

Adjudications Rendered by the Council on 15.11.2018

Section 14 – Complaint against Press

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8	Shri Ravinder Singh, Noida, Distt-Gautambudh Nagar, Uttar Pradesh against the Editor, Dainik U.P. News Express, Noida, Distt-Gautambudh Nagar, Uttar Pradesh (Censure)	14/367/17-18
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11	Shri Rajiv Srivastava, Chief Executive Officer, Chavani, Meerut Council, Uttar Pradesh against the Editor, Dainik Pratigya, Meerut Cantt, Uttar Pradesh	14/286/17-18
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Press Council of India

S.No. 1

F.No. 14/118/17-18-PCI

Complainant

Shri Manoj Kumar Singh,
R-43, Near kachnar City Gate,
90 quarter, Vijay Nagar,
Jabalpur, M.P. – 482 002.

Respondent

The Editor,
News Trap, Samdadiya Abhinandan
Complex,
ITI Road, Damohnaka,
Jabalpur,
Madhya Pradesh – 482 002.

Adjudication dated 15.11.2018

Facts

This complaint dated 14.06.2017 has been filed by Shri Manoj Kumar Singh against the Editor, News Trap, Jabalpur alleging publication of baseless and fabricated news item in its issue dated 22.04.2017 – 28.04.2017 under the caption “विक्टोरिया के नेत्र सहायक पर गंभीर आरोप”.

It is reported in the impugned news item that an RTI activist has made serious allegations against the complainant, Shri Manoj Kumar Singh, Assistant, Eye Department, Victoria Hospital. On the basis of complaint received from RTI activist, it is reported in the impugned news item that the complainant tampered with his date of birth record to get the job. He has got job after passing matriculation at the age of 15 years. According to the impugned report, eligibility for the Assistant is that he should have passed B.Sc 1st year and must have two years training certificate from State Medical Institutions whereas the complainant has passed B.A. from Rani Durgawati University and his appointment order was not issued from the office of the Information Commissioner and Director. The handwriting in his service book and on matriculation certificate is quite similar. It is also alleged that he has got two increments in advance after getting appointment.

Denying the allegations levelled in the impugned news item, the complainant has stated that he has been working under Madhya Pradesh Government for the last 28 years and prior to this he, as a contractual candidate of the Government, took two years training from Gandhi Medical College, Bhopal for Eye Assistant. He has further stated that the allegations levelled in the newspaper were made by an ex-employee maliciously three to four years ago but all the allegations were found baseless during investigation by the Madhya Pradesh Government. He has also stated that no investigation was pending against him on the date of publication of impugned news item. The complainant has stated that while publishing “बिहार के मनोज सिंह 20 साल से विक्टोरिया में जर्म”, the respondent has defamed him.

The complainant vide his letter dated 15.05.2017 has drawn the attention of the respondent towards the impugned news item and requested him to publish the rejoinder, but no response has been received.

A Show Cause Notice was issued to the respondent editor on 14.07.2017 for filing Written Statement.

Written Statement

The respondent vide his letter dated 08.08.2017 has filed his Written Statement wherein he has stated that the news was published on the basis of evidences and in public interest. He has further stated that the Department of Public Health and Family Welfare,

Madhya Pradesh has issued a Memorandum dated 10.08.1989 wherein while publishing Recruitment Rules dated 20.10.1989 eligibility criteria were also published. According to which for the post of Eye Assistant, a candidate must have passed B.Sc 1st year and two years training course. Candidate must be a native of Madhya Pradesh but at the time of appointment of Shri Singh, he neither was a native of Madhya Pradesh nor was eligible for the post. Appointment Order No. 12828 dated 23.10.1989 issued by the Directorate of Health Services regarding Shri Singh's appointment does not bear signature of the Director of Health Services. It bears signature of a fake officer. He has also stated that educational qualification of complainant in his service book is mentioned as passed Matriculation in the year 1980 and B.A. first year from Rani Durgawati University. He has stated that the complainant's high school certificate is also not from recognized Board. He has further stated that Para Medical Course in Gandhi Medical College, Bhopal was started in the year 2002 – 03 but certificate submitted by Shri Singh is of the year 1990. He has also stated that Superintendent of Police, Jabalpur in his report dated 19.10.2011 has submitted that Shri Manoj Kumar has passed matriculation in 1980 and he has done B.A. (1st year) in 1988. He has further stated that the complainant has not studied classes 1st to 5th and directly took admission in 6th standard. It is therefore evident that he is not eligible for the post of Eye Assistant. Date of Birth of Shri Singh is 02.03.1967 and he has taken admission in 6th standard on 18.01.1974 which shows at the time of admission in 6th standard his age was six years.

A copy of Written Statement has been forwarded to the complainant on 22.09.2017 for information/counter comments.

Counter Comments

In response to Council's letter dated 22.09.2017, the complainant vide his letter dated 18/10/2017 has filed Counter Comments wherein he has stated that the respondent has not furnished reply of his questions rather presenting fabricated story before the Council. The impugned news item was published without pre-verification of facts. He has further stated that M.P. Government has appointed him on contract, Two to Two and half years prior to Recruitment Rules, 1989. Therefore, it will not be implemented on his appointment. He has also stated that there was no such criteria in the Memorandum that a candidate should be a native of Madhya Pradesh. The complainant has stated that all his certificates have been verified by the Investigative agencies, Police, Lokayukta and State Economic Crime Unit of Government of Madhya Pradesh. He has also stated that Investigating Officer in interim investigation report dated 19.10.2011 submitted by Superintendent of Police, Jabalpur has stated that "यह कि शिकायत जांच के दौरान प्राप्त अभिलेखों के अवलोकन पर अनावेदक मनोज कुमार सिंह पिता गुप्तेश्वर नाथ सिंह नेत्र सहायक विक्टोरिया अस्पताल जबलपुर द्वारा वर्ष 1980 में 10वीं की परीक्षा राजेंद्र उच्च विद्यालय पहलेजपुर पो. लक्ष्मीगंज) सिवान (बिहार, वर्ष 1982 में 12 वीं की परीक्षा बिहार विश्वविद्यालय से, वर्ष 1988 में ग्रेजुएशन डिग्री रानी दुर्गावती विश्वविद्यालय जबलपुर से और गांधी मेडिकल कॉलेज भोपाल से पैरा मेडिकल आप्थैल्मीक असिस्टेंट ट्रेनिंग कोर्स फ्राम डिपार्टमेन्ट ऑफ आप्थैल्मोलोजी का कोर्स दि। 89/06/30 को उत्तीर्ण करना तथा संचालनालय स्वास्थ्य सेवार्यें म.प्र. के पत्र क्रमांक/2 – अवि/सेल 12827/89/1-भोपाल दि. 89/10/23 के माध्यम से आप्थैल्मीक असिस्टेंट के पद पर, नियुक्ति होना पाया गया है।" The complainant has requested the Council to take stringent action against the respondent.

A copy of Counter Comments was sent to the respondent on 03.11.2017 for information.

Additional reply of the respondent

The representative of the respondent Editor filed some papers in support of his case at the time of hearing held on 24.9.2018. The respondent Editor while reiterating his points has submitted that the news was published based on the facts. The respondent submitted that he made many efforts to get the version of the complainant but he was not ready to tell anything.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Shri Manoj Kumar Singh, complainant appeared in person. The reporter, Shri Shivam Nayak represented the respondent newspaper.

It is the assertion of the complainant that the allegations made in the impugned news item were examined and found to be false as back as in 2011, but the respondent newspaper without any justification has chosen to publish the same in the issue dated 22.4.2017 and 28.4.2017

By Order dated 24.7.2018, the Editor of the newspaper was directed to appear before the Inquiry Committee. It is stated that the Editor being suffering from fever is unable to appear before the Inquiry Committee today. The Inquiry Committee has heard the complainant and the representative of the respondent newspaper and finds that there was no justification for publication of the impugned news item at such a distance of time. The Inquiry Committee is of the view that this was published for some oblique purpose. The Inquiry Committee, accordingly, recommends that the respondent newspaper be **Censured**.

A copy of this Order be forwarded to the Director General of DAVP, the District Magistrate, Jabalpur and the Director, Information and Public Relations, Madhya Pradesh for information and appropriate action.

Held

The Press Council on consideration of the records of the case and report of the Inquiry Committee accepts the reasons, finding and adopts the Report of the Committee and decides to **Censure** the newspaper.

Press Council of India

S.No. 2

F.No. 14/553/17-18-PCI

Complainant

Mr Ajay Gupta,
Advocate,
Freeganj, Ujjain,
Madhya Pradesh.

Respondent

Dainik Navdunia
Jagaran prakashan Ltd.
Bikram Urban,
Indore, M.P.

Adjudication dated 15.11.2018

Case Summary

This complaint dated 12.3.2018 has been filed by Mr Ajay Gupta, Advocate, Freeganj, Ujjain, Madhya Pradesh against Dainik Navdunia for inappropriate representation of women in advertisements published in the paper.

The complainant submitted that Dainik Navdunia is an old leading daily. It has unnecessarily published several obscene/inappropriate advertisements displaying women improperly in its issue dated 12.3.2018 under the head "*Navdunia Classified*", captioned – *Japani Lingbardhak Yantra* and *Real Friendship Club*. According to the complainant such obscene representation of women and usage of inappropriate language in advertisements by a leading daily like Dainik Navdunia is objectionable and may be dealt strictly by the Council.

A Show Cause Notice dated 22.05.2018 has been issued to the respondent newspaper.

Reply Filed by the Respondent

The respondent, Mr. Manvendera Dwivendi, Unit Head filed a letter dated 24.7.2018 after the meeting of the Inquiry Committee on 24.7.2018 at Bhopal whereby he has submitted that a precautionary measure will be taken in future while publishing such advertisements, shown in the petition. A Committee will also be constituted to comply the directions in this regard.

A copy of the reply was forwarded to the complainant on 18.09.2017.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi followed by an adjournment dated 24.7.2018 at Bhopal. Nobody appears on behalf of Parties.

The Inquiry Committee is not inclined to proceed with the complaint in the absence of the complainant. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 3

F.No. 14/528/17-18-PCI

Complainant

Shri Vijay Goel
Ashoka Road , New Delhi.
The Minister of State Statistics &
Programme Implementation, Parliamentary
Affairs, Govt. of India.

Respondent

The Editor
Indian Express,
Express Building,
Bahdur Shah Zafar Marg
New Delhi.

Adjudication dated 15.11.2018

Facts:

This complaint dated 7.3.2018, has been filed by Mr Vijay Goel, The Minister of State Statistics & Programme Implementation, Parliamentary Affairs, Govt. of India, against the Indian Express, Delhi Edition, alleging publication of false and misleading news item in it issue dated 17.1.2018, captioned “*An Office for Minister Goel: Canteen razed, cost Rs 1 Cr., counting*” and “*Canteen Razed for new office of Vijay Goel*”.

The news item reports about replacing of staff canteen in Sardar Patel Bhawan, New Delhi which was located in the fifth floor of the building and Rs 52 lakhs were spent for refurbishing the canteen that used to cater to hundreds of Government employees. It is for making space for the Ministerial Chamber of the Minister of State Statistics & Programme Implementation, Mr Vijay Goel, the canteen has been torn down. The news item further reports the detailed cost of rebuilding the office which is Rs 1.09 Cr. and approximate amount for refurbishing the office costs upto Rs 72 Lakh. As per the statement given by an Senior CPWD Officer, who has shared that Mr Vijay Goel inspected the construction work. The statement recorded by the Sr. CPWD Officer as quoted “*most of the work already completed was done on the advice of the Minister’s personal staff. The Minister has suggested for some more modification...*”. However, on the other hand, Hon’ble Minister Mr Vijay Goel has also been recorded saying, “*.....i asked officials to make available an office for me from the existing rooms. Its not my decision to construct a new office . I am not aware whether there was a canteen there earlier. I am also not aware about the cost of the construction of my office. It’s the job of the CPWD...*”. The report further states that the Department of Administrative Reforms and Public Grievances (DARPG) drafted an official Memorandum against the shift, pointing out that Rs 52 Lakh was spent on modernising the canteen in 2016-2017.

The complainant alleges that the content of the news item was misleading, baseless and aimed to malign his reputation and demean him in public eyes, in general and Government, in Particular. An official clarification/press release from the Ministry of State Statistics & Programme Implementation was issued in the matter through PIB on 18.01.2018. However no proper clarification was published by the Indian Express and instead a ‘**Write Back**’ was published by the Indian Express in its issue dated 19.1.2018, which was insufficient. The content given under the heading of ‘Write Back’, is exactly reproduction of the content of the Official Clarification issued by the PIB on 18.1.2018, reporting that the construction of the Ministerial Office is being carried out under the direction of Ministry of Housing & Urban Affairs for utilizing some space of the staff canteen and Hon’ble Minister of State Statistics & Programme Implementation, Mr Vijay Goel, has no role in taking/making any decision regarding the same. The construction work is being carried out by authorized CPWD.

The complainant, further submitted that he has filed a complaint to the Editor in Chief of Indian Express calling for an unconditional apology and to publish the same on the

same page where the said news was published earlier. However no apology was published instead the complainant has received a reply from the Counsel of the Editor, Indian Express. The complainant has stressed that the news item was published targeting his reputation so that most people in Delhi instantly read this report and think negative about the Minister without even knowing his no role whatsoever in designing, layout or implementation of the office estimate. The complainant objects the use of his name in the news item in question and alleges that he has been targeted by the newspaper. Hence, the complainant requests the Council to take necessary action in the matter.

Reply Filed by the Respondent

A Show Cause Notice dated 9.4.2018 has been issued to the respondent newspaper. To which the respondent vide letter dated 16.5.2018 and 26.5.2018 has submitted that the complaint has no merit and the news reporting has been done in good faith, public interest and is based on information and /or documents received from reliable sources, believing the same to be true and correct without any malice towards the complainant. The reporter of the news item also took precautions in reporting all the sides/version to the story. The news item in question reports the wastage of money by the Government/its officials in reconstructing Government structures. Recently, more than Rs 70 lakhs has been spent in modernization of Office canteen located at the 5th Floor of the Sardar Patel Bhawan, New Delhi which has been torn down to make space for Ministerial accommodation, is wastage of the public hard earned money. The respondent further submits that no blame has been assigned to the complainant and it is merely the coverage of inefficient use of public funds by Government authorities has been reported in good faith and public interest. Such reportage cannot be barred. In addition, a clarification reproducing the Official Clarification issued by the PIB, has been published earlier. Thus the respondent has requested the Council to close the matter.

A copy of the written statement of Indian Express has been forwarded to the complainant vide letter dated 25.5.2018.

Counter comment of the Complainant

The complainant vide letter dated 7.7.2018 submitted that the respondent newspaper is trying to feed some sensational news to its reader by using his name in the news item. He informs that the Office Canteen which has been reported by Indian Express to be razed out from the 5th Floor, is 100% operational, as the office was created by adjusting some space of the canteen as a space arrangement and this decision has been taken by the Ministry of Housing and Urban Affairs.

A copy of the written statement of the complainant has been forwarded to the respondent newspaper vide letter dated 2.7.2018.

Further Submission of Respondent

Vide letter dated 26.7.2018 the respondent has stated that the Government of India or Minister of the Government of India cannot officially file a complaint about alleged defamation, in this context the respondent has referred to several legal pronouncements. It has also stated that in its initial reporting dated 17.1.2018 the version of Mr Vijay Goel in the matter has also been reported. Subjecting the submission of the complainant, who alleges that the canteen is operational, the respondent informed that the canteen space has been crunched to 1/4th of its original space as per the information availed by the respondent through RTI application. Further, the concern of wastage of massive amount of public funds in this entire process of refurbishing and demolishing and again rebuilding has not been subjected by the complainant anywhere in the reply. It further alleges that the record shows the complainant's Department was well aware that the refurbished canteen was sought to be broken down to accommodate the Minister and his staff.

Vide another letter dated 28.8.2018, the respondent newspaper has submitted a copy of the information obtained from CPWD Department through RTI application, gives detailed

measurement of area that has been left out for the canteen and the amount of money that has been wasted in the entire breaking down and construction of the Ministerial Office of the Minister of State for Statistics & Programme., which reveals that the substantial part of the refurbished and modernized canteen was razed to make space for a new office.

A copy each of the submissions dated 26.07.2018 and 28.08.2018 of the respondent newspaper have been forwarded to the complainant vide letter dated 10.8.2018 and 5.9.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Shri Vijay Goel, complainant appeared in person. Shri P. Vaidyanathan Iyer, Executive Editor and Shri Abhijeet Negi, Advocate represented the respondent paper.

The Inquiry Committee has perused the complaint, the Written Statement and all other connected papers and have heard the complainant and counsel for respondent. The Inquiry Committee is of the opinion that the name of the complainant was unnecessary dragged in the news item. The Inquiry Committee, accordingly, advises the respondent newspaper to be careful in future. The Committee directs for disposal of the complaint with the aforesaid observation.

Held

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

Press Council of India

S.No. 4

F.No. 14/148/17-18-PCI

Complainant

Shri Sharad Gaur @ Raju Gaur,
Meerut, U.P.

Respondent

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

Adjudication dated 15.11.2018

Facts

This complaint dated 10.7.2017 has been filed by Shri Sharad Gaur alias Raju Gaur, Meerut, Uttar Pradesh against the Editor, Dainik Jagran, U.P. for allegedly publishing false news item under the caption “कुत्तों को पीटने पर चार के खिलाफ रिपोर्ट दर्ज” in its issue dated 5.7.2017.

It has been reported in the news item that Dr. Nidhi Garg, Secretary of Ummeed Social Welfare Society has filed a complaint against Smt. Ravita Sharma, Shri S.K. Chaudhary, Shri Raju Gaur and Shri Rakesh Sharma in Civil Line Police Station for allegedly beating street dogs with sticks. Many times stones and bricks are pelted on dogs due to which they get badly injured. It has been further reported that police has registered a case and assured that action would be initiated against erring people.

The complainant submitted that having read the impugned news report, he enquired the matter from Police Station, the Police denied having registered any such complaint. The complainant has submitted that he issued a legal notice dated 10.7.2017 to the respondent-newspaper and also to the Dr. Nidhi Garg, Secretary, Ummeed Social Welfare Society, Meerut. In response thereto, while Dr. Nidhi Garg denied filing any such complaint to the police and the newspaper, the respondent-newspaper did not bother to respond. While levelling the allegation of defamation against the respondent-newspaper by publishing the impugned news item, the complainant has requested the Council to take necessary action in the matter.

No Written Statement

Show Cause Notice was issued to the respondent Editor, Dainik Jagran, Meerut, U.P. on 13.9.2017 but no response has been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Despite service neither the complainant nor the respondent has chosen to appear.

In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 5

F.No. 14/188/17-18-PCI

Complainant

Shri Kushal Pal Singh,
President, Noida Employees Association,
D-31, Sector – 49, Noida,
Gautambudh Nagar,
Uttar Pradesh.

Respondent

The editor,
Dainik U.P. News Express,
Noida, U.P.

Adjudication dated 15.11.2018

Facts :

This undated complaint, received in the Secretariat of the Council on 14.8.2017, has been filed by Shri Kushal Pal Singh, President, Noida Employees Association, Noida, Gautambudhnagar against the Editor, U.P. News Express, alleging publication of false, frivolous and defamatory news items in its issues dated 18.07.2017 and 25.07.2017 under the captions “ अंकुट संपत्ति का मालिक कैसे बना प्राधिकरण का चतुर्थ श्रेणी का कर्मचारी ” and “ चतुर्थ श्रेणी कर्मचारी भी करोड़ों की संपत्ति के स्वामी ”.

It has been reported in the impugned news items that Chaudhary Kushal Pal, r/o Sector 49, Barola is a group D employee in Public Health Department, Noida Authority and the complainant has luxurious bungalow Nos. D- 28, 30 31, 33 and 34 in Sector 49. Cost of each of these bungalows is more than 10 to 15 crores. It has also been reported that the complainant is having a multi-storey market complex of 2000 sq. mt in sector 49, Barola. According to the news items, the complainant has expensive cars like top model of Audi A6 bearing number 0007, top model Scorpio bearing number 0007, Skoda bearing number 0007 and has a bike of Rs. 7,00,000/- and its number is also 0007. The income of the complainant is Rs. 24,000/-- to 25,000/- per month and he is making money through commission for providing tenders. He also works for Diesel mafia and earns lakhs of rupees per month by stealing diesel. It has been further reported that a case of manhandling, misbehaviour and using abusive language filed by Smt. Preeti Sharma against him is pending in Court of ACJM.

Denying the allegation levelled in the impugned news items, the complainant has stated that the news item is false and frivolous and published with intention to malign his image. He has further stated that it is reported in the news item that property nos. 28, 30, 31, 33 and 34 belongs to him but he only has D-31 which is his ancestral property. He has also stated that a plot of 2000 sq. mt. in Sector 49, Noida is in his name but that plot is only of 400 mt. and he inherited that plot in 1984. He has also stated that he was never appointed as In-Charge of diesel and all the work related to diesel have been carried out by some other department. He has also clarified that amongst the cars mentioned in the impugned news item, he only owns Scorpio. The complainant has stated that the respondent has come to his office for seeking tender and advertisements and demanded 15 lakh rupees and threatened that if not given he would publish news against him and tarnish his image.

The complainant vide notice dated 24.07.2017 drew attention of the respondent towards the impugned news item and requested to publish the rejoinder but no response was received.

No Written Statement

Show Cause Notice was issued to the respondent editor Dainik U.P. News Express, Gautambudhnagar on 21.03.2018 but no response has been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. The complainant, Shri Khuspal Singh appeared in person. Despite service of notice, the respondent has not chosen to appear nor has filed show Cause. The Inquiry Committee has heard the complainant and perused the record. It is assertion of the complainant that the news item published is false and before publication of the same, the version of the complainant was not taken. In the absence of any reply from respondent, the Inquiry Committee is inclined to accept the assertion of the complainant that the respondent newspaper had published false news and that too without giving any opportunity to the complainant to give its version. The Inquiry Committee is of the opinion that the respondent has violated the Code of Conduct and therefore deserves to be **Censured**. Accordingly, respondent newspaper is **Censured**. A copy of this Order be forwarded to Director, Information and Public Relation Department, U.P., District Magistrate, Noida and DAVP for information and necessary action.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above recommended direction.

Press Council of India

S.No. 6

F.No. 14/62-65/17-18-PCI

Complainant

Shri Karan Chauhan, Regional Manager,
A.B.C. Pest Control Services,
Rohtak,
Nibashi Building No. 44, Sector-1,
Rohtak, Haryana.

Respondent

1. The Editor
Amar Ujala, I.M.T. Rohtak.
2. The Editor,
Dainik Jagran, M.R. Complex, Rohtak
3. The Editor,
Haribhumi,
Edens Public School, Rohtak.
4. The Editor,
Dainik Bhaskar (Rohtak Bhaskar)
Ashok Plaza, Delhi Road, Rohtak.

Adjudication dated 15.11.2018

Facts:-

This complaint dated 09.05. 2017 has been filed by Shri Karan Chauhan, Regional Manager, A.B.C. Pest Control Services, Regional Manager, Rohtak, Haryana against the Editors, Amar Ujala, Dainik Jagran, Haribhumi and Dainik Bhaskar for allegedly publishing misleading and deceptive advertisements as detailed herein below:

Sl. No.	Newspaper	Caption (with translation)	Dated
1.	Dainik Bhaskar	Farji dastavejo se hasil kia license, sharma ji dimak wale doshi karar. (sharmaji pest control has been declared convict for issuance of license on the basis of fake documents)	10.01.2017
2.	Amar Ujala	Farji dastabej se license lene par teen sal ki kyed (three years imprisonment for being issued license on the basis of fake documents)	12.01.2017
3.	Dainik Bhaskar (Rohtak Bhaskar)	Farji dastabejo se hasil kia license, sharma ji dimak wale doshi karar (license obtained by producing fake documents, Sharmaji is convicted and punished with three years imprisonment).	10.01.2017
4	Dainik Jagran	Farji dastabejo se lia tha license, teen sal ki kyed. (obtained license with fake documents, three years imprisonment).	12.01.2017
5.	Hari Bhumi	Bina license dimak ka kam karne par sanchalak doshi karar (operating without license, supervisor convicted)	10.01.2017

The complainant submitted that the respondents covers an incident where Mr Ved Prakash Sharma, a pest control businessman from Rohtak was convicted for obtaining fake Pest Control Business License from Dept. of Agriculture, Rohtak. Mr Sharma was convicted by the Court of Judicial Magistrate, Rohtak and was sentenced to undergo rigorous imprisonment for a period of 3+ 1 year i.e., 4 years and to pay a fine of Rs.3500/-, for forgery and using forged academic certificates to obtain Pest Control Business license. The complainant claims that Mr Sharma inspite of being convicted for forgery, is openly promoting his illegal business of pest control by publishing following advertisements in the respondent newspapers, details given below:

Sl. No.	Newspaper	Dated	Advertisement tag line
1.	Amar Ujala	15.02.2017& 6.03.2017	1999 se quality chahne walo ki pehli pasand – Sharmaji Dimak Wale” (the first choice since 1999, for people who appreciates quality – Sharma Ji Pest Control).
2.	Dainik Jagran	17.02.2017	1999 se quality chahne walo ki pehli pasand – Sharmaji Dimak Wale” (the first choice since 1999, for people who appreciates quality – Sharma Ji Pest Control).
3.	Hari Bhumi	19.02.2017	1999 se quality chahne walo ki pehli pasand – Sharmaji Dimak Wale” (the first choice since 1999, for people who appreciates quality – Sharma Ji Pest Control).
4.	Dainik Bhaskar	26.02.2017	1999 se quality chahne walo ki pehli pasand – Sharmaji Dimak Wale” (the first choice since 1999, for people who appreciates quality – Sharma Ji Pest Control).

The complainant claims, publishing such misleading, deceptive and dangerous advertisements in the editions of leading dailies who in past have covered the true story of Mr Ved Prakash Sharma and his illegal business, is an act of deception and is not in public interest.

The complainant, therefore requests the Council to take necessary action against the respondent newspapers for publishing deceptive and misleading information in their dailies.

Written statement of Dainik Jagran

In response to the Show Cause notice dated 1.08.2017 issued to all the respondent newspapers, Dainik Jagran in its written statement dated 24.08.2017, has denied the allegations of the complainant. The respondent submitted that as per the principle of law/norms laid down for the advertisement, the advertisers are generally responsible for the contents of the advertisements and the Editor or staff of the newspaper has least to interfere in the same. However, all pre-publication precautionary measures are taken while publishing the advertisements to ensure the truthfulness of the contents. With this submission the respondent stated that the impugned advertisement was given to the newspaper by Mr Ved Prakash Sharma for publishing, alongwith that Mr Sharma has also submitted supporting documents including self-declaration, copy of license and receipt of the renewal of license and it is after satisfaction of the veracity of the contents given by Mr Ved Prakash Sharma, the same was published by the respondent newspaper and hence the newspaper has not violated any journalistic norms. The respondent further submits that the complaint filed by the complainant is liable to be rejected as the same is *vague, vexatious and frivolous* and have been filed by the complainant out of some personal rivalry with Mr Ved Prakash Sharma and pleaded the Council to dismiss the complaint on the above mentioned grounds.

A copy of the written statement was forwarded to the complainant on 26.9.2017 for counter comments.

Written statement for Amar Ujala

In response, Amar Ujala vide its submission dated 7.10.2017 informed the Council that the allegations made in the complaint are wrong and they deny it. It further submits that Amar Ujala publishes advertisements which are not prohibited by law and Press Council of India’s norms and guidelines and the advertisements are published as per the instruction received from the advertiser and while doing so it does not contravene any law and PCI’s norms of the advertisements. It further submits that Amar Ujala takes all reasonable precaution while publishing any advertisement or news to avoid any inconvenience in any matter of public decency. On receiving the grievance letter from the complainant, they have

asked for clarification from Mr Ved Prakash Sharma and he had produced valid license and has also informed them that the complainant had deliberately filed a complaint with malafide intention. Amar Ujala therefore prays that the complaint may be dismissed.

