegations levelled in the impugned news item, the complainant submitted that the respondent published false and malicious news that residential accommodation was developed by the Vidur Nagar Graha Sanstha on the land reserved for Regional Park and plots sold to its members. The complainant submitted that by two registered sale deeds dated 14.9.1995 Vidur Nagar Graha Nirman Sahakari Sanstha Maryadit, Indore purchased 80 acres and 55.67 acres land in Survey No. 223 situated at village Ahirkhedhi, Indore on payment of Rs.4,00,000/- and Rs.2,78,350/- from Smt. Nirmala Devi, W/o late Shri Rishi Kumar Shukla & others. The complainant also submitted that they never sold any plots to any of its

members as published by the respondent. The complainant further submitted that before publishing the impugned news item, special correspondent of Dainik Dabang Duniya, Shri Vinod Sharma contacted Shri Mohanlal, former President of Vidur Nagar Sanstha on 6.6.2013 and advised him that since the value of the land has increased, the increased value of the land be shared with the respondents or be ready to face publication of news on the front page highlighting construction of illegal colonization and demanding demolition of the same. Shri Mohanlal informed him that he had relinquished the office of the President of the Vidur Nagar Sanstha eight years back therefore he was unable to share any profit with them. The complainant vide letter/Notice dated 10.6.2013 requested the respondent to publish true facts but received no response.

A Show Cause Notice was issued to the respondent editor, Dainik Dabang Duniya on 19.11.2013.

Written Statement

The respondent editor in his written statement dated 20.1.2014 denied the allegations levelled by the complainant as false and baseless. The respondent stated that the complainant by way of filing false and frivolous complaints wants to stop the press from publishing news against them. The respondent stated that they had authentic documents regarding the impugned news item that the Vidur Nagar Graha Nirman Sanstha was situated on Regional Park. He denied the complainant's allegation that their correspondent contacted Shri Mohanlal, former President, Vidur Nagar Graha Nirman Sanstha for blackmailing. The respondent further stated that they had responded to the complainant's letter/Notice in time but the complainant denied it. The respondent further denied the statement of the complainant that Shri Kishore Wadhvani Printer/Publisher was known for his involvement in many excise & income tax evasion unearthed by Central & Excise Department & Income Tax Department. He alleged that the complainant intends to hide the truth by hook or crook. The respondent also alleged that the complainant filed the complaint to threaten & blackmail him which is liable to be dismissed. The respondent stated that they were ready to publish rejoinder/contradiction, if the complainant provided them authentic documents.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi. There was no appearance on behalf of the complainant while S/Shri Anil Naidu and Amit Bhandari, Advocates appeared for the respondent.

The Inquiry Committee heard the Counsel for the respondent. The Counsel for the respondent contended that the news item was factually correct as it was based on the Sale Deed produced by the complainant himself which is self-explanatory. He also contended that he had published the version of the President of the society.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. It carefully perused the impugned news item and other material available on record and opined that the impugned news item cannot be said to be baseless so as to call for any action by the Committee. It recommended to the Council to dismiss the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 39

File No. 14/916/13-14- PCI

Shri Aman Kumar Singh &
Smt. Yasmin Singh,
Raipur (C.G.)

Vs.

The Editor,
Patrika,
Raipur (C.G.)

ADJUDICATION
Dated 7.8.2015

This joint complaint dated 25.11.2013 was filed by Shri Aman Kumar Singh and his wife Smt. Yasmin Singh, Raipur (C.G.) against the Editor, 'Patrika' for publication of allegedly defamatory news item under the caption "***Congress level serious allegations against the Secretary to the Chief Minister, also complaints to the Chief Election Officer – Aman Singh may run away to Dubai, Passport be seized***" (English translation) in its issue dated 30.10.2013. It was reported in the impugned news item that Aman Singh, Secretary to Chief Minister may run away to Dubai, the Congress demanded immediate seizure of his passport by the Election Commission. The Vice President of the Pradesh Congress Committee, Tikendra Thakur in his written complaint to the Chief Election Officer stated that Aman Singh had purchased properties both movable and immovable worth crores of rupees in Dubai. Shri Thakur in his complaint also alleged that Kathak danseuse wife of Aman Singh was sent to Dubai along with the Collector and complaint to this effect was also made to the Central Government. It was further referred that in another complaint made to the Election Commission by Shri R.P. Singh, Congress spokesman alleged that Aman Singh appointed his favourites in the Monitoring Committee to monitor the paid news.

