

Press Council of India

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

Complaints Against the Press
Section-14

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

1. Complaint of Shri Brijesh Mishra, Advocate, Tinsukia, Assam against the Editor, Dainik Janambhumi, Assam. (14/486/13-14)
2. Complaint of Shri Sourav Basu Roy Choudhury, Agartala, West Tripura against the Editor, Pratibadi Kalam, Agartala. (14/922/13-14-PCI)
3. Complaint of Dr. Binod Kumar Agarwala, Prof. & Head, Department of Philosophy, North Eastern Hill University, Shillong against the Editor, The Shillong Times, Shillong (14/175/14-15-PCI)
4. COMPLAINT OF COL. SANJAY & LIEUTENANT COLONEL SOORAJ S. NAIR, ASSAM RIFLES AGAINST THE EDITOR, TEHELKA, NEW DELHI. (14/672/14-15)
5. COMPLAINT OF SHRI SHYAMAL PAL, GANGTOK(RECEIVED THROUGH SHRI K. GANESHAN, DIRECTOR GENERAL, DAVP) AGAINST HIMALI BELA, GANGTOK (14/117/15-16)
6. Complaint of Shri Randhir Nidhi, Jharkhand against the Editor, Ranchi Express, Ranchi. **(14/618/12-13)**
7. Complaint of Shri Praveen Chandra Bhanjdeo, MLA, Odisha Legislative Assembly, Bhubaneswar against the Editor, Nirbhay. (14/716/13-14)
8. Complaint of Dr. Nachiketa Banopadhyay, Registrar, Siodho-Konho-Birsa University, Kolkata against the Editor, Sambad Protidin. (14/734/13-14)
9. Shri Nilabh Dhruva, Manager Legal, Bihar Urban Infrastructure, Patna, Bihar against the Editor, Hindustan. (14/1038/13-14)
10. Complaint of Shri Thakur Chandra Bhushan, Honorary Secretary, Outgoing Management, Deep Sahkari Grin Nirman Samiti, Jamshedpur (Jharkhand) against the Editor, Hindustan, Jamshedpur. (14/1/14-15)
11. COMPLAINT OF SHRI SAMEER KUMAR DA, CHIEF ENGINEER, HIND KI KALAM, CO-DIRECTOR, STATE PROGRAMME MANAGEMENT UNIT, DRINKING WATER & SANITATION DEPARTMENT, JHARKHAND, RANCHI AGAINST THE EDITOR, DAINIK BHASKAR, RANCHI, JHARKHAND. (14/430/13-14)
12. COMPLAINT OF SHRI RAJEEV RANJAN VERMA, EYE HOSPITAL, DANI BIGHA, AURANGABAD (BIHAR) AGAINST THE EDITOR, PRABHAT KHABAR, AURANGABAD (BIHAR). (14/867/14-15)
13. COMPLAINT OF DR. KANHAIYA PRASAD, CIVIL SURGEON CUM C.M.O., SADAR HOSPITAL CAMPUS, LATEHAR, JHARKHAND AGAINST THE EDITOR, DAINIK BHASKAR, RANCHI (14/801/14-15)

14. COMPLAINT OF MOHD. NASIM ANSARI, SECRETARY, INTZAMIA COMMITTEE DATA NURUDDIN SHAH WAKF, MOHALLA CHOWK SHIKARPUR, BEGAMPUR, PATNA AGAINST EDITOR, DAINIK PINDAR, PATNA. (14/378/14-15)
15. Complaint of Shri Anand Vikram, West Bengal against the editor, Prabhat Khabar, Jharkhand. (14/1/15-16)
16. Complaint of Shri Anand Vikram, Burdwan, West Bengal against the editor, Dainik Bhaskar, Ranchi, Jharkhand. (14/2/15-16)