A copy of the written statement was forwarded to the complainant on 16.10.2017 for counter comments.

Hari Bhoomi and Dainik Bhaskar chosen not to file written statements in the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Shri Karan Chauhan, complainant and Shri Vivek Singh, Amar Ujala alongwith his counsels appeared before the Inquiry Committee.

The Inquiry Committee has heard the complainant and the lawyers representing the respondent. The Inquiry Committee is of the opinion that the complaint made by the complainant is absolutely frivolous and deserves to be dismissed. It is dismissed 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 decides to dismiss the complaint.

Press Council of India

S.No. 7

F.No. 14/305/17-18-PCI

Complainant

Shri Vijay Kumar Diwakar,
New Delhi

Respondent

The Editor,
Sansani Investigator,
New Delhi.

Adjudication dated 15.11.2018

Facts :

This undated complaint, received in the Secretariat of the Council on 8.9.2017, has been filed by Shri Vijay Kumar Diwakar, New Delhi against the Editor, Sansani Investigator, New Delhi for allegedly publishing false and defamatory news item in its issue dated 22.07.2017 under the caption “फाइनेंस कंपनी को ब्लैकमेल करने वाला अखबार के संपादक के खिलाफ शिकायत दर्ज, पुलिस कर रही है गंभीरता से जांच”.

It has been reported in the impugned news item that Shri Vijay Kumar Diwakar, Editor, Vijay News (Hindi Daily) and Sansani of India (Hindi Weekly) has dubious image in the eyes of public who publishes fabricated news items in his newspapers. It has been further reported that the complainant is threatening one Shri Naveen Sachdeva, Owner of Sachdeva Group that he would continue to publish false and misleading news item against his company in ‘Vijay News’ until he gives him six lakhs rupees. It has also been reported that the complainant earlier also published false news against the Sachdeva Group in order to tarnish company’s image. Shri Naveen has lodged a complaint dated 10.7.2017 against him in Kalkaji Police Station, Delhi.

Denying the allegation levelled in the impugned news item, the complainant alleged that the respondent has published fake news item along with his photograph without verifying the facts from him. The complainant drew the attention of the respondent towards the impugned news item and requested him to publish rejoinder but received no response from him. He has requested the Council to take necessary action against the respondent.

Show Cause Notice was issued to the respondent-Editor, Sansani Investigator, New Delhi on 03.11.2017.

Written Statement :

The respondent-Shri Pankaj Kumar, Editor, Sansani Investigator, New Delhi in his written statement dated 15.11.2017 while denying the allegation levelled in the complaint has stated that the impugned news item is based on evidences. He has produced copies of complaint made by Sachdeva Group in Police Station against the complainant as evidences. He has requested the Council to take action against the complainant.

A copy of Written Statement was forwarded to the complainant on 07.12.2017 for Counter Comments.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi.

Despite service of notice, the complainant has not chosen to appear. Shri Pankaj Kumar, Editor of the respondent newspaper has appeared. The Inquiry Committee has perused the complaint, the Written Statement and heard the respondent. The impugned news

item has been published on the basis of the report given to the Police. The Inquiry Committee is of the opinion that the respondent while publishing the news has not violated any code of conduct calling for action by the Council. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 8

File no. 14/367/17-18/PCI

Complainant

Shri Ravinder Singh,
Managing Director,
Centurion Detectives Pvt. Ltd.
Noida, U.P.

Respondent

The Editor ,
Dainik U.P. News Express,
Sector 35, Noida.

Adjudication dated 15.11.2018

Facts:

This complaint dated 12.10.2017 has been filed by Shri Ravinder Singh, Managing Director, Centurion Detectives Pvt. Ltd., Noida, U.P. against the editor, Dainik U.P. News Express alleging publication of false, baseless and defamatory news under the caption “सिक्क्योरिटी की आड़ में प्राधिकरण को लगाया करोड़ों का चूना” in its issue dated 7.9.2017.

It is reported in the impugned news item that the complainant with the connivance of corrupt officer Shri Bhadoria of Noida Authority has deployed his security guards in Noida Authority. The complainant got the bill passed from Noida Authority in respect of fifty guards whereas twenty guards were deployed. It has been alleged in impugned news item that the complainant has siphoned off crores of rupees from Noida Authority by indulging in corrupt practices.

Denying the allegations, the complainant submitted that he is the Managing Director of Centurion Detectives Pvt. Ltd. and got the contract of guards to be deployed in Noida Authority as per rules and regulations. He has further submitted that the respondent portrayed him as “420 Ravinder” and owner of many properties without any evidence. The complainant has submitted that the respondent editor has not contacted him before publishing the news. He further submitted that on 15.9.2017 he came across the editor, Shri Pramod Yadav and correspondent, Shri B.K. Singh who demanded Rs. 20 lakh and threatened to continue publication of such defamatory news against him. The complainant submitted that he drew the attention of the respondent editor in the matter through his advocate on 16.9.2017, but received no response. He requested the Council to take necessary action against the respondent editor.

No Written Statement

Show Cause Notice was issued to the the respondent editor on 12.12.2017, but received no response so far.

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

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Shri Ravinder Singh, complainant appeared in person.

Despite service of Notice, the respondent has not chosen to appear nor has filed the Show Cause. The Inquiry Committee has heard the complainant and has perused the petition of the complainant. It is the allegation of the complainant that the respondent newspaper has published false and concocted news and before doing so, has not taken his version.

In the absence of any reply on behalf of the respondent, the Inquiry Committee is inclined to accept the assertion of the complainant. Once it is held so, the respondent has violated the code of conduct of journalistic ethics and, therefore, deserves to be Censured. The respondent newspaper is **Censured** accordingly. A copy of this Order be forwarded to

the Department of Information & Public Relations, Govt. of U.P., District Magistrate, Noida and the DAVP for appropriate action as permissible in 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 decides to **Censure** the respondent newspaper with the above directions.

Press Council of India

S.No. 9

File No. 14/355/17-18/PCI

Complainant

Shri Yashveer Raghav
Gurugram,
Haryana

Respondent

The Editor,
Hindustan Times,
New Delhi

Adjudication dated 15.11.2018

Facts

This complaint dated 27.11.2017 has been filed by Shri Yashveer Raghav against the editor Hindustan Times for allegedly publishing misleading and distorted news item in its issue dated 20.11.2017 under the caption “BCCI must adhere to NADA testing”. The impugned news item read as follows:

“Sports Minister urged the Indian Cricket Board to shed its resistance and adhere to the testing regime of the National Anti-Doping Agency (NADA) like all other federations. ‘For me, the athlete, coach and the fans are the most important. When there is doping, fans are cheated’ Rathore told reporters after flagging off the Delhi Half Marathon at the Jawaharlal Nehru Stadium. The minister did not see any justification in the Board of Control for Cricket in India (BCCI) refusing to let its players get tested by NADA. The BCCI argues that it adheres to the World Anti-Doping Agency (WADA) stipulations as its parent body, the International Cricket Council (ICC), is a signatory to its code and that it gets its players tested by an accredited Europe-based agency. The board is unhappy with the whereabouts clause in WADA stipulations that entails national stars to disclose their whereabouts. The BCCI terms it a security risk. Rathore said ‘It is incumbent upon the BCCI to ensure that there is no cheating. I am glad cricket gets dope control done through an outside agency. But when all other federations in the country and even bodies from outside the country, are trusting NADA, cricketers should also be able to do that’. The Athens Olympics shooting silver medallist said the global doping agency needs to ensure the Indian cricketers are also tested as the ICC is a signatory to WADA. Rathore welcomed Susbil Kumar’s return to action, after the double-Olympic medallist won the 74 kg freestyle title at the national wrestling championships in Indore during the week. ‘Every athlete has the right to make a comeback’, he said, while hailing Sushil’s achievements. The sports ministers said India was no longer just about sports spectators, but was turning into a nation of sports participants. The government was taking steps to provide the facilities vital to carry out this transition, he added”

According to the complainant the article deliberately presents a misleading picture by giving incomplete information and distorting the meaning of Hon’ble Sports Minister’s statement on the sidelines of Airtel Marathon on 19.11.2017. The headlines as well as the body of the news item leads to a complete change in the meaning of the Minister’s statement which is clearly misleading for the reader and shows a wrong picture about the Minister’s understanding of the issue to the reader. The complainant has further submitted that all other newspapers presented the story in correct manner and this is another indication that the nature of the Hindustan Times story is deliberately malicious and aims to present a wrong picture.

The complainant vide email dated 27.11.2017 drew the attention of the respondent towards the impugned publication and requested him to publish contradiction with equal prominence, but received no response. The complainant has requested the Council to take action against the respondent.

Show Cause Notice was issued to the respondent editor, The Hindustan Times on 26.12.2017.

Written Statement

The respondent vide written statement dated 20.2.2018 has informed that all the allegations made by the complainant are baseless and untrue as the news article was based on the Sports Minister's statement in which he urged the Indian Cricket Board to shed its resistance and adhere to the testing regime of the National Anti-Doping Agency like all other federations. He has further submitted that the news article is not related to the complainant at all hence, there is no cause of action arises in this complaint to proceed further. The respondent submitted that the newspaper has nowhere changed the meaning of Minister's statement and is not misleading for the reader. Headline which has been presented in a single quote is an actual spoken comment of the Minister to the reporter of the Hindustan Times. He has further submitted that all other newspapers presented the story in the manner they considered appropriate and are entitled to have their own opinion regarding the Minister's statement. The respondent requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 15.3.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. There was no appearance on behalf of the complainant. Shri Arun Pathak represented the respondent paper.

The complainant is aggrieved by news item published in the respondent newspaper in its issue dated 20th of November, 2017. According to the news item, the Sports Minister is alleged to have urged the Indian Cricket Board to shed its resistance and adhere to the testing regime of the National Anti-Doping Agency like all other federations. The news item further went on to say that the Minister did not see any justification in the Board of Control for Cricket in India refusing to let its players get tested by NADA. It is alleged that the news item distorted and misleading and does not reflect the statement given by the Minister. The transcription of the Minister's statement is on record.

The Inquiry Committee has heard the counsel for the respondent and perused the transcription and is of the opinion that what has been quoted above and attributed to the Minister is not correct. The Inquiry Committee is of the opinion that the respondent had published a distorted and misleading news and, therefore, violated code of conduct. The Inquiry Committee, accordingly, recommends for **Censure** of the respondent newspaper. A copy of this Order be forwarded to the Department of Information & Public Relations, Delhi, the Deputy Commissioner, New Delhi and the DAVP for information and necessary action.

Held

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

Press Council of India

S.No. 10

File No. 14/330/17-18-PCI

Complainant

Shri Manoj Kumar,
Editor,
Oxford University Press India,
New Delhi.

Respondent

The Editor ,
Dainik Jagran
Kanpur (U.P.)

Adjudication dated 15.11.2018

Facts:

This complaint dated 24.10.2017 has been filed by Shri Manoj Kumar, Editor, Oxford Press India, New Delhi against the Editor, Dainik Jagran for allegedly publishing false, fabricated and unverified articles in its issue dated 16.9.2017 and 10.3.2017 under the captions “विश्वकर्मा पूजा को जगह-जगह सजने लगे पंडाल” (**Pandals are being decorated at various places for preparation of Vishwakarma Pooja**) and “प्राणीमात्र में सर्वव्यापक है परमात्मा-स्वामी दिलीप” (**God is present in all living being: Swami Dilip**).

It is reported in the article dated 16.9.2017 that the preparation for Pooja of the God of construction and architecture Bhagwan Shri Vishwakarma is being made with great efforts. The various engineering establishments, workshops and people connected with transportation in the city are busy in making its preparation. The sculptors are giving final touch to the idols of Bhagwan Vishwakarma. It is reported in the article that due to increase in cost of clay there will be increase in the price of idols. The idols of small sizes are sold in large numbers. It is reported in the box item that the Vishwakarma Temple is in Rajopatti Mohalla situated near to the road, Sitamarhi- Dumra. The temple and its complex have a plot area of about 1.5 acres and the pooja is organised here in at a very large scale. This temple was established in the year 1953 by the Committee under the Chairmanship of Pandit Basawan Thakur and at that time there was forest all around it.

It is reported in the second news item that Bhumi Poojan for construction of Vishwakarma temple was made in Vishwakarma sculptor institution complex situated at Rajopatti Dumra Road. The work of laying foundation for construction of the temple was conducted with the recitation of vedic mantras.

The complainant submitted that the land mentioning in the articles is his ancestral land, and has been maliciously reported to be owned by one Vishwakarma Shilp Sansthan, a religious Trust, which has established a temple on this land. He has further stated that the articles endorses the fraud that is being committed by the persons mentioned in the articles including the public to contribute and raise funds for a cause they know to be unethical and fraudulent. The Public is being deceived, duped of their hard earned money and their sincere efforts are being abused. According to the complainant these articles are creating animosity against his family and him amongst the public, consequently endangering their lives and reputation. The complainant submitted that the respondent publishes such contradictory and malicious articles based on unverified statements and are completely false, fabricated and highly misleading. The complainant vide letter dated 23.9.2017 sent a legal notice to the respondent with a request to immediately print a prominent public apology and retraction of the article, but received no response.

No Written Statement

Show Cause Notice dated 7.12.2017 was sent to the respondent editor, Dainik Jagran, Kanpur but received no response.

Further Communication from complainant

The complainant vide undated and unsigned letter, received in the Secretariat of the Council on 20.11.2017, has informed that the respondent editor in response to their legal notice has filed his reply stating that if complainant provide his version to them they are ready to publish the same. It is further stated in the respondent's reply that they will publish any material that is provided to them by any interested person. The complainant has requested to the Council that the respondent editor shall be directed to retract articles and take action for publication of unverified and misleading statements.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Shri Manoj Kumar, complainant along with his counsel appeared before the Inquiry Committee. There was no appearance on behalf of the respondent.

The Inquiry Committee has heard the complainant and has perused the petition of the complainant and the further communication made by him. In the facts and circumstances of the case, the Inquiry Committee is of the opinion that the complainant, if so advised, may give his version to the respondent newspaper within four weeks. The complainant doing so, the respondent newspaper is directed to publish his version with the same prominence as that of the original news item immediately thereafter. The Inquiry Committee directs for disposal of the complaint with the aforesaid directions.

Held

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

Press Council of India

S.No. 11

F.NO. 14/286/17-18-PCI

Complainant

Shri Rajeev Shrivastava, I.D.E.S.,
Chief Executive Officer,
Cantonment Board,
Meerut Cantt.

Respondent

The Chief Editor,
Dainik Pratigya,
Meerut Cantt.

Adjudication dated 15.11.2018

Facts:

This complaint dated 22.09.2017 has been filed by Shri Rajeev Shrivastava, I.D.E.S., Chief Executive Officer, Cantonment Board, Meerut Cantt. against the Chief Editor, "Dainik Pratigya"- Hindi weekly and Daily for publishing a series of allegedly objectionable and highly defamatory news items along with photographs using abusive language against the Cantonment Board Authorities. The list of alleged impugned news items with captions and dates are given below, and few of the news items also carries brief of the reportage:

Dated	Caption	Brief
17.07.2017	उपाध्यक्ष समर्थकों द्वारा जामुन मौहल्ला में लाखों की सरकारी जमीन पर कब्जा कर बनाए जा रहे बहुमंजिला अवैध निर्माण	This news item talks about the incompetency and reluctant nature of the Cantonment Board authorities namely CEO Rajeev Srivastav and his associates in stopping the illegal construction in the Cantonment area, Meerut mainly in Lal Qurti Jamunmoholla near water tank CDA Department staff are encroaching the Govt. land and are constructing several rooms in the land. Similar constructions are being carried out behind Kailash Ruiwala locality and a two storey building is being constructed. Mr Rajesh in alliance with the Director of Cantonment Board, is capturing land. No legal action is taken against such encroachment.
18.07.2017	बंगला नंबर 274 व 213 में दीवारें व लोहे के पिलर खड़े कर अवैध निर्माण कार्य लगातार जारी हैं।	The news item mentions about an illegal construction that is being carried out at Bungalow no 274, circular road and it is veiled by a religious banner displaying picture of Lord Shiva. The article alleged that in this illegal activity CEO Rajeev Srivastav, A.U. Piyush Gautam, Director/President Bina Badwa and her Spouse Sunil Badwa are involved. The news items claims that due to the involvement of all the higher authorities of the Cantonment Board in the illegal construction and occupancy, no action is being taken in the matter and several such illegal constructions are being carried out openly.
19.07.2017	बंगला एवं आवासीय क्षेत्रों में भ्रष्टाचार एवं अवैध निर्माणों में	This news item is illustrated with pictures of illegal construction at Sadar Sarafah Bazar, Dal Mandi, claiming that illegal shopping malls are

	संलिप्त सीईओ, एई, जेई, उपाध्यक्ष के कारण लगातार जारी अवैध निर्माण	being constructed under the veil of residential buildings. It also states that 18 RTIs were filed to gather information regarding the illegal constructions but no proper information has been shared in the matter.
22.07.2017	उपाध्यक्ष बीना वाधवा, सीईओ, एई, जेई की संलिप्ता के कारण रक्षा मंत्रालय की भूमि पर भू-माफियाओं के हो रहे लगातार कब्जे	This news item talks about the illegal construction that are being carried out in Defence Ministry's land by the land-mafia with the connivance of JE. Areas where this illegal constructions are undergoing are Telli Mohalla no. 423 and 424, RajwanTandelMohalla no 270 and Lal Qurt Jamun Mohalla no 17, 55, 56 and 70. The news item further states that CEO Rajeev Srivastava, A.U. Piyusgh Gautam, J. E. Awadesh Yadav, Director/President Bina Bhadwa in alliance with land Mafias are carrying out illegal constructions on illegally occupied Govt. land valuing crores of rupees. Therefore no legal action is being taken against such illegal activities due to the involvement of Higher Authorities of Cantonment Board. On seeking information regarding the illegal occupancy of defence land through RTI, the applicant has been receiving threaten calls.
24.07.2017	भ्रष्टाचार की पोल खुलने से बौखलाए मेरठ कैन्ट बोर्ड के सीईओ, अब कलम की आवाज दबाने के लिए रचा नया षडयंत्र	The news item claims that the corrupt CEO of the Cantonment Board, Meerut, is trying to silence Dainik Pratigya for its the reportage on the Cantonment Board's corrupt and illegal activities. He is using other local newspapers and creating pressure on Dainik Pratigya and trying to curtail freedom of the press.
25.07.2017	मेरठ कैन्ट की सैन्य सुरक्षा को देश विरोधी ताकतों को भ्रष्टाचारी सीईओ राजीव श्रीवास्तव के कारण खतरा	The news item alleges that A.E.J.E., CEO, Vice –President of the Cantonment region, Meerut are working in a nexus and taking huge amount of money and allowing illegal constructions in Cantt region. They are converting the defence property such as armory building into shopping malls, factories and the accused are earning huge benefits.
26.07.2017	देशविरोधी असामाजिक तत्वों की शरण स्थली बनी मेरठ छावनी, भ्रष्टाचार में संलिप्त सीईओ राजीव श्रीवास्तव के कारण सैन्य सुरक्षा को अवैध निर्माण, रक्षा भूमि पर कब्जों से बना खतरा	The news item invites the attention of the Ministry of Defence, Govt. of India, to take note of the ongoing illegal construction in Meerut Cantonment region in the name of development and questions the silence of the Cantonment Board members in the matter. It also talks about the involvement of the Cantt. Board members in such illegal construction and leasing the illegally constructed shops to people. The news item further illustrates with photographs of the alleged corrupt officers and the illegal construction.

Dated	Caption
30.06.2017	आबुलेन 173 मे खुले आम हो रहा है अवैध निर्माण
01.07.2017	वार्ड 3 के बंगला नं. 64, चैपल स्ट्रीट पर दर्जनों निर्माण कर्ताओ द्वारा लगातार जारी है अवैध निर्माण।
03.07.2017	उपाध्यक्ष बीना वाधवा के निवास स्थान समेत समर्थक भी कर रहे है वार्ड 03 मे अवैध निर्माण और अतिक्रमण ।
04.07.2017	कैन्ट के वार्ड 3 जामुन मौहल्ला, मैदा मौहल्ला के नालों को उपर अवैध निर्माण और अतिक्रमण के कारण नरकीय जीवन जीने को मजबूर क्षेत्रवासी
05.07.2017	लालकुर्ती मैदा मौहल्ला व जामून मौहल्ला मे उपाध्यक्ष बीना वाधवा के समर्थकों द्वारा नाला पाटकर अतिक्रमण कर बनाए गए कमरें व दुकानें
06.07.2017	वार्ड 3 के दा मौहल्ला, जामुन मौहल्ला में लगातार जारी है उपाध्यक्ष समर्थकों द्वारा नालों पर कब्जा कर अवैध निर्माण
07.07.2017	कैन्ट क्षेत्र के बंगलों मे हो रहे कमर्शियल प्रयोग हेतु बहुमजिला अवैध निर्माण
08.07.2017	मेरठ कैन्ट क्षेत्र में जगह जगह सरकारी जमीन पर कब्जा और अवैध निर्माण कर बनाए जा रहे कमरे और दुकाने
13.07.2017	बंगला नम्बर 177 में अवैध बहुमंजिला निर्माण कर चौथा लेंटर डालने की तैयारी
14.07.2017	सदर लक्ष्मीनारायण धर्मशाला के पास तेली मौहल्ला मे सड़क पर निर्माण सामग्री पैदा कर हो रहा है अवैध निर्माण और अतिक्रमण
15.07.2017	उपाध्यक्ष समर्थकों द्वारा मैदा मौहल्ला लालकुर्ती में नाले व सरकारी जमीनों पर कब्जा कर किया जा रहा व्यापार
27.07.2017	मेरठ कैन्ट में अवैध निर्माण, अतिक्रमण करने वाले राष्ट्र विरोधी भू-माफियाओं को भ्रष्ट सीईओ राजीव श्रीवास्तव आईडीईएस का संरक्षण

Denying the allegations levelled in the impugned news items, the complainant alleged that the impugned news items levelled direct allegations of corruption against the officers, officials and members of the Cantonment Board. It also pointed out the names of the officers with photographs, which is highly objectionable and defamatory in nature.

The Cantonment Board vide its letter dated 24.07.2017 asked the respondent to give evidence support with affidavit regarding the allegations of the corruption levelled against the Cantonment Board members. To which the respondent Chief Editor of Dainik Pratigya repeatedly published objectionable contents in the newspaper levelling baseless allegations against the Cantonment Board Members and shared copies of newspapers vide its letter dated 28.07.2017.

The complainant alleges that the tone and tenor of the news items published are against the professional ethics and the entire Cantonment Board as a whole body of the Cantonment Board has been defamed in the society. In spite of issuing the said Notice dated 24.7.2017, the respondent newspaper has neither published the rejoinder nor tendered apology.

The complainant has further submitted that the Cantonment Board had initiated legal action against the respondent Chief Editor, Mr Ganesh Thakur in 2008 for illegal occupancy of defence land and carrying out unauthorised constructions. GOC-in-C had dismissed an appeal of the respondent Chief Editor and had imposed a fine of Rs.10,000/- on the respondent editor. In compliance with the order, the Cantonment Board initiated the demolishing process of the unauthorised construction in Cantonment area. Subsequently,

three unauthorised shops were vacated, of which the respondent was holding shop no. 16 and 17. Aggrieved by the sudden eviction by the Cantonment Board, the Chief Editor, Mr Ganesh Thakur, had allegedly misused the press for his personal gain and defamed the Cantonment Board by reporting untrue facts that the eviction carried out by Cantonment Board was an attempt to suppress the voice of the press.

Further the complainant referring to a previous order of the Council in File No. 14/98/09-10 dated 16.08.2010 by which the Chief Editor of Pratigya Meerut was Censured for publishing false and baseless news in a matter of the Cantonment Board, Meerut, states that still the newspaper has not changed its tone and tenor and had continued publishing defamatory news items ignoring the directions of the Council.

The complainant, therefore, has requested the Council to take necessary action against respondent editor and the newspaper for publishing false and defamatory news item. He further appeals the Council to ask the respondent newspaper to publish an apology against the defamatory news items.

Reply Filed by the Respondent

In response to the Show Cause notice dated 24.11.2017, the respondent-editor vide written statement dated 15.09.2017 has denied all the allegation against the Chief Editor, editor and newspaper Dainik Pratigya by the complainant. The respondent, further claimed that the complainant, in order to hide the illegal activities and constructions of the board members in the Cantonment area which is being covered by Dainik Pratigya newspaper, is trying to suppress the voice of the press. The respondent has stated that the complainant filed this complaint maliciously without any permission from the Ministry of Defence and Cantonment Board, therefore, the complaint is liable to be dismissed. The respondent has further stated that the state of freedom of press is being threatened in this process and the allegations made against them are false and fabricated.

A copy of the written statement was forwarded to the complainant on 8.1.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Neither the complainant nor the respondent has chosen to appear.

An application has been filed on behalf of the complainant for adjournment of the case. The Inquiry Committee is not inclined to grant adjournment. The prayer for adjournment is rejected.

The representative of the complainant states that all these news items have been published to pressurise the complainant. The Inquiry Committee would like to advice the complainant not to come under pressure on the basis of these newspapers reports. The Committee directs for disposal of the complaint with the aforesaid directions.

Held

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

Press Council of India

S.No. 12

F.No. 14/383/17-18-PCI

Complainant

Smt. Nirmal Lather,
Director,
Om Public School,
Gohana,
Panipat (Haryana)

Respondent

The Editor,
Dainik Bhaskar,
Panipat, Haryana.

Adjudication dated 15.11.2018

Facts :

This complaint dated 17.10.2017 has been filed by Smt. Nirmal Lather, Director, Om Public School, Gohana against "Dainik Bhaskar" for allegedly publishing false and defamatory news item in its issue dated 24.09.2017 under the caption 'छात्रा ने पीएम को लिखी गुमनाम चिट्ठी का लाने में होटल को सहेली अब दुष्कर्म किया ने अकाउंटेंट - सुपरवाइज़र स्कूल - दबाव रहे बना, एक्शन नहीं हुआ तो कर लूंगी सुसाइड'.

It was reported in the impugned news item that a student of Om Public School has written a letter to the Prime Minister, Shri Narendra Modi mentioning that Shri Sukhbir and Shri Karmvir, school staff had molested and blackmailed her. It was further reported that they are now pressurising her to come along with her friend to the hotel. In this regard she made a complaint to Class in-Charge and Principal but no action was taken by them. According to the impugned news item, Police registered a case against both the accused under Section 376 of IPC. They were arrested and questioned. The inquiry was also conducted by the Director and Principal of school, who informed the Police that no such complaint was received from any student.

Denying the allegations levelled in the impugned news item, the complainant stated that the news article was published with a view to defame the school as various investigation committees like DEO, State Children Rights Protection Commission, District Children Right Protection Commission, SP, DSP, SDM, CBSE, Internal Investigation Committee, BEO have enquired about the case in the school and after two days of enquiry both the employees were released. The complainant alleged that the respondent published the said article with a view to take revenge as the school had not given the respondent-newspaper advertisement worth Rs.25,000/- for which the Bhaskar team came to school. The complainant further alleged that the respondent has not done pre-publication verification before publishing the news. She has requested the Council to take strict disciplinary action against the respondent newspaper.

A Show Cause Notice dated 26.12.2017 was issued to the respondent editor for filing written Statement.

Written Statement

The respondent-Dainik Bhaskar has filed written statement dated 14.03.2018 through advocate stating that they received a letter addressed to the Hon'ble Prime Minister and others from an unknown girl regarding sexual harassment. On the basis of the letter, they published the news item. He further stated that the respondent had no intention to defame the Om Public School. He also stated that after verification of the incident from the concerned authorities, the news was published in the newspaper. The news was published on the basis of FIR as well as letter received from an unknown girl. The respondent denied the allegation that the school authorities were not asked about the facts of the incident. He has requested the

Council to withdraw the Show Cause Notice as the respondent had no intention to defame the school or any individual.