The complainants had submitted that the news item was not only blatantly false, irresponsible but also defamatory in nature. The complainant denied that he has ever purchased, possessed or owned any property in Dubai. The complainant, Smt. Yasmin Singh also stated that the allegations had been made with the sole purpose of targeting her religion. It smacks of narrow-mindedness, religious bigotry, communal bias and sectarian bent of mind. The contents of the allegation amount to cast an aspersion on her religion thereby violating her constitutional right as member of the minority committee. The complainant categorically stated that

though she travelled extensively in India and abroad but it was an undisputable and undeniable fact that she never visited Dubai either as danseuse, a tourist much less as the wife of Shri Aman Kumar Singh. The complainant, Shri Aman Kumar Singh stated that no such direction or instruction was ever issued to the media in favour of or against any political party or candidate. The complainants stated that the respondent had deliberately with malafide intention levelled such libelous allegations and published the said news item to lower their image in the minds of readers and public. The complainants asserted that the respondent had not taken their version before publication of the news item. The complainant vide legal notice dated 1.11.2013 through advocate drew the attention of the respondent editor and others, giving true facts with the request to tender an unconditional apology in writing and publish the rebuttal of the news item. In reply to the Notice of the complainant, Shri Kanhaiya Agarwal, President, Chhattisgarh Congress Committee Vyapar Prakoshth vide letter dated 7.11.2013 informed the complainant that the impugned news item was not authorized by the Prakoshth and the same was given to the press by Shri Thakur in his personal capacity and they had no concern with the news item published by the newspaper. The respondent editor in his reply dated 11.11.2013 sent through advocate informed the complainant that the news item was published on the basis of the statement given by Shri Tikendra Thakur, Pradesh Vice President, Chhattisgarh Congress Vyapar Prakoshth and also a written complaint which was made to the Chief Election Officer on 29.10.2013.

Written Statement

The respondent in his written statement dated 3.5.2014 denied the allegation levelled by the complainants. He stated that the news item in question published by them was based on the statement given by Shri Tikendra Thakur, Pradesh Vice President, Chhattisgarh Congress Vyapar Prakoshth and also written complaint made to the Chief Election Officer on 29.10.2013. He added that the publication of the said news was not with the intention to lower the reputation of the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi. Shri Rakesh Shroahi, Advocate appeared for the complainant while Shri Indresh Sharma, Advocate appeared for the respondent.

The Inquiry Committee heard the Counsel for both the parties. It is common ground that the subject matter of the complaint is sub-judice before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 189/2015.

In view of the aforesaid, the Inquiry Committee declined to proceed further in the matter. It recommended to the Council to dispose of the complaint.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 40

File No.14/652/13-14-PCI

Smt. Meena Chandel,
M.P. S.A.S
District Accounts Manager,
National Rural Health Mission,
Ujjain, Madhya Pradesh.

Vs.

The Editor
Patrika, Hindi Daily
Ujjain, Madhya Pradesh.

ADJUDICATION

Dated 7.8.2015

This complaint dated 26.8.2013 was filed by Smt. Meena Chandel, M.P., S.A.S District Accounts Manager, National Rural Health Mission, District Health Society, Ujjain, Madhya Pradesh against the editor, Hindi Daily, Patrika, Ujjain, Madhya Pradesh for publication of allegedly wrong, baseless, bias and humiliating news in its issues dated 19.7.2013 and 3.8.2013 captioned "**Zila Lekha Prabandhak par karvai ki anushansa**" & "**Sabke Samne Babu Ne Sawikara, CMHO ne mangi thi rishwat**" respectively. In the first news item, it was reported that the complainant did not send financial progress report of the planning of NRHM of Ujjain district in time and as such the progress report for the period of April-July 2013 was treated as zero and Ujjain district was ranked at 50th place due to her negligence. It was further reported that the complainant had not been attending the office for the last one month. In the second news item, it was stated that the complainant worked only for 26 days and demanded salary of three months.

The complainant submitted that she is a regular employee of Madhya Pradesh Government since 1997. She stated that she did not know what method they applied for calculating days of her presence. She alleged that on 14.5.13 the attendance register was intentionally hid by In-charge, District Programme Manager, Devrishi Gohiya and therefore she could not mark her attendance from 14.5.2013 till 22.5.2013 on the attendance register but she had proof of her attendance in her daily diary and on official note sheets. In the article, it was reported that she worked in the said unit only for 26 days and on other hand they mentioned that Smt. Meena Chandel disappeared from 22nd May which was wrong. The complainant also stated that on 16.7.2013, the respondent had published a news item against Dr. M.K. Dixit through news correspondent, Mr. Ravi Chandravanshi and after that suddenly in the news item dated 19.7.2013, she was blamed for failure to file timely report. This was

not in favour of justice and truth. The complainant also drew the attention of the respondent vide letter dated 10.8.2013 towards the impugned publication but when no reply was received she visited the Patrika local office twice and met Mr. Amit Mandloi and had a talk with his news correspondent, Mr. Sumit Pandey for publishing clarification but it was not published.