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

17. Complaint of M/s. Dharampal Satyapal Ltd., Delhi (through Advocate, Dhingra & Associates), New Delhi against the Editor, Adinor Sambad, Assam. (14/245/13-14)
18. COMPLAINT OF SHRI SANDEEP KUMAR VERMA, NAZIBABAD AGAINST THE EDITOR, OUTLOOK, BIJNOR. (14/863/12-13)
19. Complaint of Shri Kanubhai Jethabahi Desai, Editor/Owner/Publisher/Printer, Hello Khelaru, Gujarat against the editor, Divya Bhaskar, Ahmedabad (Guj.). (14/550/10-11) (Old File No. is 14/392/08-09)
20. COMPLAINT OF MS. NEERJA BHATLA, CHAIRPERSON, MEDIA & PROTOCOL DIVISION & PROFESSOR, DEPARTMENT OF OBSTETRICS & GYNECOLOGY, AIIMS, DELHI AGAINST THE EDITOR, MAIL TODAY, NEW DELHI. (14/683/14-15)
21. COMPLAINT OF SHRI SIDDHARTH SANWARIA, ADVOCATE ON BEHALF OF M/S SHIVANGEE MEDICOS, CHANDIGARH AGAINST THE EDITOR, THE TRIBUNE, CHANDIGARH. (14/395/14-15)
- 22*. **COMPLAINT OF SWAMI RAMKRISHNA SHIVANAND, SANATAN DHARM, SHIV MANDIR, NEW DELHI AGAINST THE EDITOR, NATIONAL MISSION, HINDI MONTHLY MAGAZINE, U.P. (14/697/14-15)**
23. COMPLAINT OF SH. YASAR SHAH, STATE MINISTER (ENERGY) AGAINST AMAR UJALA, NOIDA (14/282/14-15)
- 24**. **COMPLAINT OF ASSISTANT GENERAL MANAGER, STATE BANK OF PATIALA, NEW DELHI AGAINST THE EDITOR, HALLA-BOL TIMES, DELHI. (14/120/15-16)**
25. COMPLAINT OF MS. MADHAVI SINGH, LUCKNOW AGAINST THE EDITOR, TIMES OF INDIA, KOLKATA. (14/544/14-15)
26. COMPLAINT OF SHRI ARJUN CHOWDHRY, NEW DELHI AGAINST THE EDITOR, TIMES OF INDIA, DELHI. (14/712/14-15)
27. COMPLAINT OF SHRI VIKAS JAIN, ALIGANJ, LUCKNOW AGAINST EDITOR, DAINIK JAGRAN (14/656/14-15)
28. COMPLAINT OF SH. RAJEEV KUMAR, CHANDOLI, UTTAR PRADESH AGAINST DAINIK JAGRAN (14/600/12-13)
29. COMPLAINT OF SHAHID ALI, ADVOCATE, NATIONAL PRESIDENT (UNITED MUSLIMS FRONT) NEW DELHI AGAINST THE EDITOR, HINDUSTAN TIMES (14/188/14-15)
30. COMPLAINT OF SHRI SUNIL KUMAR, PRESS RELATIONS OFFICER, O/O THE DIRECTOR GENERAL PRISON, TIHAR, NEW DELHI AGAINST THE ECONOMIC TIMES, NEW DELHI. (14/218/14-15)

* The complainant vide his letter dated 4.1.2016 received in the Secretariat on 5.1.2016 informed that he being out the Delhi for a long time, could not get the information w.r.t. hearing of his case as that might have been received by residence, therefore he could appear before the IC on the time and requested to consider his appearance on the same date. His request for seeking another opportunity for being heard is for consideration please.

** The respondent vide his letter dated 4.1.2016 received in the Secretariat on 6.1.2016 while apologizing for not attending the hearing for being unwell has sought the opportunity to for being heard is for consideration please.

31. COMPLAINT OF SHRI PABAN SINGH GHATOWAR, FORMER UNION MINISTER, NEW DELHI AGAINST AGRADOOT, GUWAHATI. (14/471/14-15)
32. COMPLAINT OF SHRI BRAHMANAND SHUKLA, PRESIDENT, MOHALLA SURAKSHA VIKAS SAMITI, SALORI, ALLAHABAD AGAINST HINDUSTAN. (14/1202/13-14)
33. COMPLAINT OF MS. ROSHNI KAUR, DIRECTOR, (PUBLIC RELATIONS) KRISHI BIKASH SHILPA KENDRA, NEW DELHI AGAINST THE EDITOR, DAINIK STATESMAN. (14/256/14-15)
34. COMPLAINT OF SHRI RAJESH KUMAR SHARMA, ADVOCATE, DELHI AGAINST THE EDITOR, NAVODAYA TIMES, NEW DELHI. (14/81/15-16)
35. COMPLAINT OF SHRI SONU MAHESHWARI, CHAIRMAN, NOUJWAN WELFARE SOCH, BHATINDA, PUNJAB AGAINST PUNJAB KESARI.(14/296/14-15)
36. COMPLAINT OF SHRI DEEPAK VATS, DELHI AGAINST THE EDITOR, PUNJAB KESARI, DELHI. (14/827/14-15)
37. COMPLAINT OF DISTRICT ELECTION OFFICER, HAMIRPUR, HIMACHAL PRADESH AGAINST THE EDITOR, PUNJAB KESARI. (14/189/14-15)

Inquiry Committee-I Meeting held on February 15th, 16th & 17th, 2016 at Belgaum, Karnataka

- 38-39. Complaint of Shri Ajay Kumar Duraiswamy, Chennai against the Editors, 1) Dinathanthi and 2) Dinamalar, Chennai. (14/552-553/12-13)
40. Complaint of Shri Dhanraj Ranoji Gavali, Advocate & Ex. Dy., Mayor, Belgaum, Karnataka against the Editor, 'Taun Bharat', Belgaum (Kar.) (14/81/13-14)
- 41-42. Complaint of Shri C.T. Ravi, Member of Karnataka Legislative Assembly, Chikmagalur against the Editors, 'Chikmagalur Suddigara and Gauri Lankesh Patrike', Karnataka (14/178-179/13-14)
43. Complaint of Shri Balachandra Rao Marpalli, Bangalore against the Editor, Brahmashtra, Bangalore. (14/380/13-14)
44. Complaint of Shri A. Soma Shekaraih, Bangalore against the Editor, BTS, Voice, Bangalore. (14/670/13-14)
45. Complaint of Shri Abin J. John, Bangalore against the Editor, Rashtra Deepika. (14/844/13-14)