A copy of Written Statement has been forwarded to the complainant on 06.04.2018 for Counter Comments/information.

Counter Comments

The complainant vide her counter comments dated 17.04.2018 stated that the news published by the paper was not based on any material facts. The story qua supply of letter by an unknown girl in the office at Sonipat is creative one and the same is framed just to conceal the misdeed. She further stated that the respondent-newspaper knowing the fact that the letter is false and intentionally published to ruin the reputation of school without any enquiry.

A copy of the counter comments was forwarded to the respondent on 17.5.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi.

The Inquiry Committee has heard the complainant and Shri Joginder Deswal appearing in person on behalf of the respondent newspaper.

The Inquiry Committee has perused the complaint, the written statement and the connected papers and is of the opinion that the impugned news item is based on a letter written to the Prime Minister and the First Information Report.

The Inquiry Committee makes it clear that it has not examined the truthfulness or otherwise of the allegation made in the newspaper but is of the opinion that the respondent newspaper had basis for publication of the news.

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

Held

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

Press Council of India

Sl. No. 13

F.No. 14/366/17-18-PCI

Complainant

Shri Harendra Chaudhary,
Director,
Ironman Security Services Pvt. Ltd,
I – 78, First Floor,
Lajpat Nagar – II,
New Delhi – 110 024.

Respondent

The Editor,
Dainik U.P. News Express,
Komal Printers, Chaudhary
Market, Sector – 35, Noida,
Gautambudh Nagar, U.P.

Adjudication dated 15.11.2018

Facts :

This complaint dated 11.10.2017 and 30.10.2017 has been filed by Shri Harendra Chaudhary, Director, Ironman Security Services Pvt. Ltd., New Delhi against the Editor, U.P. News Express alleging publication of false, baseless, fabricated and defamatory news items under the captions “गोरखधंधों की कमाई से भदौरिया ने करोड़ों कमाये” (dated 28.4.2017), “भदौरिया साहब के करनामों पर एक नज़र” (dated 10.5.2017) and “भदौरिया के काले कारनामों का खुलासा”(dated 10.5.2017).

It has been reported in the impugned news items that Shri Harshvardhan Singh Bhadauriya with the connivance of Security In-charge has deputed 1200 Guards of Ironman Security Company in Noida Authority on the salary of Rs. 15000/- per month whereas they gave Rs.7,500/- per month to each guard and remaining amount is being kept by Shri Bhadauriya and the owner of the Security Company. It has been further reported that Shri Bhadauriya in collusion with Shri Harendra Chaudhary (complainant) has been passing bills pertaining to 1600 guards instead of 800 guards deployed with Noida Authority. They have shown 20 guards appointed/deputed in one place instead of 10 guards. Every guard gets salary of Rs. 8000/- per month but Authority is giving Rs. 16000/- per guard. Shri Bhadauriya takes commission of Rs. 8000/- per guard per month.

While denying the allegation, the complainant has alleged that the respondent published false, baseless and fabricated news items and thereby damaged his reputation. The complainant has further alleged that the respondent's motive was only to blackmail in the garb of journalism.

The complainant vide his undated and unsigned letter has drawn the attention of the respondent towards the impugned news item and requested to publish the rejoinder, but received no response. He has requested the Council to take action against the respondent.

No Written Statement

A Show Cause Notice was issued to the respondent editor on 19.12.2017 but no response has been received despite issuance of reminder dated 19.2.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Shri V.S. Drall, G.M. represented the complainant. There was no appearance on behalf of the respondent paper.

The Inquiry Committee has heard the complainant.

Despite service of notice, the respondent has not chosen to appear nor has filed any show cause. It is the allegation of the complainant that the facts stated in the newspaper are false and concocted and there is no basis for that.

In the absence of any reply from the respondent, the Inquiry Committee is inclined to accept the version of the complainant. In this way the respondent newspaper is held guilty of publishing the false and concocted news. Accordingly, the Inquiry Committee recommends that the respondent newspaper be **Censured**. A copy of this Order be forwarded to Department of Information & Public Relations, State Govt. of U.P., District Magistrate Noida, Gautam Budh Nagar and the DAVP.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above directions.

Press Council of India

S.No. 14

F.No. 14/394/17-18-PCI

Complainant

Shri Vijay Kaushik,
Under Secretary to the
Government of India,
Ministry of Information and
Broadcasting,
'A' Wing, Shastri Bhawan,
New Delhi – 110 001.

Respondent

Vs. The Editor,
Press Trust of India,
Parliament Street,
New Delhi.

Adjudication dated 15.11.2018

Facts :

Shri Vijay Kaushik, Under Secretary to Government of India, Ministry of Information and Broadcasting, New Delhi vide letter dated 21.11.2017 has forwarded copies of two 'takes' of PTI titled, "UP teen spends 42 days in jail over a Facebook post on River Ganga" and "Biz-India-Hunger Index".

The PTI in the first headline i.e. "UP teen spends 42 days in jail over a Facebook post on River Ganga" has reported that for his social media commentary the UP Police considered criminal, Zakir Ali Tyagi had to spend 42 days in Muzaffarnagar Jail with hardened criminals where he has to pay cash even to use the washroom. The 18 year old was picked up and charged under the Indian Penal Code's Section 420 (cheating) and Section 66 of the Information Technology Act (computer related offences). He was released on bail after 42 days and the police added Section 124A dealing with sedition in the charge sheet. The news further reported that the charge sheet could not be independently verified as the copy was not available. According to the news, copy of FIR available on the website of the Uttar Pradesh Police lists some of his facebook activities, including a post asking if criminal charges would be initiated if someone drowns in the Ganga now that it had been declared a living entity. It refers to his post asking why the Centre was not doing away with the Haj subsidy given to Air India. There is also a mention of his post that the "Promise of the Government of Ram Mandir was nothing but a gimmick which will be made before the next polls again to lure voters, like the promise to send Mullahs to Pakistan." Besides, the FIR states that Tyagi used a photograph of police officer Akhtar Ali who was killed in an encounter with criminals in Dadri in 2016 as his Facebook profile picture, which "deceived people".

According to the Ministry, it has been seen that to make news story sharp, a part of the quote was picked independently in overall introduction and later it was repeated in the body. This is an act of editorializing of news report. News agencies merely report the event without editorializing the contents of the story.

In another take, PTI news report states that India has a serious hunger problem and ranks 100th out of 119 countries on the global hunger index – behind North Korea, Bangladesh and Iraq but ahead of Pakistan, according to a Report. The Country's serious hunger level is driven by high child malnutrition and underlines need for stronger commitment to the social sector, the International Food Policy Research Institute said in its Report. India stood at 97th position in last year's rankings. Shri J.P. Nadda, Union Minister of Health and Family Welfare has responded to the above post on twitter stating that such reports on global hunger index are for those, who are keen to run down our country by twisting facts. The Ministry requested the Council to examine the matter and take appropriate action.

A Notice for Comments issued to the Press Trust of India on 26.12.2017.

Comments

Shri G. Sudhakar Nair, Executive Editor, Press Trust of India vide letter dated 10.01.2018 has forwarded Comments in the matter wherein he has stated that the complaint is without any basis. The story under question is based entirely on the available material and quotes from the press conference of the youth who was recounting his ordeal. He has further stated that an attempt is always made to make their news reports sharp be it the intro or the body of the copy, by using the most newsworthy elements of a speech, press conference or event. But they do so without compromising the factual integrity of the story which has been followed in this case. He has also stated that “Editorializing the story” implies injecting story commentary and opinion. But the PTI story has done no such thing, and the facts detailed in the story are not being disputed.

Regarding “Biz-India-Hunger Index”, he has stated that PTI carried Shri Nadda’s tweet the same day it was posted on October 14 i.e. after two days of release of impugned report. Therefore, they reject the complaint that the PTI ignored the Government reaction.

A copy of comments has been forwarded to the Ministry of Information and Broadcasting on 22.01.2018 for Counter Comments/Information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi. Shri Prem Chand, Under Secretary, Ministry of I&B, and Shri Nitin Wakankar, Additional Director General, Press Information Bureau appeared on behalf of the Ministry Smt. Priyanka Arora and Shri Rajender Singh, Advocates represented the respondent news Agency, Press Trust of India.

This complaint has been filed by Shri Vijay Kaushik, Under Secretary to the Government of India against the Editor, Press Trust of India for a news item with the heading “UP teen spends 42 days in jail over a Facebook Post on River Ganga” and another news with the headlines “ Biz-India-Hunger Index”.

Shri Nitin Wakankar, Additional Director General, PIB appears on behalf of the complainant. Shri Pankaj Salodia, Director, Ministry of Information & Broadcasting is also present. The respondent is represented by its counsel. Shri Nitin submits that the focus of the headline by PTI predisposes the readers towards one fact in the news item. His further submission is that detailed views ought to have been elicited from the concerned Minister while quoting him in the second news. The Inquiry Committee is not at all impressed by both the submissions by Shri Nitin. The News item covers the arrest of a person for a Facebook post who remained in jail for 42 days. The Inquiry Committee is of the opinion that in fact this was the focus of the news and has been rightly given as headline. So far as eliciting further information from the Minister is concerned, the Inquiry Committee is of the opinion that it is editorial privilege and therefore, the Inquiry Committee does not find any thing wrong in it. The Inquiry Committee is of the opinion that this complaint is absolutely frivolous and deserves to be dismissed and dismissed 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 decides to dismiss the complaint.

PRESS COUNCIL OF INDIA

S.No. 15

File No.14/803/12-13-PCI

Shri S.K. Mishra,
Motor Licensing Officer,
Transport Authority,
New Delhi

Vs.

The Editor,
City Sixty Samachar,
Hindi Weekly,
New Delhi.

Adjudication dated 15.11.2018

Facts:

This complaint dated 20.2.2013 was filed by Shri S.K. Mishra, Motor Licensing Officer, Transport Authority, Government of NCT of Delhi against the editor, City Sixty Samachar, Hindi Weekly, New Delhi for publication of allegedly false and defamatory news item under the caption “**परिवहन विभाग में एक महिला क्लर्क के इशारे पर हो रहा है भ्रष्टाचार का तान्द्रव – एम.एल.ओ. का भरपूर आशीर्वाद प्राप्त है. इस महिला करमचारी से सभी खौफ खाते हैं, इस महिला कर्मी से जो एम.एल.ओ. की भाषा बोलती है।**”

It was reported in the impugned news item that in ITO Transport Authority, a lady clerk indulges in corruption as she charges extra money to issue Registration Certificate fee receipt. Without her help nobody can get Registration Certificate. If somebody complains about that to the MLO, the MLO does not take any action against the lady clerk. It was also reported that the MLO travel in Transport Minister Shri Goswami’s car. Every month he is earning black money of Rs.30 Lakhs and by this black money he has owned a bungalow in Defence Colony.

According to the complainant, Shri Mahinder Singh alias Goldy, having patronage of a local MLA is having a group of touts, namely, Ms. Jasmin Kaur, Shri Harjinder Singh and Sri Gurmit Singh who attempt to blackmail and threaten the officers, Inspector and the dealing staff posted at Zonal Offices of the Transport Department. The complainant alleged that the respondent had published a false and defamatory news item without any basis and support and also tried to blackmail the staff under his control and command. He further stated that he sent a letter dated 5.4.2013 drawing the attention of the respondent editor, City Sixty Samachar towards the impugned publication and requested to publish the rejoinder but received no response. He requested the Council to take action in the matter.

No Written Statement

A Show cause notice dated 10.7.2013 was issued to the respondent editor, City Sixty Samachar at old Mahavir Nagar, Delhi but the same has been received back undelivered with remarks no “such firm on this address”. Again on 2.8.2013, the show cause was issued to the respondent on Tihar Village, New Delhi address which was also received back undelivered with the remark “*refused*”. After that on 29.8.2013, the show cause was sent again through Deputy Commissioner, West Zone, Delhi. In response the Proprietor, Ajanta Printer, New Delhi vide his letter dated 21.9.2013 informed that they are not printing the newspaper City Sixty Samachar for the last more than three years and they have no connection with the publication or the Editor. After that on 7.10.2013, a copy of the letter dated 21.9.2013 received from Ajanta Printer was forwarded to Deputy Commissioner(Licences) & RNI with the request to provide correct address of the respondent newspaper. In response, Joint Commissioner of Police Licensing Defence Colony, New Delhi vide his letter dated 8.11.13 provided the address of the respondent and to whom show cause was again sent on 6.1.2014 which was also received back with remarks “*No such firm on this address*”. Again on the address given by the complainant, the show cause notice was issued on 27.2.2014 at Lajpat Nagar address which too was received back undelivered with the remarks “*left*”.

Vide Council's letter dated 1.4.2014, the RNI & Deputy Commissioner were requested to provide the correct latest address of the respondent. In response, the Additional Commissioner of Police vide his letter dated 13.5.2014 stated that they have no other address of the Editor of City Sixty Samachar. The RNI vide its letter dated 16.4.2014 furnished the available record for the title City Sixty Samachar. Again on 11.6.2014 on the old address show cause was sent, which too also received back undelivered with remarks "*No such firm*".

Decision of the Council

The Council considered the matter on 8.7.2015 and decided to dismiss the complaint on the ground that the notice of hearing could not be served on the respondent despite several attempts, giving liberty to the complainant to obtain the address of the respondent first and then file the application for restoration of his complaint.

Restoration Application of the Complainant

The complainant thereafter filed a restoration application dated 28.9.2015 and stated that after making all his efforts, he found the address of the respondent from a copy of the judgment dated 1.7.2015 passed by Senior Civil Judge cum R.C. Shri Manish Markan (South-East) suit no. – CS-155/15 which is as follows:

Sh. Mohinder Singh Ghai
S/o Late Sh. Kulwant Singh
C/o 5/24, old Double Storey
Lajpat Nagar – 4, New Delhi

Matter Before the Council

The restoration application was placed before the Council in its meeting held on 11.12.2015 at Guwahati. The Council considered the restoration application filed by Shri S.K. Mishra and resolved to refer the matter back to the Inquiry Committee for consideration. The Council further directed the Secretariat to enquire from the Registrar of Newspapers for India (RNI) about record of registration, address etc. of the newspaper, City Sixty Samachar, New Delhi.

Letter to RNI

In response to the Council's direction, the Council vide his letter dated 2.3.2016 asked the Registrar for Newspapers of India to submit the information regarding the record of registration, address, etc of the newspaper, City Sixty Smanachar, New Delhi bearing registration No. RNI DELHIN/2003/11861, D.C.P. licensing no. F-2, 21-C.

Response from RNI

The Assistant Press Registrar, RNI vide his letter dated 18.3.2016 informed that the title 'City Sixty Samachar' is registered with RNI vide registration no. DELHIN/2003/11861. He enclosed a certified copy of the registration details of the publication. The address of the Publisher/Printer/Editor, who is Smt. Jasmeen Kaur, as provided by the RNI is as follows:

S-2/106A, Old Mahavir Nagar,
Near Mangla Nursing Home,
New Delhi – 110 018

The address of Press, which is Ajanta Printer, as provided by the RNI is as follows:

WZ 26, TiharGaon,
New Delhi

It is pertinent to mention here that the respondent City Sixty Samachar refused to accept the copy of the adjudication forwarded by the Council vide its letter dated 28.7.2015 at the address of M/s Jasmin Kaur, Ajanta Printer, WZ-26, Tihar Village, Subhash Nagar, behind Radha Swami Bhawan, New Delhi – 110 018.

It is further submitted that a Show Cause Notice was issued to the respondent on 12.1.2016 on the address provided by the complainant but the same has been returned back with remark “*पूछताछ करने पर पता चला प्राप्तकर्ता इस पते पर नहीं रहता*”.

Complainant's response

In response to the Council's letter dated 27.9.2016, the complainant vide his communication dated 14.10.2016 has stated that the Inquiry Committee directed him to furnish the fresh address of the respondent but despite several effort, he didn't found any other address of the respondent. He has further stated that the current address of the respondent is correct as the respondent had given the same address in forint of Ld. Civil Judge, Mr. Manish Markan in Saket Court. He further alleged that the it is the husband of the respondent editor who plays all the role and mischievous activities in the matter. He furnished a photograph which depicts that that the editor's husband put a table and chair in front of the transport authority beside the police station and the address is also the same as given earlier. He has requested the Council to direct the police of that area to nab the husband of the editor who actually plays all the roles.

Response from Office of Addl. Commissioner of Police: Licensing

In response to Council's letter dated 7.12.2017, the DCP Licensing, New Delhi, stated that the address of Smt. Jasmeen Kaur was changed to be WZ-382/2, Shiv Nagar, Gali No. 21, Jail Road, New Delhi-58 and also closed down publication of her news paper due to financial reason.

Communication from ASI, Tilak Nagar

Shri Sayopal Singh, ASI, PS- Tilak Nagar, New Delhi has informed that he reached at the address of H.NO S2/106A for serving the Warrant of Arrest where one Smt. Rashi Maggon, W/O Shri Jyot Maggon is residing. She informed him that there is no lady in the name of Smt. Jasmeet Kaur and she does not know any Jasmeet Kaur. The ASI has also produced a copy of statement of Smt. Rashi Maggon.

Communication from H.C. Anand, P.S. Hari Nagar

The letter dated 7.9.2018 sent to the Commissioner of Police, Delhi to execute the bailable Warrant of Arrest in favour of Smt. Jasmeen Kuar has been received back in the Secretariat with the statement of Shri H.C. Anand, P.S. Hari Nagar that he went to the given address to execute the bailable Warrant of Arrest. He submitted that Smt. Meena has been staying at the given address for last 12 years. Smt. Jasmeet Kaur does not live there.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. Neither the complainant nor the respondent has chosen to appear.

Nobody appears on behalf of the complainant. In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 16

File No.14/461/16-17-PCI.

Complainant

Shri Pankajbhai K.Patel,
Gandhinagar,
Gujarat

Respondents

The Editor,
Divya Bhaskar,
Gujarat

Adjudication dated 15.11.2018

Facts:

This complaint dated 5.12.2016 has been filed by Shri Pankajbhai Kantibhai Patel, Gujarat against the editor, Divya Bhaskar alleging publication of an offensive, obnoxious and fabricated news item under the caption “*Family of Kharana village residing at America has donated five bigha land to BoriyaMahadev*”(English translation) in its issue dated 31.8.2016.

The excerpts of the English translated version as provided by the complainant of impugned news items is reproduced herein below:

“It is reported in the impugned news item that when there is a faith then there is no need of evidence to prove such event to prove the said sentence has been occurred in Mansa area and that prior to many years the father of one family of village Kharana and residing at America since many years has told to the elder of the family that our land is created for religious work and at the relevant point of time, such land will be donated to any good Mahant(monk) for service activities and while getting dream regarding such fact, he told the fact of his dream to his friend residing at Gozaria and while identifying the Mahant, they went to the mahant of BoriyaMahadev, Aajol having ancient important and donated this land. It is also reported in the impugned news item that the family of the complainant is settled in America since years and prior to many years, the complainant told his son that their land will be donated for good service and religious activities free of cost and while passing time the complainant forgotten such fact. After some time the complainant informed Mahant of Boriya Mahadev about entire fact and Mahan told him that this land will become useful for providing service to the public at large. They performed the yagna and Mahant expressed his thought to get active such land and he will start activities like Gaushala (place for keeping cows), Aankshtra (place of providing free food to poor persons) and activities for poor and handicapped persons.”

The complainant while denying the facts reported in the impugned news item, submitted that he is an agriculturist at Gandhinagar, Gujarat. There is a land in joint ownership of him and his family resides at America. He wanted to perform yagna at the land. Therefore, he called Mahant (Monk) Shri Nageshwarigiri at Boriya Mahadev Temple for performing the yagna but he has not given or donated any land under his ownership to him or the temple. However, the respondent published the impugned news item stating that the family of NRI residing at America has donated five bigha land to the priest of Boriya Mahadev. The complainant alleged that the news report has been designed with mischief for harassment by publishing the wrong and false news item individually and jointly, far from the truth. He stated that the said news item has caused immeasurable mental as well as physical agonies to him and his family members and lowered down the reputation in the society amongst acquaintances, friends, relatives and general public facing social ostracism because of wrongful act of the editor. The news item has no factual basis and is an act of irresponsibility.

The complainant vide legal notice dated 10.9.2016 drew the attention of the respondent towards the impugned news item and requested him to provide evidence like agreement or other documentary papers in this regard, but received no response. The complainant requested the Council to take necessary action against the respondent.

No Written Statement

A Show Cause Notice was issued to the respondent editor, Divya Bhaskar, Gujarat on 14.02.2017 but no response has been received so far.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. There was no appearance on behalf of the complainant. Shri Rahul Malhotra, Advocate represented the respondent paper.

The complainant is aggrieved by the news item under the caption “Family of Kharana village residing at America has donated five bigha land to Boriya Mahadev”. It is the allegation of the complainant that Mahant was called for Yagna at the land but the land was not donated and it is absolutely false and concocted news. The Inquiry Committee has to take a lot of efforts for appearance of the respondent, the Editor of Divya Bhaskar. Today, Shri Rahul Malhotra, Advocate appears on behalf of the respondent. In the facts and circumstances of the case, the Inquiry Committee directs the complainant to give his version to the respondent newspaper within four weeks. The respondent newspaper in turn is directed to publish the version of the complainant with due prominence within two weeks of furnishing of such a version. The Inquiry Committee disposes of the complaint with the aforesaid directions.

Held

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

Press Council of India

S.No.17

File No. 14/554/16-17-PCI

Shri Manoj Chalkh,
Deputy General Manager,
NABARD Financial Services
Limited,
Bangaluru

Vs.

The Editor,
Dainik Kashish,
Gondia, Maharashtra

Adjudication dated 15.11.2018

Case Summary

This complaint dated 2.3.2017 has been filed by the Deputy General Manager, NABARD Financial Services Limited, Bangaluru against the editor, Dainik Kashish, Maharashtra alleging publication of defamatory article in its issue dated 02.03.2017 under the caption "*Out of 43 bogus Micro Finance Company in South India, NABFINS is also a bogus finance company*".

It is reported in the impugned news item that NABFINS agents are continuing to force recoveries in Goregaon Tehsil. Mr. Virendra Jayaswal, Co-ordinator read out the list of 43 bogus finance companies and stated that NABFINS is also a bogus company and that no (self help groups) should repay the money etc.

Denying the facts reported in the impugned news item, the complainant submitted that the newspaper has defamed NABFINS by publishing the news in most irresponsible manner without verifying the facts. He has submitted that NABFINS was formed to support sustainable livelihood of rural and urban poor in farm and non-farm sectors. The reputation of NABFINS lost in the eyes of public in general and customers in particular and the business of NABFINS is hampered post publication of the news which is evident from the loan portfolios falling into non-performance assets category all over India thereby incurring heavy financial loss to the company apart from tarnishing the brand image of NABFINS. The complainant submitted that the respondent has no basis whatsoever to publish/make such bad, false and frivolous allegations without verifying the truth or otherwise of it. As a matter of fact, NABFINS is one of the best Micro Finance Companies in the country. The complainant vide letter dated 2.3.2017 drew the attention of the respondent towards the impugned news item with a request to publish contradiction of the same with same prominence but received no response.

No Written Statement

A Show Cause Notice was issued to the respondent on 11.5.2017 but no written statement has been filed so far.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 24.9.2018 at New Delhi followed by adjournments dated 17.8.2017 and 4.10.2017.

The complainant is present in person. The respondent is represented by Mr. D P Moolchandani, Advocate. He prays for time. The Inquiry Committee is not inclined to adjourn the case. The prayer for adjournment is rejected.

The grievance of the complainant is that the respondent newspaper published the news item giving the name of the complainant NABARD Financial Services Limited as bogus Micro Finance Company. It is the assertion of the complainant that it is not a bogus Micro Finance Company and what has been published in the newspaper is wrong and has affected its credibility. In the facts and circumstances of the case, the Inquiry Committee directs the complainant to give his version to the respondent newspapers within two weeks, the

respondent newspaper in turn is directed to publish the version of the complainant within two weeks thereafter. The Inquiry Committee directs for disposal of the complaint with the aforesaid directions.

Held

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

Press Council of India

S.No. 18

File No. 14/477/16-17-PCI

Shri Durga Prasad Rath,
Member Secretary,
Prakriti, NGO
Siddhamahavir Sahi,
Atakala Lan, P.o/Distt. - Puri – 2,
Odisha.

Vs.

The Editor,
The Samaj,
Cuttack,
Hyderabad.

Adjudication dated 15.11.2018

Facts:

This complaint dated 14.12.2016 has been filed by Shri Durga Prasad Rath, Member Secretary, Prakriti, NGO Odisha against the Editor, The Samaj, Odisha for publication of a news item in its issue dated 20.10.2016 under the caption “**Satalahadi math jami bikrire byapak durniti**” the English rendering of which is “**A big land scam has been made on Satalahadi Math**” (Translation provided by the complainant).

The impugned news item reports that “we have been informed that the Sweet Water Zone in Khata No. 11 in the Balipanda Mouza demarcated as Sweet Water Zone has been sold by the caretaker”.

According to complainant in the said news item, use of the expression “Sweet Water” is a misnomer in the sense that the use of this word has already been turned down by the Hon’ble High Court of Orissa in case No. O.J.C. 2816 of 2000 order dated 20.02.2015 and R.V.W.P.E.T 63 of 2015 order dated 15.05.2015. He has further stated that the local representative of the respondent newspapers were well aware of the above decision of the Hon’ble High Court of Orissa since he has appealed before the Division Bench of the Hon’ble High Court of Orissa against the above judgement vide case no. Writ Appeal No. 151 of 2015 dated 24.03.2015 and the local reporter knowingly violated the fundamentals requirement for dealing with issues connected with Law and the judiciary. He has also submitted that the respondent published the matter only to influence the Government officials for taking action in favour of the Writ Appeal which has been filed by him on 20.03.2015.

The complainant vide Notice dated 22.10.2016 explained the fact and requested the respondent to publish the rejoinder but received no response. The complainant has requested the Council to take necessary action against the respondent.

A Show Cause Notice was issued to the respondent on 20.01.2017 for written statement. In response thereto he vide his communication dated 01.02.2017 has requested the Council to grant six week’s time to file a detailed Written Statement.

Written Statement of Shri Bastia, Reporter, The Samaja

Shri Jagannath Bastia, Reporter vide email dated 3.10.2017 has informed the Council that the complaint against him is false, baseless and scandalous allegations are levelled against his is to harass him as he exposed land scam and fraud by complainant’s family. He has further submitted that the matter to this complaint is subjudice in the Court. The complainant, Shri Durga Prasad Rath, has suppressed his real identity as he is a hotel owner and Joint Secretary of Hotel Association of Puri. He has submitted that in response to his written request, the Sub Collector, Puri, has initiated OPP Eviction Misc Case No. 1/2017 against the complainant’s mother Smt. Santilata Rath under Odisha Public Premises Act,

1972 as she grabbed valuable govt. land near Puri Sea beach by committing fraud, manipulating documents and constructed a hotel building illegally in Baliapanda Sweet Water Zone. The Word of “Sweet Water Zone” is not mentioned in the Order of Hon’ble Orissa High Court as alleged by the complainant. He has further submitted that the hotel association and the complainant hired one Shri Sunil Kumar Mishra to file false cases against him.

A copy of the written statement was forwarded to the complainant on 11.12.2017 for information.

Written Statement of the Editor, The Samaja

The respondent Editor, The Samaja, vide written statement dated 30.3.2018 has informed the Council that the allegations of the Complainant are false and baseless. He has submitted that the District Collector, Puri on 19.10.2016 reviewed the matter of Satalahadi Math at Special Circuit House, Puri and had informed the media persons that the care-taker of Math has illegally and fraudulently sold out the Govt. land situated in Baliapanda Sweet Water Zone. On receiving the information, the Samaja newspaper published a news article which neither affected the complainant nor defamed any other member of PRAKARTI. The respondent further submitted that the complainant’s remark that there has been no mention of the term “Sweet Water Zone” in Orissa High Court Order is deniable as High Court observed that the Coastal Zone Regulating Authority is the competent in this regard. He has further pointed out that the Writ Appeal No. 151 of 2015 filed by Shri Jagannath Bastia, News Contributor to Samaja, is subjudice before the Hon’ble High Court of Orissa. He has therefore requested the Council to dismiss the matter.