A Show Cause Notice was issued to the Patrika Daily, newspaper on 26.11.2013.

Written Statement:

The respondent editor in his written statement dated 21.1.2014 while denying the allegation levelled by the complainant stated that the news were published on available facts and the complainant was served department memos from the District Collector, Chief Medical and Health Officer regarding her work. The respondent also stated that CMHO and District Collector also stated in their letter that the complainant was working irresponsibly and therefore, the news published in their newspaper was not false and baseless. The respondent also stated that they know their duties and publish news on the basis of facts. The respondent further stated that there was no violation of any journalistic norms in the publication of the impugned news items as alleged.

Counter Comments:

The complainant in her undated counter comments received in the Secretariat of the Council on 24.4.2014 stated that she requested the respondent to provide the factual basis whereon impugned news was published in his paper and also to publish contradiction but the respondent had not published contradiction. She further stated that she got only one show cause information letter on 15.5.13 from the then Chief Medical and Health Officer, Dr. M.K. Dikshit and she filed her reply on 21.5.2013 in the matter but the respondent had not tried to take her version in the matter. The complainant further stated that the respondent by publishing the impugned news items tried to defame her. She further stated that the respondent after receiving the show cause from the Press Council of India pressurised her to withdraw the complaint and they would publish the contradiction.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi. There was no appearance on behalf of the complainant whereas Shri Indresh Sharma, Advocate appeared for the respondent.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear but she sought adjournment vide her letter dated 2.7.2015 in the matter. The Committee is not inclined to accept her prayer. It heard the Counsel for the respondent and carefully perused the impugned news item and other relevant material on record. It observed that the impugned news item was published on the basis of the memo served on the complainant.

In view of the aforesaid, the Inquiry Committee opined that the respondent had not breached any journalistic ethics so as to call for any action by the Committee. It recommended to the Council to dismiss the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 41

File No. 14/796/13-14- PCI

Shri Virbhan Ajvani, IPS,
Superintendent of Police,
G.R.P., Ajmer, Rajasthan

vs.

The Editor,
Mahanagar Times,
Jaipur, Rajasthan

ADJUDICATION

Dated 7.8.2015

This complaint dated 22.10.2013 was filed by Shri Virbhan Ajvani, IPS, Superintendent of Police, G.R.P., Ajmer, Rajasthan against the editor, Mahanagar Times, Hindi Daily, Jaipur, Rajasthan for publication of an allegedly false and baseless news item under the caption "***Bhrashtachari S.P. ko C.M.O. ka sanrakshan!- Soochna ke adhikar ke istemaal par sipahi ko kar diya nilambit***" in its issue dated 18.7.2013. It was reported in the impugned news item that the Superintendent of Police, GRP suspended a constable, Shri Jaswant Singh who sought some information under RTI relating to the S.P. who had caused loss to the Government exchequer during his tenure. Aggrieved with this, the S.P. first made three transfers of the constable and then suspended him. The statement of Shri Jaswant Singh, the constable was also published in the impugned news item in Questioning as whether it is a crime to seek information under RTI.

It was also reported that lots of scams were going on in GRP then why the senior level officers remained silent and despite being innocent he got suspended? The impugned news item reported that the constable was also not getting wages given to an employee during suspension. It was also reported that Vigilance was investigating the four cases registered against the S.P., GRP out of which in two cases he had been convicted but despite this no action was taken by the Government against him. The impugned publication also reported that the S.P., GRP had a support of the high level officers posted at the CMO.

The complainant while denying the allegations levelled in the impugned news item stated that the news item was completely false and was published with the intention to defame his image in the public at large. He further stated that the constable, Shri Jaswant Singh gave his written statement in the investigation that he did not know how impugned news had been published as he neither informed any journalist about the harassment meted out to him nor he himself got the news published in the newspaper. He submitted that the respondent published false facts as the constable was suspended after he was found guilty under various

departmental inquiries as per the rules. He also denied the statement published in the news item in question that the constable was not getting the suspension allowance as he had been getting the suspension allowance regularly. He alleged that the respondent published the news item with the intention to malign his image as well as of the police department. He informed that he filed a case no. 209/2013 u/s 384,500,501,502 IPC against the newspaper in the police station Alwar Gate, Ajmer. The complainant drew the attention of the respondent editor towards this impugned news item vide his letter dated 8.10.2013 and requested him to take action on it as per the rules but in vain.