46. Compliant of Shri C. Hanumantharayappa, Bangalore against the Editor, Naavu Bandeddavaru, Karnataka. (14/926/13-14)
47. Complaint of Smt. G. Suvarnamma, M.A. Tahsildar, Andhra Pradesh against the Editor, Sakshi. (14/939/13-14)
48. Complaint of Ms. K. Daisy, Ennore, Chennai against Editor, Dhina Thanthi.(14/209/15-16)
- 49-50. Complaints of Shri Cyril P. Jacob, Kochi against the Editors, (i) Janayugom, Trivandaram (ii) Mangalam, Kerala. (14/104-105/13-14)
51. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP.MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, KARNATAKA ZILLAPANCHAYATH, BANGALORE (KARNATAKA) (14/738/13-14) (PAID NEWS)
52. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE AGAINST THE EDITOR, MAHILA SHAKTHI, BANGALORE (14/739/13-14) (PAID NEWS)
53. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, HAI GUDUGU- SIDILIU, DODDABALLAPUR (KAR.) (14/740/13-14) (PAID NEWS)
54. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, HAI DODDABALLAPUR, DODDABALLAPUR (KAR.) (14/741/13-14) (PAID NEWS)
55. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Prajegale Prabhugale. (14/742/13-14) (Paid News)
56. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Tarun Bharat. (14/743/13-14) (Paid News)
57. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, SAMYUTKA KARNATAKA, BANGALORE.(14/744/13-14) (PAID NEWS)
58. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, KARUNAD, BELGAUM (14/745/13-14) (PAID NEWS)
59. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE AGAINST THE EDITOR, KARNATAKA ALALU, BELGAUM (14/746/13-14) (PAID NEWS)
60. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING),BANGALORE (KAR.) AGAINST THE EDITOR, PUDHARI, BELGAUM (14/748/13-14) (PAID NEWS)

61. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, PRUTHVI, BIJAPUR (14/752/13-14) (PAID NEWS)
62. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Rajamarg. (14/754/13-14) (Paid News)
63. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE AGAINST THE EDITOR, KANNADA PRABHA, BANGALORE(14/755/13-14) (PAID NEWS)
64. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE AGAINST THE EDITOR, KANNADA PRABHA, BANGALORE(14/755/13-14) (PAID NEWS)
65. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, SUVARNAVANI, BANGALORE.(14/757/13-14)(PAID NEWS)
66. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Reshme Nadu. (14/758/13-14) (Paid News)
67. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE AGAINST THE EDITOR, DECCAN HERALD, BANGALORE. (14/759/13-14) PAID NEWS)
68. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore against the Editor, Janamitra. (14/760/13-14) (Paid News)
69. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, SAMYUKTA, DAVANAGERE (14/761/13-14) (PAID NEWS)
70. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Prajavani. (14/762/13-14) (Paid News)
71. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, VIJAYA KARNATAKA, CHIMOGA (KAR.) (14/763/13-14) (PAID NEWS)
72. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore against the Editor, Malenadu Jothi. (14/764/13-14) (Paid News)
73. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, SAMYUKTHA VIJAYA, KOLAR (14/765/13-14) (PAID NEWS)
74. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, PRIYA PATRIKE, KOLAR (KAR.) (14/766/13-14) (PAID NEWS)

75. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Abhimanyu. (14/767/13-14) (Paid News)
76. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Mandya Circle Weekly. (14/770/13-14) (Paid News)
77. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, IAS, O.S.D. (Exp. Monitoring), Bangalore (Karnataka) against the Editor, Karavali Ale, Mangalore (Karnataka). (14/771/13-14) (Paid News)
78. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore against the Editor, Udayavani. (14/772/13-14) (Paid News)
79. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, IAs, O.S.D., (Exp. Monitoring), Bangalore against the Editor, Varthabharathi, Mangalore. (14/773/13-14) (Paid News)
80. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Mysore Praje. (14/778/13-14) (Paid News)
81. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Shabdavedi. (14/779/13-14) (Paid News)
82. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Nanjanagud Mithra. (14/780/13-14) (Paid News)
83. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE AGAINST THE EDITOR, TIMES OF INDIA, BANGALORE (14/781/13-14) (PAID NEWS)
84. REFERENCE RECEIVED FROM Shri Pankaj Kumar Pandey, Officer on Special Duty, (Expenditure and Monitoring) O/o the Chief Electoral Officer, Bangalore (Kar.) against the Editor, Mysore Mitra (14/782/13-14) (Paid news)
85. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, MEDIA MAAHITI, MYSORE (14/783/13-14) (PAID NEWS)
86. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, SRINATH PATRIKE, MYSORE (KAR.) (14/787/13-14) (PAID NEWS)
87. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, PRAJA PRABHUTVA, MYSORE (KAR.) (14/788/13-14) (PAID NEWS)

88. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, THE GREATER MYSORE, MYSORE (KAR.) (14/789/13-14) (PAID NEWS)
89. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, SIDILA MARI, MYSORE (KAR.) (14/790/13-14) (PAID NEWS)
90. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, PRAJAYOGA, TUMKUR (KAR.) (14/792/13-14) (PAID NEWS)
91. REFERENCE RECEIVED FROM SHRI PANKAJ KUMAR PANDEY, IAS, O.S.D. (EXP. MONITORING), BANGALORE (KAR.) AGAINST THE EDITOR, DECCAN HERALD, BANGALORE (KAR.) (14/793/13-14) (PAID NEWS)
- 92-95. REFERENCE RECEIVED FROM SHRI LOKESH KUMAR, D.S. I.A.S., DISTRICT COLLECTOR & DISTRICT ELECTION OFFICER (A.P.) AGAINST THE EDITORS, 1) SAKSHI JYOTHI, 2) SAKSHI, 3) ANDHRA JYOTHI AND 4) SURYA (A.P.) (14/178-181/14-15) (PAID NEWS)
96. REFERENCE RECEIVED FROM Dr. S.B. Deepak Kumar, I.A.S. District Election Officer-cum-Chairperson, District Level, MCMC, Puducherry against the Editor, Pudhuvai Bhoomi Fortnightly. (14/237/14-15)(Paid News)
97. REFERENCE RECEIVED FROM Dr. S.B. Deepak Kumar, I.A.S. District Election Officer-cum-Chairperson, District Level, MCMC, Puducherry against the Editor, Namadu Manasatchi Puducherry. (14/238/14-15)(Paid News)
- 98-101. REFERENCE RECEIVED FROM Dr. S.B. Deepak Kumar, I.A.S. District Election Officer-cum-Chairperson, District Level, MCMC, Puducherry against the Editors, 1. Dinamani Daily, 2) Dinakaran Daily, 3) Tamil Murasu and 4) Namadhu Murasu, Puducherry. (14/239-242/14-15)(Paid News)
- 102-103 REFERENCE RECEIVED FROM Dr. S.B. Deepak Kumar, I.A.S. District Election Officer-cum-Chairperson, District Level, MCMC, Puducherry against the Editors, 1) Dinathanthi, & 2) Dinamalar, Tamil Daily, Puducherry. (14/243 & 862/14-15)(Paid News)
104. REFERENCE RECEIVED FROM Dr. S.B. Deepak Kumar, I.A.S. District Election Officer-cum-Chairperson, District Level, MCMC, Puducherry against the Editor, Dinamalar, Tamil Daily, Puducherry. (14/250/14-15)(Paid News)
105. Dr. S.B. Deepak Kumar, I.A.S. District Election Officer-cum-Chairperson, District Level, MCMC, Puducherry against the Editor, Malar Weekly, Puducherry. (14/235/14-15)

PRESS COUNCIL OF INDIA

Sl. No. 1

F.No.14/486/13-14-PCI

Shri Brijesh Mishra,
Advocate,
Tinsukia

The Editor,
Dainik Janambhumi,
Guwahati

ADJUDICATION

Dated 17.3.2016

This complaint dated 29.8.2013 was filed by Shri Brijesh Mishra, Advocate, Tinsukia (Assam) against the Editor, Janambhumi for publication of allegedly defamatory news item under the caption "***The stratagem of mis-appropriating 53 lakhs rupees by transforming the manner of motor accident***" in its issue dated 13.7.2013. It was reported in the news item that one Shri Sudhir Kumar Singh passed away in a motor accident that occurred in Mebeda Tinali under Makum police station. The deceased was returning home from Tinsukia in a motor cycle when he lost control over himself and fell down at the edge of the road. Seriously injured Sudhir breathed his last in the hospital but this mishap was being given a different shape by the claimant. It was alleged in the news item that the complainant is one of the advocates of the claimants in M.A.C. 88/2.2 whereas he is not connected in any manner and as such all the allegations made against him were false and vexatious.

The complainant submitted that the news item was published with ulterior motive to tarnish his image in the public. Vide legal notice dated 20.7.2013, he drew the attention of the respondent to tender an unconditional apology by publishing the same in the front page and with same prominence but received no response

Written Statement

In response to Councils' show cause notice dated 18.9.2013, the respondent Editor, Dainik Janambhumi in his written statement dated 3.2.2014 submitted that the complaint is misconceived, vexatious and stands against the documents relied on by the complainant. He stated that news item was published on the basis of a Public Litigation Petition filed by a citizen of Tinsukia in the Hon'ble Guwahati High Court with detailed facts and the similar news on the same incident was published in other newspapers also. He further stated that there was no motive or intent either to malign anyone including the complainant. He added that the aforesaid complaint was not correct inasmuch as the Staff Reporter had not reported that the complainant is the conducting advocate of MACT Case No.88 of 2012. The respondent further submitted that it was indeed a fact that the Tinsukia Bar Association, Tinsukia on its own initiated an inquiry after the news item in question. The Staff Reporter of the newspaper wrote a letter to the Tinsukia Bar Association enquiring about the inquiry initiated by the said Association. The Secretary General of the Tinsukia Bar Association vide his letter dated 25.11.2013 informed the Staff Reporter that as regards the news item in question dated 13.7.2013, published in the Dainik Janambhumi and in several other newspapers, the inquiry into the matter found that three members of the said Bar Association namely Shri Brijesh Mishra(Complainant) Shri Gautam Borkotoy and Shri Munna Singh were found prima facie involved in preferring the aforementioned false and frivolous case claiming Rs.53.10 lakhs against New India Assurance Co. Ltd., and Bar Association has issued show cause notice to the

said advocates. On the basis of such finding, the said three members were suspended from the membership of the Association on 26.11.2012. In his support, the respondent editor enclosed a photocopy of the letter dated 25.11.13 and 24.1.2014.