Counter Comments of the complainant W.r.t. W/S Filed by Shri Bastia, Reporter, “The Samaja”

Shri Durga Prasad Rath, Member Secretary Prakriti, vide counter comments dated 2.1.2018 and 17.4.2018 has pointed out the legal fight with respondent editor and submitted that when the reporter took advantage of his position, he had to point out as an important aspect of his responsibility which made the respondent to file cases against his family in different courts. As far as his identity is concerned, he has submitted that he had revealed his identity in the prescribed legal format whereas the respondent, Shri Jagannath Bastia, plays different roles in different circumstances to mislead the society. He has further submitted that the claim made by the respondent about “Sweet Water Zone” is not plausible as the expression is strongly expressed in the judgement dated 20.2.2015 of the Hon’ble High Court of Orissa in Case No. O.J.C 2816 of 2000. In reference to F.I.R., the complainant has submitted that the F.I.R. was filed in the year 2015 whereas the present case relates to December, 2016 which clearly proves that the present case and the F.I.R are not at all linked.

A copy of the counter comments was forwarded to the respondent editor on 10.1.2018 for information.

Counter Comments of the complainant W.r.t W/S Filed by the Editor, “The Samaja”

The complainant vide Counter Comments dated 17.4.2018 in response to Written Statement dated 30.3.2018 has informed the Council that he never stated the said article to be defamatory news, but the news which has been published by the respondent Editor regarding the expression “Sweet Water” is a misnomer as the said word has been turned down by the Hon’ble High Court of Orissa. He has further submitted that the Satalahadi Matha, as pointed out by the respondent Editor in the Written Statement, is situated in Mouza Balisashi but not in Mouza Baliapanda. It is, therefore, crystal clear that the Collector, Puri has never discussed the matter regarding the expression “Sweet Water Zone” which belongs to Mouza Baliapanda. The complainant submitted that how could the respondent Editor publish the said news when the matter according to him is subjudice .

A copy of the counter comments has been forwarded to the Editor on 10.4.2018 for information.

Communication dated 25.9.2018 received from the complainant

The complainant, Shri Durga Prasad vide letter dated 25.9.2018 has filed his further submission at the time of hearing whereby he has stated that the respondent No. 1 has suppressed the Order of the Review Petition passed by the Hon'ble Court of Orissa. He has further submitted that he has submitted false statements and affidavits wherein the respondent stated that "Sri Rath is a hotel owner and the Hotel Association and the complainant hired one Shri Sunil Kumar to file false cases against the respondent with a intention to damage his reputation in the society". He has further requested the Council that the newspaper "The Samaj" be taken to task as per provisions of law.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi followed by an adjournment dated 4.10.2017. The complainant, Shri Durga Prasad appeared in person. Shri Santosh Kumar Sahoo, Law Officer along with Shri Jagannath Bastia, Reporter, The Samaj represented the respondent.

The Inquiry Committee has heard the complainant and the Law Officer of the respondent newspaper and the author of the news. The complainant is aggrieved by a portion of the news item wherein it has been stated that Sweet Water Zone is Khata No.11 in the Balipanda Mouza demarcated as Sweet Water Zone has been sold by the caretaker. It is the assertion of the complainant that the use of the expression Sweet Water is a misnomer and its use has been turned down by the Hon'ble High Court of Orissa.

The Inquiry Committee has perused the complaint, the Written Statement and the Written Submission filed by both the parties. The Inquiry Committee has gone through the Order passed by the High Court which purportedly has "turned down" the use of expression "Sweet Water". The Inquiry Committee does not find any such direction by the High Court in the Order referred to above. The Inquiry Committee is of the opinion that the respondent newspaper while publishing the impugned news item has not violated any code of conduct so as to call for action by the Council. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 19

File No. 14/519/17-18/PCI

Complainant

Ms. Nanita Sharma,
Advocate-on -Record,
Supreme Court of India,
New Delhi- 110 019

Respondent

The Editor,
The Hindustan Times,
Gandhi Marg,
New Delhi- 110 001.

Adjudication dated 15.11.2018

Facts:

This complaint dated 6.3.2018 has been filed by Ms. Nanita Sharma, Advocate-on-Record, Supreme Court of India, New Delhi against the Editor, Hindustan Times alleging publication of incorrect news report in its issue dated 10.1.2018 under the Caption : “No need to play National Anthem in Cinemas: SC”.

The news report states that the Supreme Court on 09.01.2018 said Cinema halls across India no longer need to play the National Anthem before film screenings, reversing an Order passed over a year ago. The ruling comes a day after the Centre asked for “Status quo ante”- or a return to the situation before the court had passed its November 2016 Order saying it would frame fresh rules within six months. According to the news report the interim Order passed on November 30, 2016 is modified that playing of National Anthem prior to screening of film is not mandatory or directory.

The complainant submitted that the contents of the news report were completely different and wrongly reported by the publishers. She has further submitted that it is evident that the facts of the news item/report are incorrect, misconceived and based upon conjectures and surmises, in as much as they are not in conformity with the actual Order passed by the Hon’ble Supreme Court on 9.1.2018. According to the complainant the court had never observed in its Order that playing of the National Anthem is “Not directory”. The complainant submitted that it is clearly evident that the publisher reported the news without actually verifying and going through the contents of the Order and thus acted callously, irresponsibly and in fact, had offended the standard of journalistic ethics by reporting and publishing the Order incorrectly creating a confusion and misleading the public at large, especially the Cinema owners. The complainant vide letter dated 18.1.2018 drew the attention of the respondent towards the impugned news item and requested him to publish clarification, but received no response. The complainant requested the Council to take action against the respondent.

A Show Cause Notice dated 22.3.2018 was issued to the respondent Editor, The Hindustan Times, but received no response.

No Written Statement

The respondent newspaper, Hindustan Times vide Written Statement dated 31.8.2018 received in the Council on 4.9.2018 has submitted that the contents of the subject news or report item and facts reported therein is a clear matter of typographical error as editing, publishing and **circulating** of newspaper is a very long procedure because it has to pass through several sets of eyes. Hence the error was made during the editing of the article due to the reporter byline. The respondent has further submitted that due to bonafide and inadvertent human error from the editing department it cannot be held that it was journalistic misconduct or it has offended the journalistic ethics or Public taste because it was not intentional as subject of news was published with bonafide intention. He has further requested the Council to dismiss the matter.

A copy of the Written Statement was forwarded to the complainant through email on 24.9.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. Smt. Nanita Sharma, complainant appeared in person. Shri Arun Pathak, Advocate represented the respondent Editor, Hindustan Times.

The Inquiry Committee has heard the complainant and Mr. Pathak, counsel for the respondent newspaper. The complainant is aggrieved by a news report in the issue dated 10.1.2018 under the caption “No need to play National Anthem in Cinemas:SC”. In the news item, it has been stated that “the interim Order passed on November 30th, 2016 is modified that playing of National Anthem prior to screening of a film is not mandatory or directory”, said a bench headed by Chief Justice of India, Shri Dipak Misra. The complainant has drawn our attention to the Order passed by the Supreme Court it reads as follows:-

“The Order passed on 30th November, 2016, it modified to the extent that playing of the National Anthem prior to the screening of feature films in cinema halls is not mandatory, but optional or directory”. The complainant points out that the news item has quoted the Order of the Supreme Court in verbatim which is erroneous and had conveyed a different meaning than what was intended by the Supreme Court. She further points out that the respondent newspaper was casual in publishing such a news item which has serious ramifications.

The plea of the respondent in sum and substance is that due to bonafide and inadvertent human error from their editing department, it cannot be said that it was a journalistic misconduct or offended the journalistic ethics or public taste. Further, plea of the respondent is that it is not a misleading statement.

The Inquiry Committee bestowed its consideration to the rival submission and is of the opinion that misquoting the Order of the Highest Court of the country is a very serious act, such mistake leads to miscarriage of justice and mislead the people. The Inquiry Committee is conscious of the fact that a mistake of inconspicuous nature can be ignored and every mistake cannot be said to be violating the Code of Conduct of Journalism. Reference in this connection can be made to the Council’s observation in Suo-motu cognizance taken by the Press Council of India for ‘Outlook’ magazine regarding statement attributed to the Home Minister in issue dated 16.11.2015 and subsequent withdrawal thereof.

“ In the opinion of the Inquiry Committee, an error simpliciter and its correction later on may not result into grave consequences and can be ignored but an error attributing historically incorrect remarks of grave nature to the Home Minister does not fall in this category. As would be evident from the case in hand, the alleged remarks of the Home Minister were referred in the Parliament. It created such a storm that the Parliamentary proceedings were disrupted and the House was to be adjourned. In this way, time and money which could have been spent on welfare of the people had gone down the drain. Beside the person, who admittedly had not made any such statement, his reputation was put at grave risk and ridicule.

But mistake of such a serious nature which has serious ramification cannot be ignored. The Inquiry notes with regret that the respondent newspaper after it had realised its mistake ought to have published a Corrigendum conveying to the people the Order of the Supreme Court in right perspective immediately. The respondent newspaper has also failed in that and waited till the filing of the complainant and Notice by the Council.

In the facts and circumstances of the case and taking into the consideration the gravity of the matter, the Inquiry Committee recommends that the respondent newspaper be **Censured**. A copy of this Order be forwarded to the Deputy Commissioner, New Delhi, Director of Information and Public Relation Department, Delhi, DAVP and all the Ministers of the Government of India.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above direction.

Press Council of India

F.No. 14/455/17-18-PCI

S.No. 20

Complainant

Shri Raghuvir Singh,
19, Sotiganj,
Gurudwara Road,
Meerut, U.P.

Respondent

The Editor,
Nirvair Samachar,
Meerut, U.P.

Adjudication dated 15.11.2018

Facts :

This complaint dated 12.01.2018 has been filed by Shri Raghuvir Singh, Meerut, U.P. against the Editor, Nirvair Samachar, Meerut, U.P. for alleged publication of defamatory impugned news item in its issues dated 21.12.2017 and 28.12.2017 under the captions “नगर निगम की जमीन पर अवैध भूमि पर रणजीत होटल का निर्माण नगर निगम व एमडीए के अधिकारियों ने कमाए लाखों” and “रणजीत होटल का निर्माण नक्शा निरस्त होने के बावजूद बहुमंजिला निर्माण किस अधिकारी की मिलीभगत थी” respectively.

It is reported in the impugned news items dated 21.12.2017 and 28.12.2017 that on Meerut Gurudwara Road, at Municipal Corporation land, where the Boards of Vice President of Municipal Corporation and Shri Fateh Bahadur, Vice President, Meerut Development Authority have been displaced by Meerut Development Authority and Municipal Corporation a multi-storey hotel has been constructed thereon by the Municipal Corporation in connivance with the officers of Meerut Development Authority. It is further reported in the impugned news item that the hotel is running illegal activities which is adversely effecting the children of the locality. According to the news reports, police authority and administration are well aware about this but they don't take any action. As per the news reports the complainant made several complaints in this regard and due to connection with higher authorities and money power the construction is still continuing.

Denying the allegations levelled in the impugned news items, the complainant stated that the respondent has published false and baseless news items with the intention to blackmail him. He has further stated that the respondent is owner of 'Singh Hotel' and due to business rivalry he has published the impugned news items to malign him.

The complainant drew the attention of the respondent towards the impugned news items on 29.12.2017 and requested him to publish rejoinder but no response has been received.

A Show Cause Notice was issued to the respondent on 09.02.2018 for filing Written Statement.

Written Statement

The respondent vide his letter dated 26.02.2018 has filed Written Statement in the matter wherein he has stated that the complainant has made a false complaint with the Council. The impugned news items were published to aware the public about the facts. The respondent states that the news items were published without any ill motive on the basis of the records and evidences. The respondent further stated that he has not published rejoinder as the complainant has not provided any valid proof in support of his rejoinder. He has also stated that he does not have any personal grudge with the complainant and the news items were published on the basis of facts which were obtained under Right to Information Act from Meerut Development Authority.

A copy of Written Statement has been issued to the complainant on 22.03.2018 for Counter Comments.

Counter Comments

The complainant vide his letter dated 06.03.2018 has filed his Counter Comments wherein he has stated that it is not true that the news items were published on the basis of information received through RTI. He has further stated that the rejoinder was intentionally not published. The respondent has published false and baseless news item with the intention to blackmail him. He has requested the Council to take action against the respondent.

A copy of Counter Comments has been issued to the respondent on 22.03.2018 for information.

Joint letter dated 13.9.2018 received from the complainant and respondent

The complainant, Shri Raghuvver Singh and the respondent Editor vide joint letter dated 13.9.2018 has informed the Council that the matter has been settled amicably. They have requested the Council to drop the proceedings in the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. Neither the complainant nor the respondent has chosen to appear.

A joint application has been filed by the complainant and respondent *inter-alia* praying for dropping the proceedings. The Inquiry Committee considered the prayer and disposes of the complaint as parties arrived at settlement.

Held

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

Press Council of India

S.No. 21

F.No. 14/215/17-18-PCI

Complainant

Shri Ashok Monga,
Regional General Secretary,
B.J.P., West U.P.,
Ghaziabad, U.P.

Respondent

The Editor,
Athah,
Ghaziabad, U.P.

Adjudication dated 15.11.2018

Facts :

This undated complaint has been filed by Shri Ashok Monga, Regional General Secretary, B.J.P, West U.P., Ghaziabad against the Editor, Athah for allegedly publishing false and defamatory news item in its issue dated 15.05.2017 under the caption “शमशान घाट तक को नहीं छोड़ा फिर भी देख रहे हैं महापौर बनने का सपना-अशोक मोंगा व ललित जायसवाल की दावेदारी का पार्टी में हो रहा है विरोध”.

It is reported in the impugned news item that the complainant has earned crores of rupees by selling the logs placed at cremation ground. The leaders of BJP not only objected to this act of the complainant but also complained to the senior leaders, but the complainant has saved himself from any action due to money power. It has been further reported that the complainant is also claiming to be a next Mayor and for this he has given money to party workers to lend Support to his name for getting ticket.

Denying the allegations levelled in the impugned news item, the complainant has alleged that the respondent-newspaper has published false and defamatory news items without any evidence with a view to tarnish his social and political image. The complainant vide letter dated 17.10.2017 has drawn the attention of the respondent towards the impugned news item and asked him to provide proof but to no avail. The complainant has requested the Council to take necessary action in the matter.

No Written Statement

A Show Cause Notice was issued to the respondent editor on 25.11.2017 which was received back from the postal authority with remarks “बिना पता बताए छोड़ गए”. The Show Cause Notice was thereafter served through District Magistrate, Ghaziabad on 03.01.2018.

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

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. Shri Ashok Monga, complainant along with his counsel appeared in person. Shri Rajkumar Rana, Reporter along with Shri Rajni Kant Sharma, Advocate represented the respondent paper.

The complainant appears in person and prays for withdrawal of the complaint. The Inquiry Committee accedes to the prayer and disposes of the complaint as withdrawn.

Held

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

Press Council of India

S.No. 22

F.No. 14/434/17-18-PCI

Complainant

Shri Ghan Shyam Bahadur Khurania
Khurania Complex, Dhand Road,
Kaithal.

Respondent

1. The Editor,
Punjab Kesari
Civil Lines, Pucca Bagh,
Jalandhar (Punjab).
2. Shri Ajay Garg,
Reporter,
Punjab Kesari ,
Kaithal.
3. Mr Ranvir Parashar
District Bureau Chief/Representative
Punjab Kesari,
Karnal Road, Kaithal

Adjudication dated 15.11.2018

Facts:

This undated complaint received in the Secretariat on 18/1/2018 has been filed by Shri Ghan Shyam Bahadur Khurania resident of Kaithal, against Punjab Kesari, Kaithal, Haryana for allegedly publishing untrue, unfair, unverified and defamatory news item against the complainant and his family. The complainant has objected to the following news items as captioned below:

Sl.no	Caption	Dated
1	विवाहिता ने ससुर पर लगाया छेड़छाड़ का आरोप	16 th July 2017
2	नगरवासियों ने की पुलिस अध्यक्ष से मुलाकात- ससुर पर हैं छेड़छाड़ का आरोप	18 th July 2017
3	ससुराल पक्ष पर लगाया पार्टी को गायब करने का आरोप	4 th August 2017
4	पुलिस की कार्यप्रणाली पर उठाया जा रहा है सवाल	24 th September 2017

The impugned news items relates to a family dispute reporting that daughter-in-law of the complainant has levelled harassment charges against him and other family members. According to the complainant, the news has defamed him and his family in the eyes of public and has been published to with an intention to blackmail them. The respondent paper neither verified the news nor took their version before publishing impugned news items.

The complainant submitted that Mrs. Payal Khurania wife of his younger son Mr Akhil Khurania, in connivance with her family, since their marriage, has been blackmailing and pressurising Mr. Khurania family for extracting money. On 14.7.2017, Mrs Payal, lodged a false complaint against Khurania family at the Police Station, Civil Lines, Kaithal, in which no severe allegations were made against Khurania's but, next morning a criminal complaint was lodged in the District Women Cell, Kaithal, in which Mrs Payal had levelled false

allegations against the complainant as severe as sexual harassment, rape and demand of dowry. The same have been proved false after investigation by the Police.

The complainant also wrote to the Editor-in-Chief, Punjab Kesari vide email dated 14.1.2017, but no response has been received. The complainant has filed this complaint requesting the Council to take proper actions against the respondent newspaper.

Reply Filed by the Respondents

Reply of Punjab Kesari

A Show Cause Notice dated 2.4.2018 has been issued to the respondent, Punjab Kesari Group, to which the respondent perhaps informed that as the complaint has already been withdrawn by the complainant himself against Punjab Kesari Group so the Council may dismiss the filed complaint.

Communication from the Complainant dated 22.4.2018

However vide letter dated 22.4.2018, the complainant further informed that vide letter no PK:GENL:5 dated April 19, 2018, Punjab Kesari Group has expressed regrets for the said news items of July, August and September, 2017 and have assured that the owner of Punjab Kesari Group shall take suitable action against the persons responsible for offending publication of the alleged impugned news items. The complainant has therefore requested to withdraw his grievance against the Punjab Kesari Group except the persons responsible for the offensive reporting without prior verification against the reporters/District Chief Bureau as mentioned in the complaint.

Accordingly, Show Cause Notice dated 28.5.2018 were separately issued to the District Bureau Chief and Reporter, Punjab Kesari, Kaithal.

Reply of Shri Ajay Garg, Reporter, Punjab Kesari, Kaithal.

Mr Ajay Garg, Reporter, Punjab Kesari, Kaithal, vide his letter dated 15.6.2018 stated that only one news item dated 23.9.2017, regarding the aforesaid incident has been reported by Punjab Kesari, Kaithal in its issue dated 24.9.2017 in Kaithal Kesari. Applicant has no concern with any other news item published even in Punjab Kesari qua this matter. Further, he informed that a matter titled 'Payal Khurania Vs. State of Haryana & Others' is pending in Haryana High Court at Chandigarh, regarding the some controversy between the parties. Hence, the matter is subjudice before Hon'ble Punjab & Haryana High Court. Additionally, Mrs Payal Khurania the alleged victim who has filed lodged complaint against Mr Khurania and his family, is still firm on her stand regarding allegations made in written complaints. Mr Ajay Garg stated that in a Press Conference convened by the S.P. Kaithal on the same matter, he happened to meet Mrs Payal Khurania who gave her own version on the matter and shared copies of her written complaint submitted to the Chief Minister Haryana and the D.G.P Haryana and with the prior permission of Mrs Payal Khurania, on the basis of which the news has been reported. Mr Ajay Garg, added that any other news item related to the same matter has been sent to Punjab Kesari not by him but by other reporters. Also he did not altered the version of the alleged victim Mrs Payal Khurania. He also highlighted, that as the matter has been brought to the public forum through a press conference convened by the highest ranking Police Officers, reporting the matter in public interest was important and it does not violates the journalistic ethics.

A copy of the written statement received from Mr Ajay Garg has been forwarded to the complainant vide letter dated 29.6.2018.

Reply from Mr Ranvir Parashar, Representative Punjab Kesari, Kaithal

Mr Ranvir Parashar, Representative Punjab Kesari, Kaithal in response to the Show Cause Notice dated 28.5.2018, submitted, that the present complaint is biased, arbitrary and is a wrong submission of facts before the Authority and a misuse of process, with an ulterior motive to gain wrongful advantage in various litigations pending before the Courts at Kaithal regarding the matter in dispute, in the present complaint. He also informs that the

complainant submitted false Declaration before the Council as the matter is already pending before the Court of Law. Hence, he requests the Council not to take cognizance in the matter. He informs, that the news item is based on the submission of Mrs Payal Khurania's complaint filed with Police authorities/public servants, whose fate would be decided by the Court of Law. In his submissions, he gives reference of the Press Conference held on 23.9.2017, where Mrs. Payal Khurania alongwith her family members appeared and represented before the D.G.P Haryana and the S.P. Kaithal and on the basis of that incident the news items were published. The same news has also been reported on the same day as on which the Press Conference took place, by several other newspapers followed by a series of news published and reported by other newspapers and reporters respectively. However, the complainant did not file his objections against them.

He further submits that complainant is biased against the answering respondent as he is an opposing Counsel against him and his family members in many cases, the complainant had made no complaints against reporters of Punjab Kesari, Delhi, Dainik Bhaskar, Amar Ujala who have published the similar/identical news items based upon the complaint of Mrs Payal Khurania. Which proves that the present false complaint has been moved only to harass the answering respondent.

A copy of the written statement received from Mr Parashar has been forwarded to the complainant vide letter dated 30.7.2018.

Rejoinder filed by Complainant

Vide letter dated 10.8.2018, Mr Khurania, the complainant, informed the Council that the respondents is the Counsel of Mrs Payal Khurania and therefore to defame him he has published the impugned news item by misusing his position Bureau-in-Chief of the Punjab Kesari, Kaithal edition. He objected on the ground that even though a complaint is lodged at Police Station, a journalist is not supposed to report the same without pre-verification. He further objected that a Counsel who is representing his Client in the Court on the basis of certain facts, he cannot publish the same in the Newspaper to add a benefit to the case. The Complainant alleges that this act is a direct interference into the personal life and liberty of the complainant.

Further submission from Shri Ajay Garg and Shri Ranvir Parashar

The Respondent-Shri Ajay Garg giving reference to his earlier submission dated 15.6.2018, informed the Council vide letter dated 28.7.2018, that the complainant Mr Khurania has filed a Civil Suit against him, Shri Ranvir Parashar and Mrs Payal Khurania and her family in the same matter as filed before the Hon'ble Council for relief and hence requested to kindly stay the hearing process.

A copy of the written submission has been forwarded to the complainant on 10.8.2018

Communication of the Complainant

Mr G.S.B. Khurania vide letter dated 10.8.2018 has informed the Council that a Civil Suit in the Court titled 'Ghanshyam Dass Vs. R.S. Jolly and others' has been filed by him before the Court of Ms Madhulika Ld. Chief Judicial Magistrate, Kaithal, on 16.7.2018, which also happens to cover his objections against the impugned news items.

A copy of the rejoinder has been forwarded to the respondents on 23.8.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. There was no appearance on behalf of the complainant. Shri Ranvir Parashar, Reporter along with Shri Ajay Kumar, Reporter appeared before the Committee.

It is an admitted position with subject matter of this complaint is also subject matter of a civil suit filed by the complainant. In that view of the matter, the Inquiry Committee is

not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, disposes of the complaint.

Held

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

PRESS COUNCIL OF INDIA

S.No. 23

F.No. 14/171/17-18-PCI

Complainant

Shri B. Sanjay Saxena,
23-6-789 to 791, Bela X Road,
Hyderabad-500 065 (T.S)

Respondent

The Hindu,
No. 6-3-879 & 879B,
Begumpet, Hyderabad-500 016.

Adjudication dated 15.11.2018

Facts:

This complaint dated 20.07.2017 has been filed by Shri B. Sanjay Kumar Saxena, Advocate against the editor, The Hindu, Hyderabad for allegedly publishing a false and derogatory news under the caption: "Hunt on for AP MLCs aide in land Scam" in its issue dated 8.6.2017.

It has been reported in the impugned news item that Telangana Police are on the lookout for Shivabhushanam @ Iqbal Islam Khan, who allegedly played key role in the sensational land scam involving Andhra Pradesh Telugu Desam Party MLC G. Deepak Reddy and others. Shivabhushanam's arrest is likely to throw more light on the land scam as he, with the fictitious name of Iqbal had allegedly sold 70 acres of land at Bhojagutta to one Shailaja of Hanuman Real Estate represented by Prakash Chandra Saxena and G. Deepak Reddy. Prakash Chandra is father of the arrested lawyer Sailesh Saxena. It has been further reported that MLC Deepak Reddy, Sanjay (elder brother of arrested lawyer) and Prakash Chandra Saxena moved the court claiming rights over the land stating that two persons Akbar Ansari and Khaja Mohiuddin sold it to them.

Denying the allegations levelled in the impugned news item, the complainant has stated that he is no way concerned with the land in respect of which the said item has been published. The complainant has further stated that the respondent published the said news item with an intention to malign him in the eyes of the public, society, family and friends and harm his reputation as a lawyer. The complainant vide letter dated 20.7.2017 drew the attention of the respondent towards the impugned news item.

Show Cause Notice was issued to the respondent editor, 'The Hindu, Hyderabad on 13.10.2017.

Written Statement

The Sr. Managing Editor, The Hindu vide written statement dated 27.10.2017 had stated that their reporter had admitted his mistake including the name of the complainant, Shri B. Sanjay Kumar Saxena, as one of the persons who had moved a court of law claiming rights over a parcel of land. He has further stated that the error occurred following a communication failure during a briefing and also submitted that in the issue of October, 27, 2017 in Telangana and Andhra Pradesh, The Hindu published a correction in this regard. He has requested the Council to dismiss the case.

A copy of the Written Statement was forwarded to the complainant on 2.11.2017 with a request to intimate the Council whether he is satisfied with the clarification published by the respondent.

Counter comments

The complainant vide his counter comments dated 15.11.2017 submitted that in the alleged correction it is mentioned "Over a piece of land" while in its publication dated 8.6.2017, the respondent wrote in detailed way about the location and extent of land. The respondent failed to see that appearing of his name in F.I.R is different from claiming land.

He has further submitted that the respondent's mistake has made him a big offender of nearly five hundred crores rupees worth land. Further, the correction published by the editor is not as attractive as the heading of the impugned news was at the time of publication. The publication has made worst impact on his family as this led to nervous breakdown of his wife and his daughter's marriage was called off after the publication. He has further submitted that the respondent editor cannot walk away simply by publishing the said small correction dated 27.10.2017 and by taking shelter under the umbrella of "communication failure" during a briefing. Further, he has requested the Council to proceed with the matter as per law and do justice to him as he is not satisfied with the clarification and written statement of the respondent editor.

A copy of the counter comments was forwarded to the respondent editor on 18.12.2017 for further reply.

Further reply from the respondent:

Shri P. Jacob, Sr. Managing Editor, The Hindu vide letter dated 1.1.2018 has informed the Council that the Hindu published the correction on 27.10.2017 and it was not directed to send a copy of the correction to the complainant. As regard the monetary value of the land that is involved in a dispute is concerned, he has submitted that the land is not pertinent in correction and that is not the practice of 'Hindu' to give a headline for a correction and published it as demanded by the complainant. He has further stated that the Hindu dismiss the fact that the F.I.R was registered against the complainant and he sought anticipatory bail to avoid the arrest as a consequence of the Hindu inadvertently making a passing reference that the complainant (Sanjay Kumar) was one of those who had moved to Court of law claiming rights over a parcel of land, whereas fact of the case is that Shri Sanjay's brother Shri Sailesh Saxena was arrested by the Police in a related case and their father moved to the court. He has further requested the Council to dismiss the complaint.