A Show Cause Notice was issue to the respondent editor on 5.3.2014 for his written statement.

Written Statement

The respondent editor in his undated written statement received in the Secretariat of the Council on 21.3.2014 stated that many complaints were registered against the complainant, Shri Virbhan Ajvani at the time of publication of news item and an investigation was conducted by the Deputy Superintendent of Police in this regard. It was found in the report that the Constable, Shri Jaswant Singh made all those complaints against Shri Virbhan Ajvani about which news was published in the newspaper. The respondent admitted that Shri Jaswant Singh has not given such information to the Mahanagar Times for publication but this doesn't mean that the allegations published in the impugned news item are false. The respondent further provided the copy of a complaint made by Shri Rameshwar Sanyasi who made serious allegations against Shri Virbhan Ajvani. The respondent denied having any conversation with the complainant regarding demand of money in this matter as alleged by the complainant in his FIR filed in the police station on 23.7.2013. The respondent further informed that Lokayukat investigation was going on against the complainant. Not only this, criminal cases were registered against him in two different police stations, he added. He stated that he had published about these serious matters in public interest. He further stated that the complainant filed a false declaration in the Council as a case no. 209/2013 is pending against him before the Court of Special Judge (Anti-Corruption), Ajmer and it was admitted till the special permission received from the State Government.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi. There was no appearance on behalf of the complainant whereas Shri Aishwarya Sharma, Journalist appeared for the respondent.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. It heard the representative of the respondent and carefully perused the impugned news item and other relevant material on record. It noted that the complainant had lodged a report before the police on similar facts. The police after investigating the case submitted the chargesheet and the matter is pending before the Court of law.

In view of the aforesaid, the Inquiry Committee declined to proceed further in the matter. It recommended to the Council to dispose of the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 42

File No. 14/673/14-15-PCI

Shri Jalindar Krishna Ramane,
Inspector of Police,
Nagpada Police Station,
Mumbai.

Vs.

The Editor,
Satya Shodhak Rahi
Hindi Weekly,
Mumbai.

ADJUDICATION

Dated 7.8.2015

This complaint dated 13.10.2014 was filed by Shri Jalindar Krishna Ramane, Inspector of Police, Nagpada Police Station, Mumbai against the Editor, Satya Shodhak Rahi, Hindi Weekly, Mumbai for publication of allegedly biased, unfair and partial news about his ACB case coupled with non-publication of the more important part of the said case in its issue dated 14-20.8.2014 under main caption "**Mumbai Uchh Nyayalaya se guhar** (English Translation- Request to Mumbai High Court) followed with other sub captions-

1. **"M.H. Saboo Siddik Polytechnic CDTP ghotalo ko dabane ki utha pathak** (English Translation- The efforts to suppress the CDTP scam of M.H. Saboo Siddik Polytechnic) –
2. **Police ke saath milkar Principal Javed Akhtar ne racha satyashodhak rahi ke sampadakko fansane ka shadyantra** (English Translation- With the help of police, Principal Javed Akhtar devises a conspiracy to implicate the editor of Satya Shodhak Rahi) –
3. **Javed Akhtar aur bhrasht police par ho FIR** (English Translation- FIR be registered on Javed Akhtar and on corrupt police) –
4. **Principal ne Satyashodhak karamchari ko banaya bandhak, ki marpeet** (English Translation- Principal confined and beat up an employee of Satya Shodhak Rahi) –
5. **Police ko manage kar di gambhir mamle me fansane ki dhamki** (English Translation- Threatened to implicate in a complicated case in connivance with the police)

It was reported in the news item that an employee of Satya Sodhak Rahi was confined and beaten up by the Principal of renowned, M.H. Sabu Siddik Polytechnic managed by Anjum-e-Islam and in connivance with police he was allegedly threatened to be implicated in false case. The employee filed case in Mumbai High

Court due to apathy shown by the police. The complainant is aggrieved over the reference made by the respondent in the impugned news item which further reported that in this case the accused police officer, Jalindar Ramane (the complainant) had a controversial background. In the year 2005, during his posting at Agripada Police Station, he was caught red-handed by ACB.

Denying the allegations levelled in the impugned news item, the complainant stated that the news article was biased, unfair giving partial facts about his ACB case. He further stated that the distribution of copies of the publication to all and sundry and amongst the police personnel of Nagpada Police Station clearly amounts to a calculated and designed attempt to tarnish his image in the society and a blow on his reputation and dignity. The complainant also submitted that the act of the respondent was revengeful and in retaliation of his refusal to immediately and unlawfully accommodate/favour him and his aide Junaid Shaikh with regard to their complaint against Mr. Javed Akhtar, the Principal of M.H. Sabu Siddik Polytechnic. The complainant further submitted that he had sent a Notice on 29.9.2014 to the respondent for publication of unconditional apology but received no response.