Counter comments

The complainant in his counter comments dated 23.4.2014 submitted that the language published in the news item itself goes to mean that the he is an advocate involved in the accident claim case i.e. numbered as Motor Accident Claim-88/2012. According to him when Press Council of India issued Show Cause Notice to the respondent editor, then only the Executive Committee of Tinsukia Bar Association immediately came into action and issued show cause to him along with other two Advocates and further without giving any valid opportunity went on to suspend the complainant and other two members from the membership of the local Bar Association body, which was only intentionally done violating all the procedure prescribed by law and the rules of the constitution of the Bar Association with a view to substantiate the story published in the newspaper for giving opportunity of defence to be put by the newspaper before the Press Council of India. He further submitted that the Tinsukia Bar Association had never constituted any Enquiry Committee rather they had formed a Fact Finding Committee and the contents of the letter by the Secretary to Editor and his suspension but he did not mention any time frame, and he along with others were put under suspension for a period of three months w.e.f. 29.11.2012 and presently the complainant along with others are the regular member of the Bar Association. Further the notice of the suspension was served upon him on 28.11.2013 but the same became the headline of the respondent newspaper Dainik Janambhumi and Aamaar Khabar on 27.11.2013 i.e. one day before the notice of suspension was communicated to the complainant which puts a question mark on the whole procedure adopted by the Executive Committee headed by its President and Secretary and their nexus with the concerned local representatives of the newspaper. In the circumstances the letter dated 24.1.2014 informing about the suspension of the complainant does not hold water and it has been intentionally done to produce documents before the Council. He further submitted that he does not know the veracity of the truth of the manner of accident since he was not present at the relevant time of the accident and he is only doing his professional duty by defending the accused i.e. driver of the truck involved in the accident and has taken the defence of total denial which in one manner goes against the accident claim case. He reiterated the impugned news story framed by the newspaper does not stand and the involvement of the complainant in whole matter is not supported by circumstances on statement made by the eyewitness of the case.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri Brijesh Mishra, the complainant appeared in person whereas the counsel for the respondent appeared.

The Inquiry Committee heard the complainant as also the counsel for the respondent and perused the complaint and other relevant papers.

The Inquiry Committee is of the opinion that the impugned news item cannot be said to have been published without any justification. The Inquiry Committee is, therefore, of the view that no action is called for in the matter. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 2

F.No.14/922/13-14-PCI

Shri Sourav Basu Roy Choudhury,
Agartala.

The Editor,
Pratibadi,
Agartala.

ADJUDICATION **Dated 17.3.2016**

This complaint dated 21.11.2013 was filed by Shri Sourav Basu Roy Choudhury, Agartala against the Editor, 'Pratibadi Kalam' alleging publication of false and defamatory news item in its issue dated 21.11.2013. According to the complainant, it was reported in the news item that the Officer-in-Charge (O/C) of East Agartala Police Station, who is his father, had sent his son to USA without permission for pilot training by giving a cash payment of Rs.1.5 Crore whereas total cost of the course will be Rs.5 Crore. His son had joined the Phoenix Flight Academy in Florida, USA for pilot training. It was further reported that his father is having very good relation with former Chief Minister and also with MLA, Mr. Vijay Roy. It was alleged that his father's salary is around Rs.31,000-35,000 who joined as a constable. It was also reported that mafia personnel used to come to their quarter and give bundles of cash daily and have also made allegation against his mother's family and various other allegations indicating that they are very rich.

Denying the allegations levelled in the news item, the complainant submitted that his course fee is around Rs.34-35 lakhs and he had applied for Education Loan of Rs. 30 lakhs which is still not sanctioned and he has yet not gone to USA. He added that he had taken admission in Dean International Inc and not in Phoenix Flight Academy as mentioned in the news item. He denied the allegation that mafia people bribes his father as he is just Security Officer of the then Chief Minister. He has submitted that the news item badly affected him and his family. The complainant informed that he already sent a copy of letter in this regard to the editor on same day and asked him to give feedback but merely received a phone call from them and nothing else. He added that no written reply has been received from the respondent. He further stated that one of his uncles had visited the respondent's office but they said that whatever news they get, they just print that and nothing is in their hand.

Written statement

The respondent in his written statement dated 19.3.2014 submitted that the news item in question was based on written information received by them whose copy is annexed. The complainant stated that there had been no enmity of the organization, publisher, owner, editor or anybody associated with the daily, with the complainant or any other person mentioned in the news and that it was not published with ill intention to malign them at personal level, rather the news seemed to be a perfect example to reveal the corruption prevailing in the society, and how people misuse government position for illegal personal gain.

Counter comments

The complainant in his counter comments dated 5.7.2014 submitted that the editor admitted that he had published the news on the basis of a written statement received from unknown person which was not even signed and written in Bengali which is manufactured one by the editor himself. He added that his auto-rickshaw driver had delivered his protest letter to the respondent. He alleged that if the respondent had not received any letter from him then why the staff had made him a phone call from their own official land line. He stated that respondent published that he had already gone for pilot training to USA whereas he had yet not gone for pilot training. The complainant further stated that the persons names, cases and elements mentioned in the statement are non-existent and he had already personally verified and found that there are no such people or cases.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri Supratim Deb Purkayastha, Advocate appeared for the complainant while there was no appearance from the respondent's side.