A copy of further reply was forwarded to the complainant on 17.1.2018 for his information.

Communication dated 22.9.2018 received from the complainant

The complainant, Shri B. Sanjay Kumar Saxena, Advocate has filed Written Submission dated 22.9.2018 at the time of hearing whereby he has reiterated his grievances and submitted that his name has wrongly figured in the newspaper in relation to a land scam. He has further submitted that the respondent has clearly admitted his mistake about including name as one of the persons who moved a court of law claiming rights over the land which is the subject matter of the said publication. He has further requested the Council to take necessary action against the respondent.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. The complainant, Shri B. Sanjay Kumar Saxena, Advocate appeared in person. Shri P. Jacob, Sr. Managing Director along with Shri S. Ramanujan, Regional General Manager represented the respondent paper, The Hindu.

The Inquiry Committee has heard the complainant and the representative of respondent newspaper. It is the allegation of the complainant that his name has wrongly figured in the newspaper in relation to a land scam. The plea of the respondent is that when it came to its notice that the name of the complainant has wrongly been mentioned in the impugned news item, it published a correction *inter-alia* stating that the mention of the name of the complainant in a news was erroneous and had regretted for the inadvertent error. The norms of Journalistic Conduct in categorical terms states that when any factual error or mistake is detected or confirmed, the newspaper should suo-motu publish the correction promptly with due prominence and with expression of regrets. The respondent newspaper has though chosen to publish the correction but on perusal of the original news item and also the correction the Inquiry Committee is of the view that the 'correction' has not been published with the same

prominence as the original news item. The representative of the respondent newspaper states that it may not be practical to publish the correction with the same prominence. The Code of Conduct provides that the correction be published with due prominence and not same prominence. The Inquiry Committee is of the view that it may not be possible to publish the correction mathematically with the same prominence but it does not mean that it can be published in a manner that it does not get the attention of the readers when compared with the original news. In the opinion of the Inquiry Committee there should be sufficient information in the 'correction' so that a reader who had read the original news could decipher the error committed in the original news. In the name of 'practice' the respondent can not shield itself from the charge of violation of journalistic norms. When tested on the aforesaid anvil, the Inquiry Committee is of the opinion that 'Correction' published does not satisfy the aforesaid tests. It has not been published with 'due prominence' as that of the original news. Further, it is difficult to connect the correction with the original news. In fact the Inquiry Committee is firmly of the opinion that the correction published is not with the same prominence and that invites action.

Accordingly, the Inquiry Committee recommends that the respondent newspaper be **Censured**. The Inquiry Committee accordingly directs that the respondent newspaper be Censured and a copy of this Order be forwarded to the District Collector, Hyderabad, Commissioner, Information and Public Relation, Government of Telangana, the DAVP and all Ministries of the Government of India for appropriate action.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above direction.

Press Council of India

S.No. 24

File No. 14/388/17-18/PCI

Complainant

Respondent

Chief Engineer,
Haryana Power Purchase Centre,
UHBVN & DHBVN,
Panchkula.

The Editor,
The Tribune,
Chandigarh.

Adjudication dated 15.11.2018

Facts:

This complaint dated 14.10.2017 has been filed by Chief Engineer, Haryana Power Purchase Centre, UHBVN & DHBVN, Panchkula against the editor, The Tribune, Chandigarh for allegedly publishing incorrect news item in its issue dated 29.9.2017 under the caption “8 Haryana Power Projects Lack Transparency :HERC Chairman”.

It is reported in the impugned news item that the functioning of the Power Department headed by Chief Minister is in the spotlight again with Chairman of the Haryana Electricity Regulatory Commission raising a red flag over the procedure followed for the setting up of eight mini hydropower projects in the State. According to the news item in a dissenting note that forms part of an order of approval to purchase power from the proposed eight projects, the Chairman said that the lack of transparency in the selection of developers and verification of hydrological data by an independent agency have put public interest at risk, and therefore, it needs deliberations. The news item further alleged that these irregularities in the department have also been highlighted before the CM by their own MLAs and Cabinet Ministers.

The complainant stated that the averments made in the said news report are factually incorrect and apparently have been published intentionally to bring bad name to the Haryana Power Purchase Centre (HPPC) and the Haryana Power Distribution companies i.e. Uttar Haryana Bijli Vitran Nigam (BHBVN). The correct facts of the case are that the policy for promotion of generation of Renewable Energy has been notified by Haryana Renewable Energy Department and as per Order Haryana Renewable Energy Development Agency is the State Nodal Agency for implementation of renewable energy programmes including all activities relating to power generation through small Hydro Power Projects in the State HAREDA functions under the administrative control of the New and Renewable Energy Department. The complainant further stated that the respondent has not contacted them before publishing the impugned news item. The complainant vide letter dated 12.10.2017 drew the attention of the respondent towards the impugned publication and requested him to take appropriate action in the matter, but received no response. He has requested the Council to take necessary action in the matter.

Show Cause Notice dated 27.12.2017 was sent to the respondent editor, The Tribune.

Written Statement

The Editor-in-Chief, The Tribune vide written statement dated 22.1.2018 has stated that the news report is totally factually correct and based on an Order passed by the Haryana Electricity Regulatory Commission on 5.9.2017 wherein the Chairman, HERC has given a dissenting note. The respondent stated that they have published factual position in the story and the allegations levelled by the complainant are baseless. The respondent has further submitted that the news being objected by the complainant indicates that the contents thereof are not the positioned statements of the author but mere quotations from the Order passed by

HERC Chairman who has not denied the contents of the story till date. Further, he has requested the Council to dispose of the matter.

A copy of the written statement was forwarded to the complainant on 24.1.2018 for information/counter comments.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. Despite service of notice, there was no appearance on behalf of the complainant. Shri Amit Sharma, Head Legal & Admin, The Tribune appeared before the Inquiry Committee.

The respondent in his written Statement has stated that the basis of the impugned news item is the report of the Chairman of the Haryana Electricity Regulatory Commission. Having perused the record, the Inquiry Committee is of the opinion that the respondent newspaper has not committed any breach of journalistic ethics so as to call for action.

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

Held

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

PRESS COUNCIL OF INDIA

S.No. 25

F.No. 14/112/17-18-PCI

Complainant

Shri Sarup Chand Singla,
Candidate of Akali Dal,
Bathinda ,
Through
Returning Officer-Cum-Sub-Divisional
Magistrate,
Bathinda

Respondent

The Editor,
Dainik Pilot,
Bathinda.

Adjudication dated 15.11.2018

Facts:

The Returning Officer (Urban)-cum-Sub-Divisional Magistrate, Bathinda vide his letter dated 13.1.2017 has forwarded an online complaint of Shri Sarup Chand Singla, a candidate of Akali Dal from Bathinda Urban constituency against the editor, Dainik Pilot for publication of allegedly false, baseless, factually incorrect and unsubstantiated news items. The captions and date of the impugned news items read as follows:

S. No.	Caption	Date
1.	उम्मीदवारों की गुंडागर्दी रोकने के लिए तीन क्षेत्रों में उड़न दस्ते तैनात	Undated
2	अकाली दल के उम्मीदवार सिंगला ने शुरू किया पैसे बाटने का सिलसिला	7.1.2017
3	अकाली उम्मीदवार जत्थेदार सिंगला ने खोल दिये अपने शराब गोदाम के दरवाजे	6.1.2017

The content of the impugned news items are illegible.

In the complaint, the complainant has alleged that the respondent has published baseless news with a view to malign his image as he refused to entertain their financial demands. The complainant has further alleged that the editor is blackmailing and publishing false stories which had led not only to loss of his reputation but has also spoiled his political career in the upcoming elections. The complainant has stated that he has nothing to do with liquor businesses.

Show Cause Notice issued to the respondent editor, 'Daily Pilot, Bathinda on 25.7.2017.

Written Statement

The respondent editor vide letter dated 8.8.2017 has informed that no notice with regard to the news has been sent by the complainant, therefore it is liable to be dismissed. He has further submitted that present complaint, the Returning Officer has no jurisdiction to file the complaint as he is not a party. He submitted that the news under the caption "उड़न दस्ते तैनात" is with the reference of Press Note issued by the Election Officer and there is nothing objectionable in it. He has further submitted that the complainant has not cleared whether the

candidate, Shri Sarup Chand Singla, had distributed the money to the voters or not. The respondent submitted that due to fear of Akali Govt., the Returning Officer did not take action against the candidate, Shri Sarup Chand Singla, for causing an irreparable loss to the public properties. He has further submitted that the Returning Officer is working under political pressure as he helped Ex. MLA, Shri Sarup Singla, grab illegal possession over Muslim Shrine. Besides, the complainant has not furnished any evidence in support of their allegations that the news was incorrect. The respondent has therefore requested the Council to dismiss the matter.

A copy of the written statement was forwarded to the complainant on 15.9.2017 for counter comments but no response has been received so far.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 25.9.2018 at New Delhi. Shri Vishal Gupta, Representative for the complainant and Shri Mohan Nagpal, Editor of the respondent paper, appeared before the Inquiry Committee.

The Inquiry Committee has heard the representative of the Returning Officer-Cum-Sub-Divisional Officer, Bhatinda and also the Editor of the respondent Dainik Pilot. In facts and circumstances of the case, the Inquiry Committee is of the opinion that the complaint filed by the complainant is misconceived and accordingly recommends that it be rejected.

Held

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

Press Council of India

S.No. 26

F.No.14/568/16-17-PCI

Complainant

Shri Hukmdev Narayan Yadav,
M.P., Lok Sabha

Respondent

The Editor,
Dainik Bhaskar,
New Delhi

Adjudication dated 15.11.2018

Facts

This complaint dated 27.3.2017 has been filed by Shri Hukmdev Narayan Yadav, M.P., Lok Sabha against the editor, Dainik Bhaskar for publication of a false and unverified news in its issue dated 27.3.2017 under the caption “**भाजपा सांसद हुकुमदेव ने पटना एयर पोर्ट पर दिखाई धोंस, बस मे अकेले बैठकर विमान तक पहुँचे**” It is reported in the impugned news item that after Shivsena Sansad, now BJP leader, M.P. from Madhubani, Shri Hukmdev Narayan Yadav is under fire for his alleged misbehaviour with the employees of the Airlines as he pressurised them and got arranged airport shuttle exclusively for himself to board flight from Patna to Delhi. It has been further reported in the impugned news item that a co-passenger in the flight Shri Sankarshan Thakur, a journalist tweeted about the incident. On questioning regarding the said tweet, the M.P. questioned back as to whether someone filed any complaint or case? Regarding his travel in the airport Shuttle, the M.P. replied that it was the decision of the Airlines.

Denying the allegations levelled in the impugned news item, the complainant submitted that no such incident has been happened at the airport and the respondent before publishing the same has not verified either from him or from the airlines authorities. He has also submitted that when the airport authorities denied the incident, Shri Sankarshan Thakur deleted his tweet from the twitter. The complainant submitted that by publication of such false and fabricated news item, the respondent Dainik Bhaskar malign him in the eyes of the public. He has requested the Council to take strict action against the respondent.

A Show Cause Notice was issued to the respondent editor, Dainik Bhaskar, New Delhi on 5.4.2017 for written statement, but no response has been received. A letter dated 5.4.2017 followed by a reminder dated 7.7.2017 has also been issued to the complainant Shri Hukm Dev Narayan Yadav, M.P.(Lok Sabha), New Delhi for drawing the attention of the respondent towards the impugned news item and file declaration, but nothing has been received from him.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 22.10.2018 at New Delhi. Neither the complainant nor the respondent has chosen to appear.

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

Held

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

PRESS COUNCIL OF INDIA

S.No. 27

F.No.14/902/14-15-PCI

Suo-Motu action against the editor, Haribhoomi for publication of paid news (Case re-listed as per the directions of Supreme Court)

Adjudication dated 15.11.2018

Facts:

Election Commission of India vide its letter dated 20.1.2015 forwarded a suspected case of Paid News sent by the concerned CEO of the State of Chhattisgarh against the newspaper i.e. "Dainik Hari Bhoomi" for publishing news item captioned: "Saroj Jitengi sawa do lakh voton se: Prem Prakash" dated 12.4.2014 amounting to Rs.29,564/- as per DIPR/DAVP Rates.

It was reported in the impugned news item that the Education Minister of the State stated that BJP will win not less than 11 seats, he also assessed that BJP candidate from the Durg constituency will win the election with the margin of two lakh votes.

Show Cause Notice was issued to the respondent editor, Dainik Hari Bhoomi on 15.4.2015, but received no response.

Decision of the Council

The matter was heard by the Inquiry Committee of the Council on 15.12.2016 at Lucknow. There was no appearance either on behalf of the ECI or on behalf of the respondent, despite service of notice.

The Council perused the impugned item in the light of the following principles laid down by the Council

"Paid news would mean any words appearing in media, or omitted from media in lieu of a consideration given either earlier, at the time or after publication in any form. It is a clandestine financial transaction conceived in fraud and delivered in deceit, and hence it is difficult to get direct evidence to establish it. But while direct evidence may not be available it is possible to infer the incidence of paid news from strong circumstantial evidence. At the same time, an onerous responsibility on election authorities is to ensure that the process of identifying paid news is exhaustive and credible because the reputation of publications and journalists is at stake. No hard and fast rule or straight jacket formula is possible to be laid down to determine the issue of paid news and it will depend upon the facts and circumstances of each. Merely, because a particular news item appears to serve the cause of a particular candidate, it cannot be concluded that it was paid news. Further, publication of interview of a candidate or political coverage in the newspaper cannot itself be the reason to term the same to be paid news. Bad journalism may raise doubt about the credibility of news but from that to jump to the conclusion that those are paid news would be irrational. During the course of election, subject to the conditions laid down by the Election Commission of India, newspapers are free to make an honest assessment of prospects of candidates or the parties and its publication would not be paid news so long it is not established that consideration passed on for such publication. One has to bear in mind that many newspapers have editorial policy to support the candidate of particular thought or region and in such cases writing in favour of such candidates would not amount to paid news. Mere publication of an advertisement by the candidate on the date when the news item pertaining to this nature has been published, itself may not be conclusive to establish the impugned publication as a paid news. State election authorities have little appreciation of the nuances of journalism and therefore fell into grave error while making comment on what is news and what may be paid news. The state electoral authorities before making public their findings of paid news ought to have applied themselves judiciously to the issue at hand especially because adverse findings would injure the reputations of newspapers/periodicals."

It opined that the tenor and the manner of presentation of the news item clearly show that it is paid news and decided to censure the respondent in its meeting held on 3.3.2017 at New Delhi.

A copy of the decision was forwarded to the respondent along with other concerned i.e. DAVP, RNI, DIPR and ECI for the action as they deem fit in the matter on 17.7.2017.

The Press Council forwarded its decision dated 3.3.2017 to the DAVP, RNI, District Magistrate, Raipur, ECI, Hari Bhoomi, Raipur and DIPR, Uttar Pradesh for the action as they deem fit in the matter. In response thereto the DAVP vide its order dated 13.9.2017 stopped the advertisement of Hari Bhoomi Publications citing Press Council of India's decision dated 3.3.2017. The respondent-Hari Bhoomi, challenged the decision of the DAVP and Press Council of India in Hon'ble High Court of Chhattisgarh, Bilaspur.

Decision of the Hon'ble High Court of Chhattisgarh

The Hon'ble High Court of Chhattisgarh in its observations stated that the adjudication order passed by Press Council of India did not state whether clause 3(1) (a) and (c) of the Regulations, 2006 has been complied with and any complaint has been brought to the notice of the petitioner by the complainant. Originally, it is the ECI which has forwarded the complaint to PCI and even the limitation provided in clause 3(1)(f) of the Regulations, 2006, of two months for daily newspaper has not been complied with, as the news is said to have been published on 12.4.2014 and notice is said to have been issued to the petitioner by PCI on 18.4.2016 much after the expiry of prescribed time limit and by the Inquiry Committee of PCI on 15.12.2016. Section 14(1) of the PC Act provides opportunity of being heard and to hold an enquiry in the manner as may be provided by the Regulations.

The court further observed that after careful perusal of the impugned order would show that reasonable and sufficient opportunity of hearing has not been granted to the petitioner and the impugned order has been passed, as it has not been established on record that the petitioner was duly served along with copy of the complaint by PCI and the Inquiry Committee so constituted as well as Regulations 3(1)(c) and 3(1)(f) have not been complied with.

The Court in its order dated 7.12.2017 stated that the orders passed by Press Council of India imposing penalty of censure on the daily newspaper – Haribhoomi on the finding of publication of paid news is not covered under Section 14(1) of the Press Council Act, 1978 and set aside its order dated 3.3.2017.

In response to the Hon'ble High Court's order dated 7.12.2017, Press Council of India filed a Special Leave Petition(SLP) in Supreme Court of India. Upon hearing the counsel, the court made the following Order

“The Special Leave Petition is dismissed, since all the procedural norms have been thrown to the wind.”

However, any observation on the merits of the case will not bind the petitioner, in case it wishes to observe principle of natural justice and then proceed against the respondent.

The Council accordingly issued notice to the newspaper and Inquiry Committee heard the matter on 26.06.2018 and directed the respondent paper to file written statement in matter.

Response received from the respondent, Hari Bhoomi

In response to Council's letter dated 19.7.2018, the respondent-Chief Editor, Haribhoomi, Raipur, Chhattisgarh vide his clarification dated 28.7.2018 has stated that his newspaper does not publish any news under the paid news and the allegation levelled by the ECI is totally baseless. He has submitted that the impugned news item published in his newspaper issue dated 12.4.2014 under the caption “सरोज जीतेगी सवा दो लाख वोटों से-प्रेम प्रकाश” was not a paid news and published in public interest. The respondent has stated that the impugned news item was totally based on the interview of Shri Prem Prakash Pandey, a

BJP leader and Education Minister, which was evident that this was not a paid news. The respondent has stated that no amount/payment was received from Shri Prem Prakash Pandey or any party candidate in lieu of publication of the news item. According to the respondent, the interviews of Congress State President and other senior leader were also published impartially in public interest and the news items of the same were produced before the Inquiry Committee during the hearing. While forwarding a copy of the reply 26.7.2018 of ECI under RTI Act, the respondent has stated that there is no reference of election expenditure incurred by the BJP Candidate, Ms. Saroj Pandey and it clarified that the impugned news item which was declared as paid news by the ECI on preliminary stage but later ECI itself denied that the impugned news was the paid news because no payment was made by Ms. Saroj Pandey. The respondent has also stated that neither the District Electoral Officer, Durg issued any notice in this regard nor gave any opportunity to give his version. While denying publication of any paid news, he has requested the Council to close the inquiry against Haribhoomi.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 22.10.2018 at New Delhi. There was no appearance on behalf of the respondent newspaper.

Although the Hon'ble Supreme Court had given liberty to proceed against the respondent in case, it wishes. After observing the Principle of natural justice, the matter being old and stale, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee recommends for disposal of the matter with the aforesaid observations.

Held

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

Press Council of India

S.No. 28

File No. 14/2-6/17-18-PCI

Complainant

Vs.

Respondent

Ms. Aatira Babu,
Manager, Reserve Bank of India,
Department of Non-Banking,
New Delhi

The Editor,
Times of India,
New Delhi

The Editor,
Hindustan Times,
New Delhi

The Editor,
Dainik Jagran,
New Delhi

The Editor,
Punjab Kesari,
Jalandhar

The Editor,
Navbharat Times,
New Delhi

Adjudication dated 15.11.2018

Facts:

This complaint dated 31.3.2017 has been filed by Ms. Aatira Babu, Manager, Reserve Bank of India, Department of Non-Banking, New Delhi against the editors, 1) Times of India, 2) Hindustan, 3) Dainik Jagran, 4) Punjab Kesari and 5) Navbharat Times for publication of misleading advertisements. She alleged that these newspapers were luring public by offering very high rate of interest, guaranteed return on investments, loans at very low rates etc.

A Notice for Comments was issued to all the newspapers on 14.6.2017 for filing their respective written statement.

Written Statement from The Times of India

The respondent editor in his written statement dated 11.7.2017 has stated that the contents of the complaint are strictly and specifically denied and refused in toto. He has stated that all the issues related advertisement in a given newspaper is looked after by the advertisement department and not by the editor. He has stated that the newspaper has no role to play in the contents of the advertisements printed or the authenticity of the information provided therein by the advertiser. The responsibility of the newspaper is limited to ensuring that the content is not in violation of the law of the land. He has submitted that the allegations levelled in the complaint are uncalled for, unwarranted and without and cause of action and the complaint is liable to be dismissed.

A copy of the written statement was forwarded to the complainant on 28.7.2017 for information/counter comments.

Written Statement from Punjab Kesari

The respondent in his written statement dated 10.7.2017 has stated that the complaint is without substance. He has further stated that such advertisements are received in the ordinary course of the business of the newspaper from reliable advertisers. It is not possible for the newspaper to verify whether the advertiser is authorised to lend money and deals in such financial business. He has submitted that RBI should form a policy and issue necessary instructions for all newspapers so that other publications do not go on publishing such advertisements. He has prayed that the complaint is without any basis and may please be dismissed.

A copy of the written statement was forwarded to the complainant on 28.7.2017 for information/counter comments.

No Written Statement from other respondents

A reminder dated 30.5.2018 has been issued to the Editors Dainik Jagran and Hindustan Times, but no reply has been received so far.

The Inquiry Committee meeting held on 20.9.2017

The Inquiry Committee Meeting held on 20.9.2017 and directed RBI to consider issuing an advisory to the newspapers on the lines advised by the Ministry of Overseas Indian Affairs while accepting advertisement related to Overseas job and revert to the Council.

Reply of Reserve Bank of India

In pursuance of Inquiry Committee's directions, Ms. Aatira Babu vide letter dated 22.2.2018 has informed the Council that the matter will be discussed in State Level Coordination Committee Meetings of NCT of Delhi and Haryana, Chaired by Chief Secretaries of NCT of Delhi and State of Haryana respectively, and accordingly the Public Relation Department of the concerned State Government will be requested to issue advisory to the newspapers. The developments on matter will be apprised to the Council on a timely manner.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 22.10.2018 at New Delhi. Ms. Aatira Babu, Manager, RBI, Ms. Devika Gowrishankar, DGM, RBI and Shri K.P.S Kapoor, Joint Legal Advisor appeared on behalf of the complainant. Smt. Uma Lohary, Assistant Manager and Shri Madan Mohan Thakur, Section Head Legal represented the respondent newspaper, the TOI.

Ms. Aatira Babu, Manager, Reserve Bank of India appears and states that the State of Haryana and State of Delhi have agreed to issue advisories. The Inquiry Committee takes note of the aforesaid statement and drops the proceedings making it clear that in case, in future any of the newspaper acts in violation of the advisory, the complainant shall have liberty to approach the Council again.

Held

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

Press Council of India

S.No. 29

F.No. 14/276/17-18-PCI

Suo-motu cognizance w.r.t. news published in the Hindu regarding publication of a news item in its issue dated 01.10.2017.

Adjudication dated 15.11.2018

Facts

The Press Council of India came across the news item under the caption “**Dying woman molested, video shows**” published in the Hindu, Mumbai on 01.10.2017.

It is reported in the news item that a woman victim of the stampede, seconds from breathing her last, was molested by a bystander as she lay atop a pile of victims on the foot over bridge.

The respondent newspaper in its issue dated 04.10.2017 published an apology on the said report stating that they have withdrawn the said story from all online platforms of the Hindu.

A Show Cause Notice was issued to the respondent newspaper on 06.10.2017.

Written Statement of The Hindu

The respondent-Editor, The Hindu vide his letter dated 11.10.2017 has stated that the news item was written by freelance reporter, Ms. Vedika Chaubey on the basis of a video clip. He has further stated that this was published on an inside page of the supplement ‘Mumbai Local’, which is distributed only in that city. On learning that the report could be false, the supervisors of the Mumbai edition were asked to review the video and get in touch with her for an explanation. The video was reviewed by senior editors at ‘*The Hindu*’s headquarters in Chennai as well and they came to conclusion that the video clip did not corroborate the conclusion that the woman was molested, and that the entire report was baseless and was a result of extremely poor judgement. He has also stated that they have realised that there was total failure of editorial oversight on the part of those in charge of the desk at the Mumbai edition. The result of these twin failures was the publication of a report that should never have seen the light of day. He has stated that as the Editor of The Hindu, he has taken responsibility for the publication of the report and issued an unconditional apology, which was carried in ‘Mumbai Local’. He has further stated that the apology was also carried on their website and put out on their social media platforms. Also, the day after the false news was published, they put out a report on the finding of the police after inquiries that there was no substance in the molestation charge. He has also stated that they have reviewed their editorial processes as a result of this failure and have taken some internal steps to avoid such mistakes in future and hold to account those responsible for making them.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 22.10.2018 at New Delhi. S. Ramanujan, Sr. Regional General Manager, represented the respondent newspaper, The Hindu.

The Council took suo-motu cognizance when it came to its notice the news with headline “Dying woman molested” being prima-facie untrue gave notice to the respondent The Hindu to file its Show Cause. The Hindu has filed its Show Cause and admitted the mistake. The Hindu has also produced before the Inquiry Committee, the apology which has been published in the newspaper. It has also been stated that the aforesaid news has been deleted from the online edition. The Inquiry Committee is of the opinion that the impugned news was verifiable from the source from which it flowed and therefore little diligence on part of the newspaper would have avoided this serious mistake.

However, in view of the apology the Inquiry Committee drops the proceedings with the observations that respondent newspaper to be careful in future.

Held

The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts the Report of the Committee and decides to drops the proceedings with observations that newspaper to be careful in future.

Press Council of India

S.No. 30

File No. 14/109/17-18-PCI

Complainant

Respondent

Shri Shashi Kant Kumar,
Eye Assistant,
Community Health Centre, Senha
Lohardaga, Jharkhand.

The Editor,
Prabhat Khabar
Jharkhand

Adjudication dated 15.11.2018

Facts:

This complaint dated 19.7.2017 has been filed by Shri Shashi Kant Kumar, Eye Assistant, Community Health Centre, Senha, Lohardaga, Jharkhand, against the editor, Prabhat Khabar alleging publication of false and baseless news item under the caption: “लोहरदगा मे भी ट्रांसफर के सहारे फर्जी नियुक्ति” in its issue dated 16.6.2017.

It has been reported in the impugned news item that the matter of giving jobs by making only transfer orders, without any appointment, in Health Department has come to the light in Lohardaga now. The appointments of 41 persons in Health Department based only on transfer Order have been found to be fake. The department has initiated a probe into the matter. It has been further reported that 41 people have been identified in Godda District, who have been doing job in different Govt. hospitals based only on transfer Orders. It has also been reported that on the directions of Hon'ble High Court, an investigating Committee has been set up wherein all the concerned districts authorities were asked to present list of all IIIrd and IVth class employees and also either they have been appointed through direct recruitment or by transfer orders. The impugned news item has published the list of several employees wherein the complainant's name is also mentioned.

While denying the allegation, the complainant has alleged that the impugned news item is baseless and completely false. The complainant has further alleged that the respondent also published his name in the list of employees on which an investigation is being carried out for being posted in the departments based on transfer order. According to the complainant, he had been posted in Sadar hospital, Godda, from 3.11.2004 to 11.1.2014 and his appointment was made under the Advt. No. 197(6) dated 19.10.2014 of Department of Health and Family Welfare, Govt. of Jharkhand. The complainant vide letter dated 17.6.2017 has asked the respondent editor to publish clarification, but received no response.

A Show Cause Notice was issued to the respondent editor, 'Prabhat Khabar Jharkhand on 9.8.2017.