A Show Cause Notice was issued to the respondent editor on 11.11.2014 for his written statement.

Written Statement

The respondent in his written statement dated 25.11.2014 stated that the allegations made by the complainant were completely false, baseless, fabricated and he denied the same in totality. He further stated that the alleged news item was published as per the record and evidence in respect of the offences which were registered against the complainant with ACB, Mumbai and the same was already available on various websites. The respondent also stated that he had verified the facts by visiting the office of ACB as well as from the record of the Court and it is true that he was arrested in the said case. He submitted that even though the complainant was acquitted from the Court, it can't be said that the case bearing No. 51/2007 was not against him. He further submitted that the complainant was acquitted because of God's mercy and even after he did not learn a lesson and failed to refrain from doing criminal activities. The respondent stated that he already approached before the Hon'ble High Court against the complainant for appropriate relief and directions to the concerned authorities to register FIR against him for the offences of criminal intimidation, assault, wrongful restraint, wrongful confinement, etc. and served a copy of the Criminal Writ Petition bearing No. WP/2147/2014 to the complainant. He also submitted that the impugned news article was not published with the intention to defame the complainant but to bring to light his behavior and his record before the public and citizens of the Country.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi. There was no appearance on behalf of the complainant whereas Shri Asad A. Patil, Editor and Shri R.N. Kachave, Advocate appeared for the respondent.

The Inquiry Committee noted that the complainant is not present but had made a request for disposal of the complaint on merits. It heard the Counsel for the

respondent. The Counsel for the respondent submitted that they came to know about the acquittal of the complainant after only the publication of the news item when he (complainant) furnished a copy of the judgment to them.

The Inquiry Committee carefully perused the impugned news item and all other material available on record. It noted that the respondent expressed his regret and submitted that he published the impugned news item inadvertently. It further noted that the respondent undertakes to publish the version of the complainant with same prominence within two weeks. The Inquiry Committee directed that after publication of the version, the respondent shall furnish a copy of the same to the Council as well as to the complainant.

In view of the aforesaid, the Inquiry Committee declined to proceed further in the matter. It recommended to the Council to dispose of the complaint accordingly.

Held

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



Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi – 110 003
24366745-46-47-49, Ext. 331; Fax 24368723/726
Email: pcimeetings@gmail.com Website: <http://presscouncil.nic.in>

Sl. No. 43

File No.14/699/13-14-PCI

Sh.Gyan Swaroop Ahuja,
Jabalpur, Madhya Pradesh.

vs.

The Editor,
The Times of India,
Bhopal.

ADJUDICATION

Dated 7.8.2015

In a complaint dated 20.9.2013 addressed to the Chairman, The Times of India, Mumbai and copy endorsed to Press Council of India grievance of Shri Gyan Swaroop Ahuja, Jabalpur, Madhya Pradesh relates to not providing sufficient readable material like Mumbai or Delhi editions to Jabalpur readers. The complainant stated that The Hindustan Times giving readable material of nearly 64 pages on Sunday and The Times of India, Bhopal edition is only giving 14-18 pages. He further stated that The Times of India treating them like 2nd class citizen & giving half-baked editions to read. The complainant stated that despite drawing attention of the respondent by writing five letters in last 18 months Bhopal edition of The Times of India had not improved an inch. He alleged that the step motherly treatment in being meted out to Bhopal edition readers. According to him, it was a clear cut case of monopolistic tendency. The complainant further stated that he felt neglected by Times of India as no heed was paid to his earlier requests and he never expected that the 175 years old paper to be so in different to their "loyal readers" The matter was closed vide former Hon'ble Chairman's order dated 22.1.2014 being outside charter. The complainant was informed of the decision on 5.2.2014. In response, the complainant vide his letter dated 25.10.2014 submitted that the Council had not given decision on the point of monopolistic tendency/understanding reached between the publisher & the agents of The Times of India at Jabalpur for not making available the New Delhi or Mumbai editions.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 7.7.2015 at New Delhi without calling the parties.

The Inquiry Committee carefully perused the complaint and all other material available on record. It observed that it is not in a position to pass any direction as

requested by the complainant. However, the Committee directed that a copy of the complaint be forwarded to the concerned newspaper for needful.

In view of the aforesaid, the Inquiry Committee declined to proceed further in the matter. It recommended to the Council to dispose of the complaint accordingly.

Held

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