The Inquiry Committee heard the complainant and also carefully perused the complaint and other relevant records. It noted that despite service of notice, the respondent has not chosen to appear. According to the complainant, the impugned news item suggests that the payment of Rs. 1.5 crore was made for the admission of the complainant in a Flying Institute of Florida in the USA and the total course fee is Rs. 5 crores. The complainant states that this is absolutely false news item.

The Inquiry Committee further noted that there is no appearance on behalf of the respondent but in their reply they have stated that the impugned news item was published on the basis of the written information given by one Shri Pralay Kumar Deb Nath. The Inquiry Committee perused the same and finds that the said information is not even signed. Not only that, according to the complainant no such person exists.

The Inquiry Committee opined that the newspaper before publishing such news item ought to have followed due diligence. It seems that the newspaper has published the impugned news item without verification. The Inquiry Committee is of the opinion that the newspaper deserves to be censured for the publication of the aforesaid news item. It accordingly recommended to the Council that the newspaper be censured for the aforesaid news item.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **Censure** the respondent newspaper, Pratibadikalam, Agartala, Tripura. A copy of the adjudication be sent to DAVP, RNI and Government of Tripura. For necessary action as they deem fit.

Post Script

After the Inquiry Committee has taken the decision in the matter, a communication has been received from the respondent newspaper stating his inability to attend the meeting. The Inquiry Committee has taken into consideration the written statement of the respondent. It is not inclined to adjourn the case. This may be noted.

Press Council of India

Sl. No. 3

F.No.14/175/14-15-PCI

Dr. Binod Kumar Agarwala,
Prof. & Head,
Department of Philosophy,
North Eastern Hill University,
Shillong.

vs.

The Editor,
The Shilling Times,
Shillong.

ADJUDICATION
Dated 17.3.2016

This complaint dated 28.4.2014 was filed by Dr. Binod Kumar Agarwala, Prof. & Head, Department of Philosophy, North East Hill University, Shillong against Ms. Patricia Mukhim, Journalist and Editor, 'The Shillong Times' alleging publication of false, concocted and fabricated story under the caption "***NEHU research scholar alleges harassment: Allegations against HOD of Philosophy Department***" in its issue dated 24.4.2014. It was reported in the news item that the Head of Philosophy Department, NEHU refused to register the PhD synopsis of Dipanjali Das, a research scholar of the department on arbitrary grounds. Dipanjali was allotted a supervisor, Dr. L. Lenka who felt that he was not comfortable to supervise her field of research. She then requested the HOD, Dr. B.K. Agarwala for a suitable change of supervisor but Dr. Agarwala took it as an affront and claimed that rules did not permit a change of supervisor. It was further reported that Dr. Agarwala in a high handed and illegal manner, maintained that a supervisor once appointed cannot be changed. He kept issuing unnecessary notices and letters to Dipanjali that caused her mental agony.

The complainant submitted that the respondent has made an attempt to tear down his reputation and malign him in the eyes of the public by publishing maliciously a totally false, concocted and fabricated story against him. He further alleged that the respondent has made a criminal attempt to destroy his reputation which is very essential for an institutional persona, which remains even when the individual dies, which serves as an example for generation to come. He stated that the respondent did not stop her all-out destroying his reputation by merely publishing the story. He added that same news report with a change of few words had appeared again in another daily newspaper namely 'Sentinel' of 26.4.2014. The complainant vide letter dated 25.4.2014 drew the attention of the respondent editor by giving point wise rejoinder and stated that he would not hesitate to file a complaint of criminal defamation under Section 499 of the IPC unless she pull down the offensive news item from paper's website and publish the refutation of the report in toto without altering even a single word both online and in the print edition apologizing for the false statement, but received no response.

Written Statement

The respondent in his written statement dated 13.10.2014 submitted that a research scholar of the Philosophy Department headed by Dr. Agarwala, Ms. Dipanjali Das called him several times and begged him to help her in getting justice. She was distraught and was weeping inconsolably because she was thwarted in her attempts to do her PhD by Dr. Agarwala to put up all kinds of roadblocks to her achieving her goals. The respondent enclosed all the documents including the RTI applications made by Dipanjali Das to prove that she has taken all steps and through proper channels to enable her to register her PhD. The respondent stated that the complainant has only given his side of the story and has completely muted but the other side which is that of the research scholar, Dipanjali Das. The respondent further stated that he felt it was only fair to call

the complainant to get his side of the story, who refused to entertain his call. It was only after these failed attempts at establishing contact with the complainant that he wrote the story since he felt that a research scholar who is harassed by her senior professors and mentors ought to get justice. The respondent submitted that if the complainant felt that he was wronged and his reputation harmed by the story he could have sent them a rejoinder the very day and they would have carried his refutation. But the complainants chose to approach the PCI without exhausting the means available to him through his newspaper. He added that a rejoinder can be published on a matter appearing the previous day but not on an issue that the readers have forgotten about.