Written Statement

Shri Vijay Pathak, Editor, Prabhat Khabar vide his undated written statement has informed that they have not received any letter/grievance from the complainant. He has stated that postal receipt provided by the complainant does not have complete address of their office. The respondent has stated that the impugned news was based on a letter dated 16.6.2017 addressed to the Civil Surgeon, Lohardaga, Jharkhand by the Deputy Secretary Department of Health, Education and Family Welfare, Govt. of Jharkhand (wherein the complainant's name is mentioned at S.No.9). The respondent has further stated that the matter of illegal appointments is under investigation.

A copy of the written statement was forwarded to the complainant on 21.9.2017.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 22.10.2018 at New Delhi. There was no appearance on behalf of the complainant. Shri Vijay Pathak, Editor represented the respondent newspaper, Prabhat Khabar.

The complainant has sent a mail stating that due to paucity of fund, he is unable to attend the hearing before the Inquiry Committee. He has further stated that that if the hearing is held at Ranchi, he can appear before the Inquiry Committee. The Inquiry Committee is not in position to accede to the prayer of the complainant to have its sitting at Ranchi.

The Inquiry Committee has perused the complaint and the Written Statement filed by the respondent and is of the opinion that the news item is based on the communication of the Government. The Inquiry Committee is of the opinion that the respondent newspaper has not violated any code of conduct to call for action by the Council. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 31

F.No. 14/87/17-18-PCI

Complainant

Shri L. K. Indoriya,
57, Sitaram Bhawan,
Shanti Nagar,
Majdoor Marg, Hasanpura,
Jaipur – 302 006 (Rajasthan).

Respondent

The Editor,
Rajasthan Patrika,
Udaipur, Rajasthan.

Adjudication dated 15.11.2018

Facts :-

This complaint dated 06.06.2017 has been filed by Shri L.K. Indoriya, Jaipur against the editor, Rajasthan Patrika alleging publication of false condolence advertisement of his alive elder brother along with his photograph in its issue dated 05.06.2017.

The complainant has stated that his brother is alive and this false advertisement was published with a view to defame his family. He has further stated that it is mentioned in the newspaper that his brother has expired on 31.05.2017, while he had telephonic conversation with his brother on 04.06.2017. The complainant has further stated that on 31.05.2017 his brother was superannuated as Principal from the services of the Madan Mohan Malviya State Ayurveda College. While in service, on receiving a complaint against one Ms. Kirti Sharma, working in Nurse College, complainant's brother has ordered for her transfer on 12.05.2014 and aggrieved from this she along with her family members has threatened his brother and also defamed him through social media. He has also stated that Ms. Kirti has filed cases against his brother in Court. The complainant has requested the Council to take action against the respondent.

The complainant vide letters dated 20.07.2017 and 04.08.2017 drew the attention of the respondent and asked the newspaper to take action against the person who have approached them for publication of advertisement.

Show Cause Notice dated 16.08.2017 has been issued to the respondent-Rajasthan Patrika.

Written Statement

The respondent-Shri Raghunath Singh, Rajasthan Patrika vide his letter dated 29.09.2017 has stated that the impugned advertisement was published with bonafide intentions and without any professional profit. He has further stated that there were no ill-motives behind publication of impugned advertisement. He has also stated that such condolences advertisements were published on nominal rates therefore no intention was there to gain profit from the advertiser. He has further informed that as soon as newspaper came to know about the impugned advertisement, they lodged a complaint against the advertiser in the Police Station and also published about this in newspaper and prayed for longevity of the complainant's brother. He has requested the Council to dismiss the matter.

A copy of the Written Statement has been forwarded to the complainant on 16.10.2017 for Counter Comments.

Counter Comments

The complainant in his Counter Comments dated 03.11.2017 has stated that the respondent has published impugned advertisement without verifying its truthfulness. He has further stated that the respondent must have proof of advertiser like any I.D. proof, Mobile no. and address. He has also stated that in the absence of any correct information from the respondent about the advertiser, the matter is being closed by the police. Due to the carelessness of the respondent, the criminals/advertisers are saved from legal proceedings and penalties. He has requested the Council to take action against the respondent paper.

A copy of Counter Comments has been forwarded to the respondent on 24.11.2017 for information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 22.10.2018 at New Delhi. The complainant appeared in person alongwith Shri Gori Shankar Indoriya Mr. Hamif Ahmed, Assistant Manager appears on behalf of the respondent newspaper.

The respondent Editor, Rajasthan Patrika published an advertisement offering condolence on the demise of one Shri Gauri Shankar ji. The complainant states that his brother is alive and the advertisement is mischievous. The respondent has filed the Written Statement *inter-alia* stating that the advertisement was published with bonafide intention and on nominal charge. It has been further stated that the newspaper has lodged a complaint against the advertiser in the Police Station and has published news praying for long life of the complainant's brother.

The Inquiry Committee has heard the complainant. Mr. Hamif Ahmed, Assistant Manager appears on behalf of the respondent. The Inquiry Committee has asked the representative of the respondent to disclose the identity of the advertiser or the person at whose instance the impugned advertisement was published. He is unable to place the same before the Inquiry Committee. He has further been asked to place before the Inquiry Committee the report said to have been filed by the newspaper against the advertiser who has given the said advertisement.

The Inquiry Committee is of the opinion that the conduct of the respondent newspaper is absolutely irresponsible. The respondent newspaper ought to have furnished to the complainant the details of the person/agency who had given the advertisement so that the complainant could have pursued the matter. It had been stated by Mr. Hamif Ahmed that the respondent newspaper keeps the record of the advertisers. If that be so, the conduct of the respondent newspaper is not furnishing the details aggravates the misconduct. Taking into consideration the facts stated above, the Inquiry Committee is of the opinion that the respondent newspaper deserves to be Censured and is **Censured** accordingly. A copy of this Order be forwarded to the Directorate of Public Relations, Govt. of Rajasthan, the District Magistrate, Udaipur, Rajasthan and the DAVP for appropriate action.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above direction.

Press Council of India

S.No. 32

F.No. 14/274/17-18-PCI

Complainant

Shri Prem Prakash Joshi,
(former) Assistant Accounts Officer-II,
Jodhpur Development Authority,
Jodhpur.

Respondent

The Editor,
Rajasthan Patrika,
Jaipur, Rajasthan.

Adjudication dated 15.11.2018

Facts :

This complaint dated 26.05.2017 has been filed by Shri Prem Prakash Joshi, Jodhpur against the Editor, Rajasthan Patrika alleging publication of a false, fabricated and defamatory news item along with photographs in its issue dated 06.05.2017 under the caption "ऐसे तो जेडीए में फिर से गायब हो सकती है फाइले".

It has been reported in the impugned news item that the irregularities are prevailing in the Jodhpur Development Authority these days. Despite transfer of Assistant Accounts Officer, Shri Prem prakash Joshi on 17.04.2017, no one has taken charge from him and due to which he handed over the keys of records to a contractual Computer Operator, Riyaz, who was also not coming to Jodhpur Development Authority for many days. It has been further reported that the Executive Engineer has also stated that he was on leave and no keys was handed over to him. According to the news item that in the past also there have been cases of files missing in JDA but is not surprising if it will happen again due to negligence of the officers.

Denying the allegations levelled in the impugned news item, the complainant has alleged that the impugned news item is false and fabricated and published with a view to malign his reputation. The complainant has informed that the keys etc. were handed over to the seniors and then he got retired after taking the receipt of the same. According to the complainant, Shri Kanhiyalal Chauhan, Executive Engineer, JDA called him office on 5.5.2017 for completion of an information, which was pending during his tenure. The said information was saved in a computer, which was installed in another room and key of that room was in the control of Shri Yakub Bhati, then Executive Engineer (the keys were handed over to Shri Yakub Bhatti on 17.4.2017). The complainant has further stated that after obtaining permission from Shri Yakub Bhatti over phone, he opened the room. The complainant has informed that when he was helping the computer operator for obtaining the required data from computer, one Shri Dungar Singh Solanki, Employee of JDA, who was annoyed with him due to non-clearance of his forged bills, was also present in the room. The complainant has alleged that the Shri Dungar Singh Solanki with the connivance of Shri Deenbandhu, Correspondent of respondent newspaper got published the false and fabricated impugned news item along with his photographs thereby tried to malign his image.

The complainant vide letter dated 12.5.2017 has drew the attention of the respondent towards the impugned news item with a request to publish apology but received no response.

A Show Cause Notice was issued to the respondent newspaper on 17.10.2017 for Written Statement.

Written Statement of Rajasthan Patrika

The respondent-Rajasthan Patrika vide its written statement dated 10.01.2018 while denying the allegation has stated that the complaint is false and baseless and filed without any evidence. The respondent has further stated that the impugned news item was published in order to show the work style of Jodhpur Development Authority. It was shown in the impugned news item that how a transferred employee works in the same department despite his transfer. While denying having any relation with Shri Dungar Singh Solanki, the respondent has informed that he published the statement of the then Executive Engineer, Shri Yakub Bhatti and neither Shri Bhatti nor the JDA has objected to it. The respondent has stated that keeping in view the facts mentioned above, it cannot be admitted that the newspaper tried to malign the image of the complainant. He has stated that the complaint is liable to be dismissed.

A copy of the Written Statement was forwarded to the complainant on 07.02.2018 for his counter comments.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 22.10.2018 at New Delhi. Shri Prem Prakash Joshi, AAO-II, and Rajendra Vyas, appeared on behalf of the complainant. Shri Hamif Ahmed , Assistant Manger represented the respondent newspaper, Rajasthan, Patrika.

The Inquiry Committee has heard the complainant and the representative of the respondent newspaper. In the facts and circumstances of the case, the Inquiry Committee gives liberty to the complainant to give his version to the respondent newspaper within two weeks. The complainant doing the same, the respondent shall publish the complainant's version within one week of the receipt of his version with the same prominence as the impugned news item. The Inquiry Committee directs for disposal of the complaint with the aforesaid direction.

Held

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

PRESS COUNCIL OF INDIA

S.No. 33

F.No. 14/371/17-18-PCI

Shri M.C. Chaudhary,
Madhya Pradesh State Automobiles
Association, Bhopal.

The Editor,
Pradesh Today,
Bhopal.

Adjudication dated 15.11.2018

Facts:

This complaint dated 15.10.2017 has been filed by Shri M.C. Choudhary, President, Madhya Pradesh State Automobile Association, Bhopal against the editor, Pradesh Today, Bhopal alleging publication of a series of news items as detailed herein below:

S.No.	Caption	Dated
1.	सी0आई0 स्कवेर मॉल में इन्वेस्ट कर फंस गए लोग	27.5.2017
2.	फर्जी पर्मिशन दिखा बिल्डर मालिक की पब्लिक से धोखाधड़ी	30.5.2017
3.	रुपये लेने पहुंचे लोग भागा सी0आई0 मैनेजमेंट	1.6.2017
4.	ग्राहकों को झांसा, सी0आई0 बिल्डर मालिक पर दर्ज होगा 420 केस	6.6.2017
5.	रेज़िडेन्शियल पर्मिशन पर कर दिया कमर्शियल	9.6.2017
6.	25 लाख में खरीदी शॉप 17 में बेचने को तैयार	16.6.2017
7.	पर्मिशन सही थी, बिल्डर मालिक ने बाद में की गड़बड़	19.6.2017
8.	बिल्डर मालिक ने पार्किंग की जगह बेची लाखों के दुकाने	20.6.2017
9.	आई टी के घरे में सी0आई0 बिल्डर मालिक	21.6.2017
10.	सी0आई0 बिल्डर के बेसमेंट के दुकानों पर चलेगा हथौड़ा	23.6.2017
11.	सी0आई0 शोरूम से नई बताकर बेच दी गई पुरानी कार	6.7.2017
12.	अंजु मालिक पर 420 दर्ज कराने थाने जाएंगे ठगी के शिकार	11.7.2017
13.	धोखेबाज़ सी0आई0 शोरूम संचालक को खाना पड़ेगा जेल की हवा	13.7.2017
14.	सी0आई0 शोरूम में फ़ाइल चार्जस आरटीओ की फीस के नाम पर हो रही लूट	15.7.2017
15.	सी0आई0 संचालक जैसा कस्टमर वैसा लूटने के तर्ज पर बेच रहा गाड़ी	17.7.2017
16.	सी0आई0 शोरूम के संचालक अंजु मालिक से छिनेगी डीलरशिप	20.7.2017
17.	सी0आई0 शोरूम पहुँचकर अब दर्जन भर कस्टमर्स से मांगा गाड़ियों का रेकॉर्ड	21.7.2017
18.	बंद हो न्यू बताकर पुरानी कार बेचने वाला शोरूम	25.7.2017

19.	सी0आई0 शोरूम का नया कारनामा 2 लोगों को बेची पुरानी गाड़ी	31.7.2017
20.	अंजु मालिक को कंपनी का नोटिस छिनेगी डीलरशिप	1.8.2017
21.	सी0आई0 में सेर्विकिंग के लिए गई कार का चेसिस तोड़ दी धमकी	21.9.2017
22.	सी0आई0 डाइरेक्टर अंजु मालिक के थाने में कम्प्लेंट होगी एफआइआर	23.9.2017
23.	मालिक के खिलाफ अलग-अलग थानो में शिकायत दर्ज	25.9.2017
24.	अनट्रैंड है मैकेनिक, सी0आई0 शोरूम पर कंडम हो रही नई गाड़ियाँ	26.9.2017
25.	गाड़ी तोड़ी धमकाया सी-आई0 शोरूम डाइरेक्टर आकाश मालिक पर एफ आइ आर	28.9.2017
26.	मालिक के धमकी से दहशत में पटेल आकाश से होगी पूछताछ	29.9.2017
27.	एफआइआर के बाद गडी लौटने तैयार हुआ सी0आई0 डाइरेक्टर मालिक	30.9.2017
28.	7 साल की गारंटी के साथ लौटाई गाड़ी	2.10.2017
29.	सी0आई0 मॉल पर नहीं हुआ एक्शन साँठ-गांठ पर अफसरों ने साधी चुप्पी	6.10.2017
30.	प्रधान संपादक प्रदेश टूडे को प्रेषित सूचना पत्र	9.10.2017
31	दैनिक भास्कर समाचारपत्र में प्रकाशित की जाहीर सूचना	15.10.2017

It is reported in the series of impugned news items that the complainant firm is cheating the clients who have purchased shops in the mall constructed by him. The news items report that the complainant builds commercial building instead of residential complex on the land allotted to him. It has been reported in one of the news items that the complainant sells one vehicle to two persons and reported an incident in which he alleged to have damaged the chassis of a vehicle which had been given to the workshop for servicing. Due to unskilled mechanics, the vehicles in complainant's showroom are damaged.

Denying the allegations levelled in the impugned news items the complainant stated that the news items are completely false, fabricated and concocted and published with an intention to tarnish the image of members of the association in the society and public at large. The complainant stated that the respondent has earlier also published news against some big business houses and his sole intention is to defame them and blackmail them. The complainant further stated that if the paper is not given advertisements they publish news against people and malign them. The complainant vide letter dated 9.10.2017 drew the attention of the respondent towards the impugned news items and requested him to publish their version, but no response has been received. The complainant requested the Council to take action against the respondent.

Show Cause Notice was issued to the respondent editor, Pradesh Today on 19.12.2017.

Written statement

In response to the Council's Show Cause Notice the respondent paper vide letter dated 2.1.2018 filed its written statement. The paper submitted that they have never published any false and malicious news item against anyone. The news items published in his newspaper are completely true and based on facts and evidences. The respondent further submitted that the complainant Association is not registered and they harass the general public. According to the respondent the complainant published a Public Notice against them in Dainik Bhaskar Newspaper stating that the news published in their newspaper(Pradesh today) is false and misleading and published with an intention to defame them and the Association is not going to give any advertisement to "Pradesh Today" in future. Pradesh Today in response to the Public Notice issued against them by the M.P. State Automobiles Association also published a Public Notice in their newspaper(Pradesh Today) clarifying their position and informed the general public that the news published against the complainant's Association is completely true and based on facts.

The respondent also submitted that they filed a complaint on 23.10.2017 against the State Automobiles Association for allegedly harassing and pressurising him not to publish news against them with the Council. As per their information the complainant is planning to file a case in Hon'ble Court for defamation. In response to the complaint filed by the respondent the Council in this regard vide letter dated 23.3.2018 asked the complainant to inform the Council whether any case related to impugned publications is pending in any court of law.

It is pertinent to mention here that in response to the cross complainant filed by the respondent(Pradesh Today) against the complainant(M.P. State Automobiles Association) on 23.10.2017, the respondent(Pradesh Today) vide Council's letter dated 22.1.2018 requested to comply with the requirements of the Inquiry Regulations, 1979 and File Declaration in the matter. In response thereto the Pradesh Today vide letter dated 8.2.2018 while returning the blank Declaration has informed the Council that they have filed suit for Declaration, damages and compensation against M.P. State Automobiles Association before Fourth District Judge Bhopal on 18.1.2018. The said matter was accordingly closed for being sub-judice.

The President, M.P. State Automobile Association vide e-mail dated 2.6.2018 intimated the Council that they have not filed any case against the complainant in any court of law.

A copy of the written statement was forwarded to the complainant on 11.1.2018 for information/counter comments, if any.

Hearing before the Inquiry Committee

The matter was heard by the Inquiry Committee in its meeting held on 24.7.2018 at Bhopal. It heard both the parties and recommended to award Censure to the Respondent, Pradesh Today, Bhopal.

Communications Received from the Respondent

While the matter was being placed for ratification by the full Council, the respondent vide letter dated 25.7.2018 has informed the Council that the complaint filed by Automobile Association (complainant) is sub-judice as they had filed defamation case bearing RCS No.136-A/2018 on 18.1.2018 against complainant before the court of IInd Additional Dist. Judge, Bhopal and similarly, the complainant Shri Rakesh Malik of M.P. State Automobiles Association, Bhopal had also filed a Civil Suit against them for compensations in the court of Dist. Judge, Bhopal bearing RCS No.412-A/2018 and both the above cases pertain to the same dispute. The respondent submitted that the complainant malafidely did not inform the Hon'ble Council in their complaint about the civil cases pending in Bhopal court pertaining to the same dispute and during hearing of the matter the representative of the complainant again wilfully did not disclose about the litigations pending in Bhopal Court in regard to the dispute. The respondent requested the Council to reconsider the order of imposing punishment of Censure on them and close the matter being sub-judice.

The communication received from the respondent was forwarded to the complainant on 16.8.2018 for comments.

Communication received from the complainant

In response to the Council's letter dated 16.8.2018 the complainant vide his comments dated 29.8.2018 submitted that the averments made in the para-1 of the letter dated 25.7.2018 of the respondent (Pradesh Today) is factual and true in nature, hence accepted. The averments made in Para-2 of the letter dated 25.7.2018 of the respondent are partially correct. It is true that the respondent has filed a Civil Suit RCS No.136-A/2018 against the Madhya Pradesh State Automobiles Association, Bhopal but the subject matter and cause of action of this Civil Suit No.RCS 136-A/2018 are completely different from the complaint filed by their association. He has submitted that the respondent claimed damages in the Civil Suit No.RCS 136-A/2018 for the alleged defamation caused by their public notice published in Dainik Bhaskar dated 15.10.2017 and Madhya Pradesh State Automobile has no information regarding the Civil Suit No. RCS 412-A/2018 filed by Shri Rakesh Malik against the respondent. The complainant submitted that no litigation regarding the matter before the Hon'ble Council was pending before any court of law on 24.7.2018. He has requested the Council to dismiss the application of the respondent, Pradesh Today as the same is based on false submissions in the interest of justice.

Hon'ble Chairman vide order dated 14.9.2018 directed to place the matter before the Inquiry Committee afresh.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 22.10.2018 at New Delhi. Shri M.S. Bakshi, Coordinator along with Mr. Enosh George Carlo, Advocate appeared on behalf of the complainant and Shri N.C. Das, Advocate, Shri Gufran Khan, Unit Head representing the respondent newspaper, Pradesh Today appeared before the Inquiry Committee.

This matter was heard by the Inquiry Committee in its sitting held on 23.7.2018 at Bhopal and decided to Censure the respondent newspaper. However, before the decision of the Inquiry Committee could be placed before the Council, it was brought to the notice of the Council that the matter is sub-judice before a court of law.

The Inquiry Committee has heard the complainant's counsel as also the counsel for respondent afresh and being satisfied that the matter is sub-judice before a court of law is not inclined to proceed in the matter any further.

The Inquiry Committee accordingly recommends to dispose of the complaint as the matter is sub-judice.

Held

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

Press Council of India

S.No. 34

F.No. 14/566/16-17-PCI

Complainant

Dr.Kalpana Saini,
W/o Dr.Nathiram Saini,
District-Haridwar,
Uttarakhand.

Respondent

The Editor,
Rashtriya Sahara,
Dehradun,
Uttarakhand.

Adjudication dated 15.11.2018

Facts:

This complaint dated 16.3.2017 has been filed by Dr. Kalpani Saini, W/o Dr. Nathiram Saini, Haridwar against the editor, Rashtriya Sahara, Uttarakhand for allegedly publishing news item captioned “*कलियर मे गरमाई टिकट की राजनीति*” in its issue dated 22.11.2016 to defame her social image and political career.

It is reported in the impugned news item that politics for ticket for Kaliyar seat has gained momentum. In the last election in 2012, BJP candidate, Shri Shyamveer, had lost seat with a margin of about 2200 votes. The main reason for his defeat was that the other claimant of the said party, Smt. Kalpana Saini, Dr. Vijay Saini, Kushalpal and Jitender Singh and Premchand etc. as all Saini votes had gone in favour of Congress party to defeat Shri Shyamveer. Shri Shyamveer this time too is strong contender for ticket.

The complainant has submitted that she is District President of BJP, Roorkee, and according to her the news was published to damage her political career. In this regard, she personally visited the respondent and requested him not to defame her. The complainant has informed that she is Principal of Girls Inter College ‘Gandhi Mahila Shilp Inter College Roorkee’ and responsibility of 562 students and management of the school is totally on her. She belongs to a decent family and engaged in social work, and the impugned news item has tarnished her image. A Show-Cause Notice was issued to the respondent editor, Rashtriya Sahara, Dehradun, Uttarakhand on 26.4.2017,

Written Statement

Shri Jitender Negi, posted as resident Editor, has filed Written Statement dated 9.7.2018 whereby he has submitted that the complaint is liable to be dismissed as the complaint was filed on 16.3.2017 whereas the newspaper article which was brought to question before Hon’ble Council was published on 24.11.2016 which is beyond the statutory period of two months. He has further submitted that the portion of the news dated 24.11.2016 indicating that Mr. Shahzad of Bahujan Party secured the third rank was incorrect. Therefore, the respondent published a corrigendum to this effect in its edition dated 4.7.2018 taking into account the observations made by Hon’ble Council in its hearing on 25.6.2018. He has further requested the Council to pass appropriate Orders after considering all the facts.

Counter Comments

The complainant, Smt. Kalpana Saini vide Counter comments dated 20.8.2018 has informed the Council that the respondent has deliberately published the news in favour of her political rival to destroy her political image. Further, she stated that she had explained in the complaint about her status so that the respondent Editor could understand her political and social image. She has submitted that she has not violated any regulations of the Council as she has given clarification about late filing of the complaint. The complainant submitted that the respondent Editor has published a corrigendum on 4.7.2018 which is not effective in any way.

A copy of the Counter Comments was forwarded to the respondent vide Council's letter dated 20.9.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Shri Gautam Talukdar, Advocate represented the respondent newspaper.

Despite service of notice, the complainant has not chosen to appear. It has been brought to the notice of the Inquiry Committee that the respondent newspaper has published the corrigendum. Taking note of the aforesaid, the Inquiry Committee is not inclined to proceed in the matter any further. However, it would like to advise the respondent to be careful in future. With the aforesaid advice, the Inquiry Committee drops the proceedings.

Held

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

PRESS COUNCIL OF INDIA

S.No. 35

F.No. 14/142/17-18-PCI

Complainant

Shri Parveen Mohan Sahai,
Regional Passport Officer,
Shimla.

Respondent

The Editor,
Amar Ujala,
Shimla

Adjudication dated 15.11.2018

Facts:

This complaint dated 8.7.2017 has been filed by Shri Parveen Mohan Sahai, Regional Passport Officer, Shimla, against the Editor, Amar Ujala, Shimla for publication of false and baseless news item under the captions: “ पत्नी के साथ घरेलू हिंसा के आरोपो मे घिरे क्षेत्रीय पासपोर्ट अफसर” and “घरेलू हिंसा की शिकयत के बाद एफआईआर जरूरी ”in its issue dated 20.4.2016 and 21.4.2017 respectively.

It is reported in the impugned news item that the wife of the complainant along with her two children reached the police station late night to lodge a complaint against her husband for domestic violence. It is further reported in the news item that the Police authorities are not able to nab her husband because he is a senior Officer and this has raised many questions against him. The news item states that the complainant misbehaves with his wife frequently, when it became unbearable, this caused her to lodge a complaint with police. The newspaper also reported that when the reporter tried to take the complainant’s version, he refused to give his version.

Denying the allegations levelled in the impugned news item the complainant submitted that he is a Class-I officer and performed his duties with utmost satisfaction of his superiors without any discrimination. According to the complainant, there was a strife going on with his wife and finally they settled the issues with the help of friends and relatives and since 2016 his wife has been living with him happily. The complainant submitted that the Police investigated the matter and found that he was not at fault. The respondent newspaper however tried to highlight him in order to settle old scores. The complainant has filed this complaint because the editor of the respondent newspaper is now writing letters to the Hon’ble External Affairs Minister of State, drawing his attention towards impugned news item. He has further submitted that by publishing news item, the respondent editor has defamed him and disturbed his family life. The complainant vide letter dated 25.3.2017 drew the attention of the respondent towards the impugned news item and to publish apology, but received no response.

A Show Cause Notice issued to the respondent editor, ‘Amar Ujala’, Shimla on 31.7.2017.

Written Statement

In response, the respondent vide written statement dated 12.10.2017 while denying the allegations, submitted that the news report was carried in good faith, public interest and has not admitted the allegations of the complainant except above stated captions in the newspaper. He has further submitted the news was published on the basis of complaint made by Smt. Somya Sahai (Complainant’s wife) at Police Station Shimla on 18.4.2016. It is not only Amar Ujala but other newspaper also reported the same incident in the form of news. As regard the second caption dated 21.4.2017 is concerned, he submitted that it was nothing against the complainant but only informative news article. The respondent editor further submitted that the complainant malafidley and by misusing official position unlawfully

withhold passport of his client in March, 2017 that caused him to write a letter on 11 April, 2017 to Ministry of External Affairs, Govt. of India and the matter is nowhere related to news item published in Amar Ujala. The respondent editor has requested the Council to dismiss the matter.

A copy of the written statement was forwarded to the complainant on 30.11.2017 for counter comments but no response has been received so far.

Additional Papers filed by the complainant

The complainant, Shri Mohan Sahai, filed additional papers dated 25.6.2018 and also a C.D. at the time of hearing on 25.6.2018 whereby he, while reiterating his complaint, has stated that the respondent Editor, Mr. Shukla has been acting as a political agent of particular political party and working on the advice of Mr. Vishnu Tripathi, Dainik Jagran and his father in law, Mr. Sunil Verma, which he has accepted in audio clip. He has further stated that the Editor called and asked him to take back the complaint from the Press Council of India. Then in lieu of this, the Editor will publish some news articles against his father in law, Mr. Sunil Verma. The complainant submitted that the Editor wrote a letter to Hon'ble Minister of External Affairs against him with enclosing all the newspaper clippings and unnecessarily highlighting the issues because of which he received a explanation call from his Ministry's Head Quarter at New Delhi. He has requested to the Council to take strict action against the Editor.

A copy of the additional papers was forwarded to the respondent Editor vide Council's letter dated 24.7.2018.

Additional papers filed by the respondent

Shri Daya Shankar Shukla, Editor, Amar Ujala vide letter dated 15.10.2018 has filed further submissions in support of his case. He while reiterating the Written Statement filed earlier has submitted that he has taken all the precautions required by a well meaning journalist before carrying out the news, attempted to verify from every person involved including the complainant. Thus it cannot be said that he has ever attempted to exercise any authority or influence. He has further requested the Council to dismiss the complaint.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. The complainant appeared in person. Shri Daya Shankar, Editor and Shri Neeraj Kapoor, Advocate represented the respondent newspaper.

The Inquiry Committee has heard the complainant and the Editor of the respondent newspaper and is satisfied that the grievance made by the complainant is absolutely misconceived. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 36

File No. 14/143/17-18/PCI

Complainant

Shri Jaiveer Singh,
Sub Inspector, Police,
Bulandshahr, U.P.

Respondent

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

Adjudication dated 15.11.2018

Fact:

This complaint dated 7.7.2017 has been filed by Shri Jaiveer Singh, Sub Inspector, Police, Bulandshahr, U.P, against the respondent Editor, Dainik Jagran, Meerut alleging publication of defamatory and baseless news item under the captions:

<u>S.NO.</u>	<u>Caption</u>	<u>Dated</u>
1.	जशन मे डूबा दारोगा जयवीर फिर कर गया बड़ी चूक	30.6.2017
2.	दारोगा जयवीर की लापरवाही से भागा था शातिर जावेद	1.7.2017
3.	फोन पर लगे रहे दारोगा	3.7.2017

It is reported in the first impugned news item that Police personal are in upbeat mood after solving Arsham kidnapping case. It is further reported that the complainant presented the child victim, Arsham, to identify culprits without covering his face. This could led to victim's family in a serious problem again. It is further reported that the Police Inspector also pulled up the complainant for committing this blunder.

In the second impugned news item dated 1.7.2017, it is reported that in the Arsham kidnapping case Police suspected a person named Shri Javed Khureshi, who happens to be relative of the victim's family. The paper reported that the complainant shared this information with the victim's family and as such, the suspect escaped Police arrest. The complainant however tried to nab the suspect but could not trace him.

In the third impugned news item it has been reported that during a raid at Sotiganj, the complainant most of the time was seen talking over phone. It is matter of discussion as to with whom the complainant was talking during raid which was being led by the senior Officers.

Denying the allegations, the complainant submitted that he is nowhere seen in the photo of the impugned news item published by the respondent editor on 30.6.2017, which shows that the respondent has not verified the facts and published the news item to tarnish his image in society and family. In respect to second news item dated 1.7.2017, the complainant has submitted that the news item was published without verifying the facts as he has not disclosed information to the victim's family, same could be verified by his phone calls. He has further submitted that the editor Shri Mukesh Singh and reporter Shri Madan Morya approached him to release criminals. He submitted that when he had refused the proposal they started targeting him in order to tarnish his image. He has further submitted that he drew the attention of the respondent editor in the matter vide letter dated 5.7.2017 but received no response. The complainant requested the Council to take action against the respondent editor.

A Show Cause Notice dated 31.7.2017 was issued to the respondent editor, Dainik Jagran.

Written Statement

The respondent Editor, vide Written Statement dated 25.7.2018 has informed the Council that the facts published in the impugned news items have not been disputed by the complainant hence the allegations that the complainant was targeted is incorrect. He has further submitted that while the raid was conducted the complainant was talking to his wife over phone which is apparent. The respondent submitted that the news was not published particularly against the complainant, but it contained the report disclosing the inefficiency of Police while doing important work. Further, the complainant has denied that the information regarding involvement of Shri Javed Kuraishi in kidnapping of Shri Arsham was given to his family. He has submitted that the correspondent of the newspaper was present on the spot and reported the facts which emerged during investigation. The respondent stated that the complaint is liable to be rejected except the allegation that the name of the complainant and his photograph was published in the newspaper.

A copy of the Written Statement has been forwarded to the complainant vide Council's letter dated 13.09.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Shri Shahadut, appeared on behalf of the complainant and Shri B.K. Mishra and Ms. Poonam Atey, Advocates represented the respondent Editor, Dainik Jagran.

Shri Shahadut prays for time. The Inquiry Committee is not inclined to adjourn the complaint. He does not address the Inquiry Committee on merit. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

S.No. 37

File No.14/221/17-18-PCI

Complainant

Shri V.Sagar,
Secretary, ICAI
New Delhi.

Respondent

The Editor,
Economics Times,
New Delhi.

Adjudication dated 15.11.2018

Facts:

This complaint dated 24.8.2017 has been filed by Shri V. Sagar, Secretary, ICAI (The Institute of Chartered Accountants of India), New Delhi, against the Editor, The Economics Times, for the publication of the article written by Shri Dhirender Kumar under the caption: **Demo, GST, and Now Chartered Accountants**” in its issue dated July 10th, 2017.

It is reported in the impugned news item that the Prime Minister, Narendra Modi, in his address unambiguously laid his finger on the nation’s CAs as the prime facilitators of black money generations. It is further reported that the PM in his speech reminding the ICAI that if the Parliament can grant powers then it can take back it too. It is further reported that the ICAI- made up and elected by CAs themselves- has the power to set the CA curriculum, conduct CA exams, certify CA’s fitness to practice their profession, to judge whether they had committed any violations and then punish the guilty. Yet, only 25 CAs have been found guilty of malpractice in the past 11 years while 1400 cases were pending. The PM further referred in his speech that for a price, the CAs will put their signature on any fiction, in fact they create fiction. Not just that, helping businesses cheat on taxes is the main service being offered by many of them. It is further reported in the news item that the CAs must be liable for what they do under real laws and the real legal process and not the mockery that the ICAI runs.

Denying the allegations, the complainant has submitted that the impugned news item casts serious aspersions and shows the profession of Chartered Accountants in poor light in the eyes of the public. He has submitted that the publication of the news has caused immense damage to the reputation of the Profession of Chartered Accountants. He further submitted that they had taken up the matter to the columnist Shri Dhirender Kumar on 21.7.2017 but received no response.

A Show Cause was Notice issued to the respondent editor, ‘The Economics times’, New Delhi on 14.9.2017 but received no response till the meeting held on 25.6.2018.

Written Statement

While denying the allegations levelled in the complaint and violation of Norms of Journalistic Ethics, the respondent has submitted that the show-cause notice issued to them is uncalled for and is unwarranted and without any cause of action and is liable to be withdrawn. The respondent has further stated that the impugned news item was published in public interest as it concerns the general public and the issue involved was related to the economy of the country and the speech of the Hon’ble Prime Minister on the occasion of CA Day at the Institute of Chartered Accountants of India. According to the respondent, the columnist of the article, Shri Dhirendra Kumar runs a reputed portal which provides investment advice, analysis and information since 1990. It also brings out financial magazines which cover a range of investment opportunities available in India so that individual can make their own investment decisions. The respondent has further submitted that the impugned article by columnist is based on the speech delivered by the Hon’ble Prime Minister, the transcript of which is available at: <https://www.narendramodi.in/text-of-pms-speech-at-chartered-accountants-day-at-igi-stadium-delhi-july1-2017--536130>. The same has also been attached for ready examination by the Hon’ble Council. It must be noted

that the speech which is in question here was widely discussed by other newspapers as well. Further, the content of the reporting in other newspapers is also the same as in the Article. While furnishing the extracts of the speech delivered by Hon'ble Prime Minister, the respondent has stated that the impugned article was based on the speech, hence, there is no question of misrepresentation as alleged by the complainant. With regard to publication of apology, the respondent has denied that he is liable to publish apology at a prominent place in the newspaper. In this regard, he drew the attention of the Council towards the judgement of Hon'ble High Court of Delhi in the case of S. Ameenul Hasan Rizvi Vs. PCI and other 91(2001) DLT 492 where while acquiescing with the view in Miami Herald Publishing Company had held that any direction to Editor will be violative of his Freedom of Speech and Expression. The respondent has further stated that a reasonable view must be taken of the article as a whole and parts of it should not be read in isolation. This was held by the Hon'ble Supreme Court in Ajay Goswami Vs. UOI (2007). He has requested the Council to drop proceedings against them.

A copy of the Written Statement was forwarded to the complainant vide Council's letter dated 23.8.2018.

Counter Comments:

The complainant has filed counter comments dated 16.10.2018 through his counsel Shri Amit Sharma and submitted that the respondent is guilty of publishing an Article of Shri Dhirender Kumar which not only wrongly reported the speech of Hon'ble Prime Minister but was also malicious to him and caused immense damage to the reputation of the complainant's Institute. He has further submitted that the respondent has brazenly justified the said publication and also admitted that the said publication was a deliberate act and the respondent was well aware of the impact of the said article in the eyes of general public. He has further submitted that careful reading of the speech given by the Hon'ble Prime Minister would reveal that the role of the complainant's Institute was even appreciated by the Hon'ble Prime Minister whereas the impugned Article has portrayed a total contrary and negative image of the complainant's Institute for act of the respondent deserves an exemplary punishment.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Shri Amit Sharma, Advocate appeared on behalf of the complainant and Shri Akash Nagar, Advocate along with Smt. Uma Lohray, Assistant Manager represented the respondent newspaper, the Economic Times.

This complaint has been filed by the Institute of Chartered Accountants of India through its Secretary. It relates to a news article written by Shri Dhirender Kumar and published in the newspaper, "The Economic Times" dated July 10, 2017. The Institute of Chartered Accountants of India is a statutory body set up under an Act of Parliament to regulate the profession of Chartered Accountants in India. According to the complainant, the said news article has caused immense damage to the reputation of the Chartered Accountants. The complainant terms the news item as malicious and scurrilous which has caused immense damage to the reputation and image of profession of Chartered Accountants.

The respondent newspaper in its reply had stated that the columnist has written the news item based on the speech delivered by the Hon'ble Prime Minister. According to the respondent the speech of the Prime Minister is available on website and the content of the impugned news item flows from the same.

It is relevant to state that in the news article, it has been stated as follows:

"During his address, the PM unambiguously laid his finger on the nation's CAs as the prime facilitators of black money generation".

The representative of the complainant submits that the Hon'ble Prime Minister has nowhere stated and laid finger on the nation's Chartered Accountants as the prime facilitators

of black money generation. Counsel for the respondent however submits that these may not be exact words used by the Hon'ble Prime Minister but from the reading of the aforesaid speech of the Hon'ble Prime Minister only conclusion which one can arrive is that the Chartered Accountants are the prime facilitators of black money generation. It is pointed out that the columnist is free to draw his own conclusion from the speech of the Hon'ble Prime Minister.

The Inquiry Committee has bestowed its consideration and has gone through the transcript of the speech of the Prime Minister and is of the opinion that the inference drawn by the columnist that "CAs are the prime facilitators of black money generation" does not flow from his speech. The columnist unequivocally attributes this statement to the Prime Minister, which in the opinion of the Inquiry Committee the Prime Minister never made. This has ridiculed the profession of CAs as a whole and for that the columnist has put those words in the mouth of the Prime Minister. Had this been the opinion of the columnist, the matter would have been different but the columnist in no uncertain terms stated that "**The Prime Minister unambiguously laid his finger on the nation's CAs as the prime facilitators of black money generation.**" An allegation of such nature attributed to the Prime Minister not only ridicules the profession of the CAs but it also exposes the Prime Minister for a statement which he never made.

True, it is that the Indian Constitution guarantees the freedom of expression to the newspapers but the freedom is not absolute and in the garb of freedom, the newspaper or columnist does not have the license to abuse the profession of the CAs as a whole and that too using the name of the Prime Minister.

In the opinion of the Inquiry Committee, the respondent newspaper has violated the norms of journalistic ethics and its conduct calls for an action. '

The Inquiry Committee, accordingly, recommends that the respondent newspaper Economic Times be **Censured**.

A copy of this Order be forwarded to the Deputy Commissioner, New Delhi, District Magistrate, New Delhi, Director, Public Relations Department, New Delhi and the Director General, DAVP.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above direction.

Press Council of India

S.No. 38

File No. 14/222/17-18-PCI

Complainant

Shri V. Sagar
Secretary, I C A I,
New Delhi,

Respondent

The Editor,
Hindustan,
New Delhi

Adjudication dated 15.11.2018

Facts:

This complaint dated 24.8.2017 has been filed by Shri V. Sagar, Secretary, The Institute of Chartered Accounts of India, New Delhi, against the editor, Hindustan, for allegedly publication of a news item under the caption: “17.5 thousand CA’s are on the target of Income Tax Department” (English Translation) in its issue dated 30.4.2017.

It is reported in the impugned news item that the Income Tax Department is keeping its eye on 17.5 thousand Chartered Accountants. It is perceived that they have supported the fraud committed by the corporate on a large scale through which the black money to the tune of Rs. 23000/- Crores have been converted into white. The government agencies are preparing to arrest every Chartered Accountant involved in this. It is further reported in the impugned news item that according to one of the senior official of CBDT there are around more than 1.5 lakhs CA’s in the country out of which 17.5 thousand CA’s are on the target of Income Tax Department. The official has said that the CAs involved in this scam can be classified in 3 categories. One, who are directly involved in money laundering through incorporating the companies. Second, who prepared the dummy for the companies and later on separate themselves from them and third are those involved with these companies which launders money.

Denying the allegations the complainant submitted that the said report has caused immense damage to the reputation and image of the profession of Chartered Accountants. The complainant has further submitted that they have sought the list of the said 17,500 Chartered Accountants from the said newspaper for their further necessary action. The complainant vide letter dated 5.5.2017 drew the attention of the respondent towards the impugned news item but received no response. He has requested the Council to take deterrent action against the said newspaper as their false and baseless reporting has caused immense damage to the reputation and image of the profession of Chartered Accountants

A Show Cause Notice was issued to the respondent editor, ‘Hindustan’ New Delhi on 14.9.2017.

Written Statement

In response to the Council’s letter, the respondent, Hindustan, vide its letter dated 23.10.2017 has informed the Council that the news was published based on the two press release notes provided by Central Government on different dates. While enclosing the press release, it has submitted that the concerned reporter also got the same from Enforcement officials on 1.4.2017. It has further been submitted that the news article was not published against the complainant as it deals with facts wherein complainant’s name has not been mentioned. Also that the complaint has been filed beyond the limitation as per provision of law, hence, it liable to be dismissed.

A copy of the aforesaid written statement has been forwarded to the complainant on 27.11.2017.

Counter Comments:

Shri V. Sagar, Secretary, ICAI, Vide letter dated 26.12.2017 has informed the Council that the said report was published on 30.4.2017 whereas the newspaper is now relying on some press releases dated 6.9.2017 and 12.9.2017 which is post the publication of their adverse report as justification for their story which cannot be permitted. Even if those press releases relied on by the newspaper, there is not even a whisper with regard to 17,500 Chartered Accountants being under the scanner of the Income Tax Department as the headlines of the article claims. He has further submitted that his Institute has been following up the matter since its publication, but due to their non-cooperation, they had to approach the Council. He has further requested the Council to take strict action against the Hindustan newspaper for publishing a baseless and malicious report without even consulting them.

A copy of the counter comments has been forwarded to the respondent on 9.1.2018 for information.

Report of the Inquir Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Shri Amit Sharma, Advocate appeared on behalf of the complainant Institution and Shri Arun Pathak, Advocate represented the respondent newspaper.

This complaint has been filed by the Institute of the Chartered Accountants of India through its Secretary. The Institute of Chartered Accountants of India is a Statutory body set up under an Act of Parliament to regulate the profession of Chartered Accountants in India and is aggrieved by a news report dated April 30, 2017 published in the respondent newspaper, "Hindustan". The headline of the news item is that "17.5 thousand Chartered Accountants are under the scanner of the Income Tax Department". According to the complainant, the aforesaid news item is false and has caused immense damage to the reputation and image of the profession of the Chartered Accountants. The respondent newspaper in his inter-alia has stated as under:

"The news item was published based on the two press release notes provided by Central Government on different dates. It has been submitted that the concerned reporter also got the same from the Enforcement official on 1.04.2017. It has further been submitted that the news article was not published against the complainant as it deals with facts wherein complainant's name has not been mentioned. The complaint has been filed beyond the limitation as per provision of law, hence, it liable to be dismissed".

It has been pointed out by the complainant that the two Press Release notes purportedly to be the bases of the impugned news item as contended by the respondent are of the dates later than the date of the publication of the news item. The complainant points out that the one press release is dated 6th September, 2017, whereas the other is dated 12th September, 2017 and therefore cannot be the basis of the impugned news item, which was published on 30th April, 2017. Another press release on which reliance is placed is dated 1.04.2017 of the Enforcement Directorate in the said Press Release, it has been stated that the Enforcement Directorate has conducted nationwide searches on 1.4.2017 in the case of the entities which do not have any substantial business but are suspected of having been used for laundering ill-gotten money and facilitating foreign bogus transactions.

The inquiry Committee has gone through this Press Release of the Enforcement Directorate and does not find that it has even remotely suggested that 17.5 thousand Chartered Accountants are under scanner of the Income Tax Department.

The Inquiry Committee is of the opinion that there is no justification or the basis for publication of the impugned news item. This unnecessarily has brought the entire profession of the Chartered Accounts to disrepute.

The Inquiry Committee, accordingly, **Warns** the respondent newspaper and directs it to publish the Order passed by the Council in the newspaper immediately.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Warn** the respondent newspaper with the aforesaid direction.

Press Council of India

S.No. 39

F.No.14/333/16-17-PCI

Complainant

Shri Sharad Mathur,
C-239, Rajaji Puram,
Tal Katora Road,
Lucknow, UP

Respondent

The Editor,
Spritz Magazine,
Blue Ink Media Pvt. Ltd.,
101/15, Second Floor,
Pratap Nagar Market,
Near Darbaar Restaurant,
MayurVihar, Phase-I, New Delhi

Adjudication dated 15.11.2018

Facts:

This complaint dated 15.09.2016 has been filed by Shri Sharad Mathur, Lucknow against the editor, Spritz Magazine, New Delhi for alleging publication of liquor advertisements as well as articles on liquor in their magazine. According to the complainant, the articles illegally published in the magazine to attract the general public specially youths towards drinking liquor.

The complainant vide letter dated 15.04.2016 while drawing the attention of the respondent towards the publication of advertisement of liquor in their magazine as well as on the website has objected to illegal promotion of liquor in contravention of the provision of Food Safety and Standard Act, 2006 and Cable Television Network Amendment Bill 2000. The complainant has also doubted Registration of SPRITZ Magazine as there is no information available on its website.

A Show Cause Notice was issued to the Editor, Spritz Magazine, Delhi on 15.12.2016.

Written Statement

The respondent in his written statement dated 26.12.2016 has submitted that the complainant has levelled frivolous charges against the magazine. He stated that the complainant is an estranged husband of respondent's niece, Mrs. Sonal Mathur who had left her alcoholic husband about three years back due to continuous physical abuse and violence. As her father is no more and he being her uncle decided to help her on her request to start her a fresh in Delhi with her son, since then he and his wife have become villain for the complainant. He had been threatening to hurt them in one way or the other. The respondent submitted that Spiritz magazine is a duly registered magazine vide RNI number DELENG 2010/34986 and all its documents were duly verified by the licensing authority of Delhi police before publications began. The magazine is a B2B magazine for the wine & spirits industry and its stakeholders and is sent to them by posts. Further, the manufacture and sale of alcoholic beverages is legally permitted in the country. Spiritz magazine tries to update the industry on the developments all across the world to keep them abreast and help them fine tune their strategy accordingly. The Magazine prints materials only relevant to the industry and take due care to ensure about their authenticity. He further submitted that Spiritz promotes responsible corporate behaviours by honouring the companies who are taking serious initiatives in areas like Do Not Drink & Drive and are doing exemplary work under Corporate Social Responsibility.

A copy of the written statement forwarded to the complainant on 29.12.2016 for information.

Counter Comments

The complainant, Shri Sharad Mathur, vide counter comments dated 3.10.2017 has informed the Council that the written statement given by the respondent Editor is false and fabricated. He has further submitted that the fact that his wife, Smt. Sonal, has registered an F.I.R. against him is completely false. He has submitted that after the Council's Order dated 11.4.2017 whereby respondent, Shri Bishan Kumar was asked to be present before Inquiry Committee, he, in order to destroy the evidence, closed his website. The complainant has requested the Council to declare the respondent criminal for propagating wine illegally and also to investigate the evidence presented by the respondent from his company Profile.

A copy of counter comments was forwarded to the respondent Editor vide Council's letter dated 7.12.2017.

Letter received from RNI

Shri R.K. Bhardwaj, Deputy Press Registrar, RNI vide letter dated 14.9.2018 has informed the Council that the office of RNI is mandated only to verify and register a publication, while keeping record of registered publication as well. Any complaint regarding the content of a publication can be made to the District Magistrate concerned. Any action in this regard can be taken by District Magistrate only.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. There was no appearance on behalf of the complainant. Shri R.K. Bhardwaj, Deputy Press Registrar, appeared on behalf of RNI.

The Inquiry Committee has perused the complaint, the reply and all other connected papers. The Inquiry Committee is of the opinion that the magazine intends to update the industry on the developments taking place across the world to keep the industry abreast of the development and plan accordingly. The Inquiry Committee accordingly, recommends for dismissal of the complaint with the observations that in case, it is circulated for general public same may invite action by 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 decides to dismiss the complaint with observations.

Press Council of India

S.No. 40

File no. 14/473/17-18/PCI

Complainant

Shri K.B. Sinha,
Under Secretary to the Government of India,
Ministry of AYUSH,
Delhi- 110 023.

Respondent

The Editor,
Pune Mirror,
Pune.

Adjudication dated 15.11.2018

Facts:

Shri K.B. Sinha, Under Secretary to the Government of India, Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH), New Delhi vide his letter dated 15.1.2018 addressed to the Executive Editor, Pune Mirror and a copy thereof endorsed to Press Council of India has objected to the news article captioned “AYURVEDIC MED POSES LIFE THREAT” published in the newspaper on 25.12.2017 as it allegedly maligns the image of Ayurveda.

It is reported in the impugned news item that a 47- year-old woman was suffering from minor acidity problems and did not want to take allopathic medicines. She consumed ayurvedic medicines for one and half months which led to increase the lead level in her body, thereby damaging her vital organs and put her in a life threatening condition. The newspaper further quoted the statement of Dr. Atul Rakshe, Secretary-General of the International Ayurveda Association stating that **“One should never think that Ayurvedic medicines have no side effects. There is “Good Manufacturing Practice” (GMP) certification given to the manufacturing units of Ayurvedic medicines as a quality check, which has to be followed. There are chances that the “Bhasmas” consumed by the patient might not be GMP certified. The doctor who guaranteed that the problem would be solved gave false assurances. No doctor should be doing this.”**

The complainant has submitted that the title of the news item is so generalized that it may lead to an overall distrust in the minds of the readers at large regarding the safety and overall credibility of Ayurveda in general. He has further submitted that the act of labelling “Suvarna Bhasma” as a life threatening medicine and that too on the basis of incomplete information, unconfirmed reports and without consultation with AYUSH regulators is misleading, malafide and act of irresponsible reporting by a newspaper. The complainant submitted that one bad example cannot be allowed to tarnish the credibility of the whole system of Ayurveda. The adverse effects of the Ayurvedic formulation reported in the news item are apparently due to irrational use or poor quality of the medicine. Moreover, the details of the drug analysis are also not made available. It is not evident if the patient was on some concomitant medication which could have led to the deterioration in health. The complainant vide letter dated 15.1.2018 drew the attention of the Editor towards the impugned news item asking him to consider publishing corrigendum and apology at the earliest to enlighten the readers.

A Show Cause Notice dated 16.2.2018 was issued to the respondent Editor, Pune Mirror, Pune.

Written Statement

The respondent Editor vide Written Statement dated 19.2.2018 has informed the Council that the caption referred to the specific problem of the patient mentioned in the said article. He has further submitted that it is nowhere mentioned in the said article that Ayurvedic Medicines pose threats to life or for that matter Ayurvedic system is bad. He has submitted that the said article is specific to the patient and provides details of suffering of one patient alone and can by no stretch of imagination be extended to all patients/Users or generalised to the entire system of Ayurveda medicine. He has further submitted that the lady who was left in the life threatening situation after consuming the Ayurvedic medicine, confirmed them with documents that she had landed into trouble after consuming the medicines. He has submitted that the newspaper will publish clarification, if any, on behalf of AYUSH on the subject matter of the said article.

A copy of the Written Statement was forwarded to the complainant on 20.3.2018.

Counter Comments

The complainant vide Counter Comments dated 20.4.2018 has apprised the Council that the newspaper did not divulge the detail of alleged Ayurvedic “Concoction” that was consumed by the patient for one and a half months. He has further submitted that it is not clear if the said drug was prescribed by a qualified AYUSH doctor or not; whether the drug was taken in appropriate dosage or not; whether any concomitant medication was being administered to the patient. In the absence of such vital information, the article is not at all a “balanced article”. He has submitted that it is derogatory and irresponsible to label one Ayurvedic medicine “Suvarna Bhasma” as unsafe and responsible for alleged lead toxicity without having any authentic documentary and analytical references. He has further submitted that as per news article the patient had to be treated with “lead chelation” therapy, whereas, lead is not a constituent of Suvarna Bhasma.

A copy of Counter Comments was forwarded to the respondent Editor on 26.4.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Ms. Shiela Tirkey, complainant along with Dr. Rachna Paliwal, Research Officer, Ministry of Ayush appeared in person. Ms. Uma Lohray, Assistant Manager and Mr. Akash Nagar, Advocate represented the respondent newspaper, Pune Mirror.

This complaint has been filed by the Under Secretary to the Govt. of India, Ministry of AYUSH in respect of a news article published in the respondent newspaper in its issue dated 25th of December, 2017. The headline of the news states as follows “ Ayurvedic Med Poses Life Theat”. Ms. Tirkey who appears on behalf of the complainant submits that the headline tends to create distrust for ayurvedic medicine in the minds of the general public. She submits that this is the breach of journalistic ethics. The counsel for the respondent, however, submits that it was a case study in which the patient had increased led level and it was published for the benefit of the people in general. The Inquiry Committee has bestowed its consideration to the rival submissions and is of the opinion that the headline tends to create distrust for ayurvedic medicine in general. The Inquiry Committee has gone through the contents of the news article and finds that the content does not justify the said general headline. The Inquiry Committee is of the opinion that the respondent has breached the norms of journalistic ethics. The Inquiry Committee, accordingly, recommends that the respondent newspaper be **Censured**. A copy of the Order be forwarded to the District Magistrate, Pune, the Directorate of Pubic Relations, Govt. of Maharashtra and the DAVP for appropriate action.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above recommended direction.

Complainant

The Under Secretary,
Ministry of AYUSH,
Government of India,
New Delhi.

Respondent

The Editor,
The Times of India,
Kochhi Edition.

Adjudication dated 15.11.2018

Facts:

This complaint dated 20.4.2018 has been filed by Ms. Shiela Tirkey, Under Secretary to the Government of India, Ministry of AYUSH, New Delhi against the editor Times of India, Kochi Edition for publication of a news titled “Ayurvedic, herbal drugs damaging liver: Study”. It is reported in the impugned news item that Ayurvedic and herbal medicines are causing varying degrees of drug-induced liver injury in patients, with 2% to 3% of them suspected of severe liver harm that requires medical management, including transplant, a study has found. The news reports stated that the practitioners of alternative systems of medicine said that the study has limitations and called it a part of the campaign to malign ayurveda. The results are based on a study from a single hospital over a period from September 2016 to March, 2017 on 1440 liver disease patients. The study has found support from hepatologists and liver transplant experts who called it accurate and one that confirms what they so far suspected. Though the study says that only 2 to 3% patients are affected, but it to be somewhere 5 to 6% and we need to develop a mechanism to analyze the said effects of ayurveda too, said Dr. S Sudhindran, liver transplant surgeon, Amrita Institute of Medical Sciences. The news reports also states that ayurveda doctors said that there are limitations in the study they have relied on the verbal reports of patients, who were on Ayurvedic Herbal Medicine. How far, how long and whether the intake was based on genuine prescription has not been validated. The only intention behind the study seems to raise a false public alarm against ayurveda.