Counter Comments

The complainant in his counter comments dated 10.11.2014 stated that it was clear from the written statement of the editor that she had made a deliberate, motivated and unfounded attempt to implicate, impute, malign and tarnish his image. He alleged that the editor after timely receiving the reply dated 25.4.2014 to her accusations immediately after publication of the story, had neither published the lawful reply nor shown any positive intent/effort for publication of the same. He further alleged that this voluntary act of the respondent is against the established norms of fair journalism. He also stated that by this attempt she deprived the complainant knowingly and deliberately from his fundamental/natural right to rebut the baseless, motivated and unfounded imputations labeled in her story which caused irreparable loss to his reputation. He further stated that the editor's claim of failed attempt to elicit the Head's version of the story or the Head's failure to send the rejoinder in time is only pretended excuse for her firm intention of not publishing the truth and her deliberate attempt of tarnishing the image of the Head and destroying his reputation on unfounded and baseless grounds, as he is an 'outsider' in the region, from North India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Dr. Binod Kumar Agarwala, the complainant appeared in person whereas Shri Patrica Mukhim, Editor, The Shillong Times appeared.

The Inquiry Committee heard both the parties and also carefully perused the complaint and other relevant records. It noted that the subject matter of the news item is harassment of a research scholar by the Head of the Department (HoD). The very fact that a research scholar is running from pillar to post for appointment of a supervisor to guide her, in the opinion of the Inquiry Committee, is news. It seems from the news item that the complainant had a role in it. The Inquiry Committee wonders as to how the HoD could refuse a communication from research scholar. The Inquiry Committee is of the opinion that the respondent newspaper has carried out its journalistic duty by publishing the news. The Inquiry Committee is further of the view that the Vice Chancellor and also the Minister of Human Resources, Government of India shall take such steps on the fact and circumstances of the case. It recommended for dismissal of case with aforesaid observations.

In the facts and circumstances of the case, the Inquiry Committee recommended to the Council to dismiss the complaint on the aforesaid terms.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 4

File No. 14/672/14-15-PCI

Col. Sanjay Sharma &
Lieutenant Colonel Sooraj S. Nair
Public Relations Officer for
Director General Assam Rifles,
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793 010

Tehelka,
M-76, Second Floor,
M Block Market
Greater Kailash Part-2,
New Delhi

ADJUDICATION

Dated 17.3.2016

The complaint dated 24.10.2014 and 12.12.2014 was filed by Col. Sanjay Sharma, Assam Rifles against the Editor, Tehelka, New Delhi alleging the publication of malicious and derogatory articles in the magazine under the captions "**The Rot in the Assam Rifles**" and '**Operation Hilltop Sparks Outrage against Assam Rifles**' and '**the force is defending the officials**' in its issues dated 30.9.2014 and 7.10.2014 respectively. In the news items, the force had been alleged to be corrupt in Assam Rifles in its magazine Issues 40 and 41 dated 04 and 11 Oct 2014 respectively. The impugned news items refer to the sting operation carried out by the Tehelka whereby it has exposed corruption in the Assam Rifles. It was reported in the news item that Assam Rifles is turning into bad advertisement for India's Paramilitary Forces as some of its personnel are taking cuts for contractors for smooth passage of tenders thereby tarnishing the organization as a whole. The bribes were openly taken by men in uniform sitting inside their respective offices.

The complainant submitted that the video and news articles had been prepared by a driver turned photographer, Mr Shyju Marathumilly of Tehelka, based on the inputs provided by one Mr CC Mathew, who is a blacklisted contractor of Assam Rifles having vested interests. The report defamed the entire hierarchy of the Force, which is intricately involved in combating insurgency in the North East, without even bothering to cross-check or verify from the authorities in the organisation, thus adversely affecting the morale of the Force. For this the complainant referred Norms of Journalistic Conduct, 2010 as violated by Tehelka i.e. Sec 1(i), Sec 2(i), Sec 3(i), Sec 3(x), Sec 3(xv), Sc 8, Sec 9(i) and Sec 26 (a-g). He further submitted that a high level court of inquiry was ordered by the Assam Rifles to verify the truth of the allegations made in impugned news and the force will follow to take appropriate action against those found guilty for any misconduct. The complainant vide his letter dated 24.10.2014 approached the respondent editor to publish an unconditional apology in magazine in a prominent manner and removal of the articles and video clippings from all websites and You Tube, but in vain. Thus, without ascertaining the factual accuracy from the concerned, the respondent has blatantly defamed the image of the Force with a singular aim of maligning the Force for quick gains rather than reporting on corruption.

No Written Statement

A Show Cause Notice was issued to the respondent editor, "Tehelka, New Delhi under intimation to the complainant on 25.6.2015 followed by a Time Bound Reminder on 19.8.2015 but received no response.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri A.K. Acharya, Dy. Commandant, Assam Rifles appeared for the complainant whereas there was no appearance on behalf of the respondent.

The Inquiry Committee heard the representative of the complainant and also carefully perused the complaint and other relevant records. It noted that despite service of notice, the respondent has not chosen to appear before the Inquiry Committee.

The Inquiry Committee is of the opinion that the impugned article of various stand of the complainant, the news article may be true or that may not be true, demonstrate that nothing unethical has been done by the respondent calling for any action by the Inquiry Committee. The Inquiry Committee recommended to the Council to dismiss the complaint. The Inquiry Committee makes it clear that it is not expressing truthfulness of that or otherwise of the publication.

Held

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

Press Council of India

Sl. No. 5

File No. 14/117/15-16- PCI

Shri Shyamal Pal,
Gangtok, Sikkim

Vs.