The complainant submitted that the instant article is so generic that it is poised to lead to an overall distrust in the minds of the readers at large regarding the safety of Ayurvedic Herbal Medicines. The complainant submitted that the Government has taken up optimal development and propagation of AYUSH systems and a large institutional network is in place to meet the health care needs of the people. She has submitted that the regulatory and quality control mechanism inter-alia for Ayurvedic medicines has been established in the country in accordance with the provisions of the Drugs & Cosmetics Act, 1940 and Rules there under which are amended from time to time. The complainant submitted that the regulatory safeguards and steps taken by the Government to address the issue of quality of Ayurvedic drugs, the act of publishing such a misleading article on the basis of above mentioned shortcomings in the study design and apparently intentional derogatory conclusions about the AHMs without consultation with the AYUSH regulators is nothing less than an act of irresponsible reporting. Without an iota of doubt, such a publication tantamounts to deliberately tarnishing the image of Ayurveda and infringe the faith of people in this traditional system of medicine.

The complainant vide letter dated 20.4.2018 drew the attention of the respondent towards the impugned publication and requested the paper to publish a corrective statement or corrigendum with apology, but received no response. The complainant requested the Council to take necessary action in the matter.

A Show Cause Notice was issued to the editor, The Times of India on 28.4.2018.

Written Statement

In response to the Council's Show Cause Notice dated 28.4.2018 the respondent through his counsel filed his written statement denying and refuting in toto the contents of the complaint as contained in its various paragraphs. The respondent denied that he offended or violated in any manner whatsoever the professional norms of journalistic conduct. The respondent stated that the news was published in public interest as it concerns the general public and the issue involved was related to the results of a study conducted on drug induced liver injury in patients of Ayurvedic and Herbal Medicines. According to the respondent newspaper they have been careful and have carried the article from an authentic information source like the aforesaid medical journal and denied that the article is vague and biased with the intent of maligning Ayurvedic. According to the respondent the complainant has prayed for publication of apology at place of prominence in all relevant editions, he has submitted that Hon'ble Delhi High Court while deciding the case of Mr. S. Ameenul Hasan Rizvi vs. Press Council of India and Anr., 91(2001) DLT 492 while acquiescing with the view in Miami Herald Publishing Company had held that any direction to the Editor will be violative of his Freedom of Speech and Expression the relevant portion is as follows:

"The choice of material to go into a newspaper constitutes the exercise of editorial control and judgement. It seems to me that liberty of press will be jeopardised if it is forced and compelled to print a particular news, comment, letter, advertising, etc. In case a newspaper is compelled to print what it does not wish to print, would violate Article 19(1)(a) of the Constitution except where the restriction is covered by Article 19(2). In other words, unless the restriction passes the test of Article 19(2) of the Constitution, and action which forces an owner or editor of a newspaper to publish any news or other item which a person proposes but the owner or editor disposes, will offend Article 19(1)(a) of the Constitution."

The respondent requested the Council to drop further proceedings against them. A copy of the written statement was forwarded to the complainant on 31.7.2018 for information/counter comments, if any.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Ms. Shiela Tirkey, complainant along with Dr. Rachna Paliwal, Research Officer, Ministry of Ayush appeared in person. Ms. Uma Lohray, Assistant Manager and Mr. Akash Nagar, Advocate represented the respondent newspaper.

This complaint has been filed by Ms. Shiela Tirkey, Under Secretary to the Government of India, Ministry of AYUSH in respect of a news item published in the Kochhi edition of the Times of India on 9th of March, 2018. The headline of the news states as follows "Ayurvedic herbal drugs damaging liver: Study". It is the plea of the complainant that the headline does not, in fact, reflect the contents of the news article. It is submitted that according to the news article, two of three percent of the patient had liver injury caused by the ayurvedic and herbal medicine. According to the complainant, however, the headline tries to condemn the ayurvedic and herbal drugs altogether. The counsel and the representative of the respondent, however, submit that the headline is on the basis of a study and has been indicated as such in the headlines itself. In that view of the matter, according to the respondent, the newspaper has not violated any norms of journalistic ethics. The Inquiry Committee has bestowed its consideration to the rival submission and is of the opinion that the headline does not justify the matter printed in the article. The news item conveys that Ayurvedic drugs damage liver altogether. Even the study relied on does not show that. The Inquiry Committee is of the opinion that the respondent has violated the norms of journalistic conduct and deserves to be **Censured**, the respondent is Censured accordingly. A copy of this Order be forwarded to the District Magistrate, Kochhi, the Directorate of Public Relation, the Govt. of Kerala and the DAVP for appropriate action.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons findings and adopts the report of the Committee and decides to **Censure** the respondent newspaper with the above direction.

Press Council of India

S.No. 42

F.No. 14/368/17-18-PCI

Complainant

Ms. Nidhi Nautiyal,
H-3, T.H.D.C. Colony,
Ajabpur Kalan, Dehradun.

Respondent

The Editor,
Amar Ujala,
Publication Division,
Shed No. 2, Patel Nagar,
Cooperative Industrial Area,
Dehradun, Uttarakhand.

Adjudication dated 15.11.2018

Facts :

This complaint dated 31.10.2017 has been filed by Ms. Nidhi Nautiyal, Dehradun against the editor, Amar Ujala alleging publication of false and defamatory news item in its issues dated 12.05.2017 and 13.05.2017 under the captions “अभिनेत्री निधि समेत परिवार पर दहेज उत्पीड़न का मुकदमा” and “गृहस्थी उजाड़ने में अभिनेत्री ननद बनी खलनायक: रेनू” respectively.

It is reported in the impugned news item dated 12.05.2018 that sister-in-law of the complainant has filed a case against the complainant and her family members regarding dowry and harassment and that the complainant has demanded Rs. 10 Lakhs for her films.

It is reported in the news item dated 13.05.2018 that according to Smt. Renu Nautiyal (Sister-in-law of the complainant), the complainant has played a role of villain in her life. Ms. Nidhi took possession of her sister-in-law's jewellery on a very next day of her (Smt. Renu Nautiyal) marriage. Complainant has started propagating against Smt. Renu as she could not arrange money for the complainant.

The complainant has stated that the news items are false and defamatory which has adversely affected her reputation and career. She has further stated that due to these news items her several projects got cancelled. She has written to Amar Ujala on 15.07.2017 in this regard but no response has so far been received from the respondent. She has requested the Council to take stringent action against the respondent.

A Show Cause Notice dated 24.01.2018 was issued to the respondent for Written Statement.

Written Statement

The respondent vide his letter dated 05.04.2018 has filed his Written Statement in the matter wherein he has stated that the news item was published on the basis of an FIR registered against the complainant and her family members vide FIR No. 118 of 2017 in Police Station Raipur, Dehradun. He has further stated that news item dated 13.05.2017 was published on the basis of a press conference done by Smt. Renu alongwith the version of the complainant. He has also stated that he has no interest in personnel affairs of complainant and as a responsible newspaper he has also published another news on 11.11.2017 with the caption “अभिनेत्री निधि कोटियाल को क्लीन चिट” which was published when a charge sheet was filed by the Police in court in which the name of the complainant has been omitted. He has requested to dismiss the complaint.

A copy of Written Statement was forwarded to the complainant on 17.04.2018 for Counter Comments.

Counter Comments

Ms. Nidhi Nautiyal vide her letter dated 14.05.2018 has filed her Counter Comments in the matter wherein she has stated that her name is mentioned as Nidhi Kotiyal instead of Nidhi Nautiyal. Name of Smt. Renu is mentioned as Renu Kotiyal instead of Renu Nautiyal. Date of Press Conference is mentioned as 13.05.2018 instead of 13.05.2017. She has further asked to provide Written or Audio proof of press conference held on 13.05.2018 and to provide proof of her statement. She has also stated that the FIR has no reference regarding demand of Rs. 10 Lakhs by her from Smt. Renu Nautiyal.

A copy of Counter Comments dated 14.05.2018 has been forwarded to the respondent on 29.05.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Shri Ramesh Nautiyal, Smt. Prema Nautiyal, Teacher, Shri Siddarth Nautiyal, Exporter, Shri Prabha Kiran, Human Right Chairman and Shri Dhirendra, Film Director appeared on behalf of the complainant. Smt. Heena, Dy. Manager, Legal and Shri Neeraj Kapoor, Advocate represented the respondent newspaper, Amar Ujala.

The Inquiry Committee has gone through the complaint, the Written Statement and the counter comments made by the complainant. The Inquiry Committee is of the opinion that the news is based on the allegations made in the FIR and the Press conference held by the concerned person. The Inquiry Committee is of the opinion that the respondent newspaper has not violated any code of conduct so as to call for action.

The grievance of the complainant about giving wrong date of press conference and the name of the complainant are of such insignificant nature that no action deserves to be taken on those errors. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Press Council of India

Sl. No. 43 & 44

F.No. 14/364/17-18-PCI
14/378/17-18-PCI

Complainant

Ms. Sudha Jha
Email ID : drjhasudha@yahoo.co.in

Shri Venkataramanan
Email ID : svenkatsurya@gmail.com

Respondent

The Editor,
The Times of India,
Times House,
7, Bahadur Shah Zafar Marg,
New Delhi – 110 002.

Through

The Under Secretary to the
Government of India,
Ministry of Information and Broadcasting,
'A' Wing, Shastri Bhawan,
New Delhi – 110 001.

Adjudication dated 15.11.2018

Facts :

The Ministry of Information and Broadcasting vide its letters dated 11.10.2017 and 17.10.2017 has forwarded two complaints dated 22.09.2017 and 09.10.2017 of Ms. Sudha Jha and Shri Venkataramanan respectively against the Times of India.

1. The complainant-Ms. Sudha Jha has alleged that the "The Times of India" has been publishing an obscene comic strip titled 'Agent Rana'. She has requested to direct the respondent to stop posting such comics.
2. The complainant-Shri Venkataramanan, Chennai has alleged that "The Times of India" has been publishing obscene comic series under the title "Agent Vinod". The complainant has alleged that this series is inappropriate for children. He has requested to strictly ban this series.

A Notice for Comments dated 14.12.2017 was issued to the respondent-Editor, The Times of India, New Delhi. In the absence of any reply, Show Cause Notice was issued to the respondent on 18.04.2018.

Written Statement

The counsel for the respondent-The Times of India vide written statement dated 07.06.2018 has denied that the comic strip is obscene or that this comic can establish any wrong notion against the women. The respondent has stated it is only a graphic depiction of the story of a patriotic spy and his adventures. All the content and depiction in the comic strip is artistically relevant to the powerful plot of the story. He has further stated that the art work has been designed keeping in mind the sensibilities of the modern day reader who is already exposed to unfiltered content in the world of instant and ready internet access everyday. He has denied that the comic strip is obscene, or this kind of art will have any ill effect on our society and culture. He has further denied that these pictures assassinate the character of women. He has submitted that any picture/article/artwork published by the newspaper has to be judged keeping in mind the present day literary trends and also the popular permissiveness and not from the angle of hyper sensitive people. The respondent has requested to drop the proceedings against the newspaper.

A copy of Written Statement has been e-mailed to the complainant on 09.07.2018 for information/Counter Comments.

Report of the Inquiry committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. There was no appearance on behalf of the complainants. Ms. Uma Lohray, Assistant Manager, The Times of India and Shri Ashok Nagar, Advocate appeared for the respondent-newspaper.

The Inquiry Committee has perused the complaint, the written statement and also the comic strip titled 'Agent Rana'. The counsel for the respondent states that the aforesaid comic strip was published in the main newspaper to be read by persons of all age group. The Inquiry Committee is of the opinion that the respondent while publishing the said comic strip had not violated any code of conduct so as to call for action by the Council. The Inquiry Committee accordingly recommends for dismissal of the complaint.

Held

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

Press Council of India

Sl. No. 45

F.No. 14/103/18-19-PCI

Complainant

Dr. Sonal Randhawa,
Institute of Ultrasound Training,
New Delhi

Respondent

The Editor,
The Hindustan Times,
New Delhi

Adjudication dated 15.11.2018

Facts:

This complaint dated 2.5.2018 filed by Dr. Sonal Randhawa, Institute of Ultrasound Training, Dr. Randhawa's Ultrasound Imaging and Research Institute, New Delhi against the editor, Hindustan Times, New Delhi for publication of a defamatory news article captioned "Ultrasonography Centre illegally Trained 400 People, Sealed" and "Sealed Sonography Institute Returns with Videos, Charts" in its issues dated 22.12.2017 and 12.2.2018 respectively.

It is reported in the impugned news item dated 22.12.2017 that a radio diagnosis centre in West Delhi's Janakpuri area was sealed on Thursday after it was found to be illegally training 300 to 400 people on how to operate ultrasound machines without regulatory approval. The centre, Institute of Ultrasound Training, offered courses in Ultrasound technologies, which can last from just three days to six months. The institute is not recognized either by the Delhi government, government of India, Medical Council of India or University Grants Commission. It is also reported in the impugned news item that when a Delhi government Pre-Conception, Pre-Natal Diagnostic Techniques(PCPNDT) team, along with members of National Inspection and Monitoring Committee, conducted a surprise routine inspection at the centre, they found 30 students being trained around 11 ultrasound machine in a single room. J S Randhawa and Sonal Randhawa, Proprietors of the centre, trained the students.

The news item dated 12.2.2018 reports that a month after the Delhi Government sealed 13 ultrasound machines and suspended the licence of a radio-diagnostics centre in West Delhi's Janakpuri for illegally training people to use ultrasound machines, the centre has resumed the courses through videos and presentations. Though providing ultrasound training and certification is in contravention of the Pre-conception Pre-Natal Diagnostic Techniques(PCPNDT) Act, the Delhi Government cannot take action against the centre as it is teaching theory and not using an ultrasound machine for practical demos.

Denying the allegations levelled in the impugned articles the complainant submitted that during the last 17 years of existence of the institute there has not been even a single complaint against them and the news articles are false, baseless, defamatory and incorrect. According to the complainant the impugned articles are not only a glaring case of incorrect reporting the same were also published with a malafide intent to adversely affect his long standing reputation and goodwill. The respondent has not tried to know the true and correct facts before publishing the impugned articles. The complainant also submitted that the NIMC (Govt. of India) & DIMC West visited his premises for inspection under the PCPNDT Act on 21.12.2017 and sealed the sonography machines and seized the important documents along with the DVR of CCTVs. Thereafter District Appropriate Authority, West issued show cause notice for cancellation of the registration to them on 22.12.2017 and vide order dated 22.12.2017 suspended their registration. The sealing action carried out by District Appropriate Authority, West was illegal, unauthorized and without jurisdiction. This is clearly evidenced by the orders of the Hon'ble Delhi High Court dated 9.2.2018 and 1.3.2018. According to the complainant due to publication of the said false and baseless article which are far from true

and correct facts, suffered immense pre-judice and loss of goodwill and long standing reputation besides financial losses.

The complainant vide letter dated 17.2.2018 drew the attention of the respondent towards the impugned publications with a request to immediately tender an unconditional apology in writing and also to publish the true and correct facts with same prominence, but received no response. The complainant requested the Council to take stern action against the respondent.

A show Cause Notice dated 4.6.2018 was issued to the respondent editor, Hindustan Times, New Delhi.

Written Statement

In response to the Show Cause Notice dated 4.6.2018 the respondent vide written statement dated 29.8.2018 while denying the allegations made by the complainant in her complaint submitted that the complaint of the complainant is baseless, without merits coupled with ulterior motive. The complainant intentionally with ulterior motives wants to allege the publication of news articles as incorrect or biased. The respondent submitted that the news articles were published on supporting documents which are still available with concerned reporter, such as FIR registered due to reason of the said incident. He has submitted that while publishing articles in the usual and ordinary course in discharge of its duties as a responsible newspaper, carries out due and adequate verification of the facts contained in the news articles. The issue is of public importance and it is their responsibility to aware the public. The respondent further stated that the reporter had contacted the proprietor of the centre and her version has also been clearly reported in the story. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 27.9.2018 for information/counter comments, if any.

Counter Comments

The complainant in her undated counter comments received in the Council on 17.10.2018 stated that the respondent has not specified what is the ulterior motive behind the allegation. According to the complainant, the claim of the respondent that the news articles were based on supporting documents is baseless as no copies of supporting documents have been annexed with their reply to substantiate their claim. The complainant submitted that no factual verification was done by the reporter is evident from the fact that they do not have a single documents to prove that contents of the article are correct and neither did they ever make an effort to come and verify the facts and documents that we had with us in our defense before publishing both the articles.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. The complainant appeared in person along with Dr. Jagdeep Singh Randhawa. Shri Arun Pathak, Advocate appeared for the respondent, Hindustan Times.

The Inquiry Committee has perused the complaint, the written statement and all other connected papers and has heard the complainant and representative of the respondent.

In the facts and circumstances of the case, the Inquiry Committee is of the opinion that the complainant be allowed to give her version to the respondent newspaper within two weeks. The complainant doing so, the respondent shall publish the same with due prominence as that of the impugned news item within one week thereafter.

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

Held

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

Press Council of India

Item No.46

F.No. 14/375/17-18-PCI

Complainant

Smt. Saroj Bishnoi,
W/o Dr. S.R. Bishnoi,
House No. B-16, B.P.S.,
Mahila Medical College,
Khanpur, Sonipat (Haryana)

Respondent

The Editor,
Dainik Bhaskar,
M/s D.B. Corporation limited,
Second Floor, Ashok Plaza,
Rohtak, Haryana.

Adjudication dated 15.11.2018

Facts:

This undated complaint has been received from Smt. Saroj Bishnoi, Haryana against the editor, Dainik Bhaskar alleging publication of defamatory news items in its issues dated 04.10.2017 and 11.10.2017 under the captions “पाँच रुपये के लिए लग गया आधा घंटा पंजीकरण कार्यालय में हुई डिलिवरी” and “महिला मेडिकल में बिना नंबर एक्स-रे कराने जाने पर मरीज़ो ने किया हंगामा”।

It is reported in the impugned news item dated 04.10.2018 and 11.10.2017 that a staff nurse was harassed by levelling baseless allegations on her by the complainant (W/o Dr. S.R. Bishnoi, DMS, BPS Mahila Medical College, Khanpur, Sonipat). It is further reported in the impugned news item that no action has been taken on complaints made against Smt. Saroj. It is further reported in the impugned news item that nursing staff has insisted for transfer of Dr. Bishnoi (Husband of complainant) from all the work assigned to him related to nursing staff.

The complainant has stated that the respondent has published the news items without pre-publication verification with intention to tarnish her image and to deviate the matter from her harassment to towards the staff nurses who were on strike. She has further stated that the respondent has published one sided news, her view was not taken by the respondent. She has further informed that she has not written letter to editor. She has requested the Council to take action against the respondent.

A Show Cause Notice dated 16.04.2018 was issued to the respondent newspaper for Written Statement.

No Written Statement

The paper did not file the Written Statement in response to Show Cause Notice dated 16.04.2018 issued to the respondent paper.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. The Complainant Dr. Saroj Bishnoi appeared in person. There was no appearance on behalf of the respondent paper.

The Inquiry Committee has heard the complainant and has perused the impugned news item. The Inquiry committee is of the opinion that the respondent newspaper has not violated any norms of journalistic ethics while publishing the impugned news item.

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

Held

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

Press Council of India

Sl. No. 47

F.No. 14/527/17-18-PCI

Complainant

Shri M.S. Verma,
GM(IT), Central Electronics Limited,
Sahibabad, U.P.

Respondent

The Editor,
The TELCOM LIVE.

Adjudication dated 15.11.2018

Facts:

This complaint dated 27.2.2018 has been filed by Shri M.S. Verma, GM(IT), Central Electronics Limited, Sahibabad, U.P. against the editor, Telcom Live Magazine alleging publication of false, baseless and highly defamatory article in its February, 2018 issue under the caption "*Nalin Singhal : His men threaten an RTI Applicant*". It is reported in the impugned news item that a day before the crucial hearing that was to taken place on February 7, 2018 before the Central Information Commission(CIC), two people came to the Gurugram residence of an RTI applicant for threatening him so as to scare him from appearing before the CIC the next day. When the applicant refused to meet them, they sent one more person within an hour who tried to forcibly enter the building. The attempt was foiled by the guard and within few hours of the incidence that took place on Feb. 6, 2018, the RTI applicant filed a complaint with the local police. It is further reported in the article that the applicant on its own investigation found that two people came in a Maruti White Swift Dezire car which had a registration number as DL3CC M1244 and the car was owned by Shri Om Prakash, was seen parked in the Sahibabad office of Central Electronics Ltd. The applicant immediately connected that these persons were sent by Nalin Shinghal, CMD of CEL.

The complainant submitted that the editor-in-chief of the respondent magazine on 9.2.2018 sent a what's app message to AGM(HR) and Consultant (Vigilance) of CEL, which is as follows: "*We are doing a story on your visit to Gurgaon on 6th Feb. to the residence of an RTI applicant with a motive to threaten him. Please send you response within one hour. Anil Kumar, Editor-in-Chief, TelcomLive*".

The complainant submitted that the malafied intentions of the said publishing house is evident from the fact that a mere formality was done to ask for a response within one hour and following response to the message sent on 10.2.2018 : "*We are surprised to see your false allegations which are clearly part of your conspiracy to damage the image of the company and to threaten its officers to meet your illegal demands. The company has started making profits after making losses for so many decades. You are obviously working on behalf of parties whose vested interests have been hurt by recent efforts to ensure systematic functioning in the company and trying to ensure that the company should not prosper. No officer of the company has ever met Mr. Astitva leave alone threaten him. Two officials were however deputed o verify the address given by Mr. Astitva to ensure that the same is genuine address as the department has received numerous RTI appearing to be from Mr. Astitva but as per information he has never turned up personally for any hearing leading to a logical doubt about of his very existence. We never went there to meet or speak to Mr. Astitva not did we meet him. We only confirmed from the guard if any Mr. Astitva resides at the address. We are sure that irrespective of your efforts to malign and blackmail, truth will prevail.*"The complainant submitted that it is amply clear from the above mentioned facts that the respondent editors are into malpractices clearly in violation of all code of conducts and ethics and have gone to an extent of taking law into its hands, for ulterior motives. All these acts are to gain cheap publicity and to blackmail the organization which is trying to wipe off its losses through its transparent business practices.

The complainant requested the Council to waive the condition of sending a letter to the respondent on the following grounds:

1. Because the bare perusal of the articles published by M/s Live Media & Publishers Pvt. Ltd., show that same have been published with malafide intentions and ulterior motives and the contents thereof are ex-facie defamatory.
2. Because the editors of the said magazine were not deterred even after the injunction order dated 23.5.2017 restraining the circulation and propagation of the article published in February, 2017. They continued their mischief by publishing another such article in January, 2018 against which the complainant, Central Electronics Limited had to approach the Court of law yet again.
3. Because the article published in February, 2018 issue of the said magazine is the third such act of M/s Live Media & Publishers Pvt. Ltd., to cause defamation and hamper the systematic functioning and growth of our Public Sector Enterprise.
4. Because any communication with M/s Live Media & Publishers Pvt. Ltd., before approaching this Council, would have been a futile exercise which could not have yielded any positive result.

In view of the above grounds, the complainant requested the council to waive the condition of sending letter to the respondent and an appropriate action may be taken against the respondent.

Hon'ble Chairman, vide order dated 21.5.2018 directed to issue the Show Cause Notice and question of waiver will be considered at the time of hearing. Accordingly, Show Cause Notice was issued to the respondent on 28.5.2018.

Written statement

In response to the Council's Show Cause notice the respondent vide written statement dated 16.7.2018 submitted that all the averments in the complaint are denied, unless specifically admitted hereinafter. He has submitted that all the allegations levelled against him are baseless and an abuse of process of law and is an attempt by the complainant to put a lid on the corrupt practices adopted by the complainant, especially the CMD of the company. He has submitted that the he has published the three articles based on documentary evidence which have not been refuted by the complainant. According to the respondent the CMD of the complainant company, while indulging in the corrupt practices, has grossly undermined the status of his role as a Trustee of the Government assets. He has personally indulged in several corruption cases, whosoever tried to expose/object to his corrupt practices, either have been transferred/suspended/terminated on flimsy grounds. To intimidate him and also the media in general, on the same issues, the complainant has filed two criminal cases in Patiala House Courts, New Delhi and two cases before the Delhi High Court, which is nothing but an attempt to stifle free speech and public scrutiny. The respondent submitted that the news was published on evidences. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 24.7.2018 for information/counter comments, if any.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi.

Despite service of notice, the complainant has not chosen to appear. Mr. Anil Kumar, the Editor of the respondent magazine is present. Mr. Kumar points out that in respect of the subject matters of the impugned news article, the complainant has chosen to resort criminal prosecution and civil suits.

In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter any further and accordingly recommends for dismissal of the complaint.

Held

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

Press Council of India

Sl. No. 48

File No. 14/253/17-18/PCI

Complainant

Shri Minoo Dinshaw Irani,
District Palghar,

Respondent

The Editor ,
Mid Day,
Mumbai.

Adjudication dated 15.11.2018

Facts:

This complaint dated 6.9.2017 has been filed by Shri Minoo Dinshaw Irani, Palghar against "Mid-Day", Mumbai for allegedly publishing a defamatory article in its issue dated 11.1.2017 under the caption "**Dahanu residents fight against builder for encroaching upon Kankradi Creek**".

It has been reported in the impugned news item that residents of Dahanu are up in arms against a builder who they claim has illegally encroached upon the 14 feet deep Kankradi river, popularly known as the Kankradi creek, putting the region at the risk of a deluge like situation during the monsoon. It has been further reported that with the monsoon barely half a year away, and residents and NGOs in Dahanu recently got the Municipal Council to intervene and stop builder Minu Irani from reclaiming the creek for construction of a building. They claimed that the rampant illegal construction and reclaiming of the water body has put Dahanu at risk, especially during the monsoon. According to the news report Irani has started carrying out construction 15 to 20 meters into the riverbank.

Denying the allegations levelled in the impugned news item, the complainant submitted that the article contains wrong statements, misleading and is factually incorrect and published with a view to tarnish his image in Dahanu City. He has stated that they are the owners of orchard farms touching Kankradi creek and for the protection of their land with the permission of Dahanu Municipal Council.

In 2013, they have constructed a wall as their land was washed away by the water. The complainant further stated that he is always available to the public or anyone to give statement/explanation and what is stated in the article that he is not available is completely false.

The complainant vide letters dated 10.4.2017 drew the attention of the respondent towards the impugned publication and in response thereto the respondent vide letter dated 26.4.2017 informed the complainant that his notice is false, incorrect, frivolous, mischievous and has no basis in law. The respondent stated that anything published in good faith and for the benefit of the public at large cannot be defamatory, especially when it is an assertion of facts, rather than being mere opinion. The respondent requested the complainant to withdraw the notice.

The complainant vide another letter dated 21.6.2017 and 22.7.2017 stated that the respondent have not fully and correctly briefed in the matter and the reply of the respondent is vague and devoid of particulars. He has again requested him to publish unconditional apology in the matter, but received no response.

The complainant vide another letter dated 28.12.2017 and 23.2.2018 requested the Council to grant him personal hearing in the matter and also to provide a copy of reply received from the respondent.

No Written Statement

A Show Cause Notice dated 17.10.2017 was issued to the respondent editor but no response has been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee of the Council on 23.10.2018 at New Delhi. The complainant appeared in person along with his counsel Ms. Madhvi Divan. Shri Piyush Joshi, Advocate appeared for the respondent-newspaper, Mid Day.

The Inquiry Committee has perused the complaint and has heard Ms. Divan for the complainant and Mr. Piyush for the respondent. In the facts and circumstances of the case, the Inquiry Committee gives liberty to the complainant to give his version to the respondent newspaper within two weeks from today. The respondent newspaper on receipt of the same shall publish complainant's version with due prominence as that of the original news item within one week thereafter.

The Inquiry Committee directs for disposal of the complaint with the aforesaid direction.

Held

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