The Editor,
Himali Bela,
Nepali Daily,
Gangtok, Sikkim

Through
Shri K.Ganeshan,
Director General, DAVP,
New Delhi

ADJUDICATION

Dated 17.3.2016

Shri K. Ganeshan, Director General, DAVP, New Delhi vide his D.O. letter dated 19.6.2015 forwarded a copy of the complaint of Shri Shyamal Pal, Gangtok, Sikkim against the editor, Himali Bela, a Nepali daily published from Gangtok, Sikkim. The complainant in his complaint filed before the District Collector, Gangtok and SHO, Gangtok alleged that the newspaper wilfully inserted and printed a very derogatory and unparliamentary word, attributing to none other than the Prime Minister of India, Shri Narendra Modi in page no. 6 of its edition dated 25.3.2015. He submitted that the derogatory word appears as the middle name of the Prime Minister of India. He further submitted that it is evident and crystal clear that this reprehensible act is the handiwork of some sick minds that have conspired together with the sole aim to criminally defame the Prime Minister of India effectively to lower his dignity in public with sinister ulterior motive. He stated that this slanderous act is more condemnable as the objectionable word has been inserted right below the photograph of the Prime Minister of India in a paid advertisement of the Sadak Parivahan & Raj Marg Mantralaya of the Government of India for which the Himali Bela received payment from the Treasury of the Government of India under Prime Minister, Narendra Modi. The Director General, DAVP has requested the Council to take necessary action against the newspaper under PCI Act.

Shri Arvind K. Shrivastava, Under Secretary to the Government of India, MIB (Media Unit Cell) vide letter No. M-24013/58/2015-MUC dated 22.6.2015 also forwarded a copy of the complaint of Shri Shyamal Pal, Gangtok, Sikkim

A Show Cause Notice was issued to the respondent editor, Himani Bela on 25.6.2015 for written statement.

Written Statement

The respondent editor in his written statement dated 29.7.2015 stated that the gross error appearing in 25.3.2015 edition of Himali Bela was realized by them within an hour of the newspaper being released from their Gangtok printing press and they took following measures:

1. They immediately withdrew all the copies of Himali Bela from the news stand in the entire state of Sikkim but despite their best efforts, some copies reached the hand of the readers.
2. They properly published the same edition on very same day i.e. 25.3.2015 after rectifying the said mistake which contained their apologies and explanation to the readers as to why the newspaper had to be re-published and the same was then re-circulated.
3. The next edition of 26.3.2015 also contained the corrigendum in the front page.

4. They further conducted an internal inquiry and took necessary action against the executive editor for the gross negligence that caused deep embarrassment to the house and hurt the sentiments of their readers.
5. They then explained their position clearly to the Sikkim BJP Unit on the same day i.e. 25.3.2015 and also submitted an apology and explanation letter to them on the issue. The Sikkim BJP Unit accepted their apology and recorded that they are satisfied with the action taken by the publication house.
6. Further they wrote to the I&PRD, Govt. of Sikkim on the same who in their letter dated 16.4.2015 warned them and asked them not to repeat such act in future.
7. They also wrote to the Ministry of Information & Broadcasting detailing the measures taken by them on 17.7.2015.
8. Further they wrote to the Hon'ble BJP National President, Shri Amit Shah on 17.7.2015 apologizing for their mistake and informed about the corrective steps taken by them.
9. They also wrote to the PMO on 27.7.2015 apologizing for their mistake and mentioned about the steps taken by them.

The respondent submitted that the complainant in his complaint mentioned that the Himali Bela newspaper is a newspaper of Sikkim Express group but it is totally untrue. Himali Bela and Sikkim Express are different entities with different ownership, editorial team and office. He further submitted that the editor and staff of Himani Bela have no intention to slander the Hon'ble Prime Minister of India or any personality by use of such derogative word.

Apart from the reply to the Show Cause Notice, the respondent also requested the Press Council of India to intervene on the issue of cancellation of the empanelment of Himali Bela by the DAVP leading to stoppage of advertisements to Himali Bela which is a punishment grossly disproportionate to the unintended mistake committed by Himali Bela for which they had already taken remedial measures. He further submitted that cutting down the major revenue source of a newspaper, which is DAVP advertisements, would surely close down the important Nepali language newspaper. It will be the end of the livelihood source of several persons attached to the newspaper in different capacities.

Letter from Under Secretary to the Govt. of India

Shri Tony Pyloth, Under Secretary to the Government of India vide his letter dated 4.9.2015 stated that the matter was also taken up by the Ministry with the Government of Sikkim vide letter dated 25.6.2015 with a request to conduct an inquiry and furnish an Action Taken Report to the Ministry. The Additional District Magistrate conducted an inquiry and submitted a report. He forwarded a copy of the Inquiry Report dated 16.7.2015 along with other relevant documents in the matter. He further stated that the editor of Himali Bela vide their letter dated 17.7.2015 has requested to revoke the suspension of empanelment of the newspaper stating that the punishment is grossly disproportionate to the unintended mistake committed by them.

Further Letters from the Respondent

The respondent editor, Smt. Mala Rana Patro vide her letters dated 18.9.2015, 23.9.2015 & 24.9.2015 stated that for a Language Newspaper like theirs published from a small state of Sikkim it is extremely difficult to sustain a newspaper without DAVP advertisement. She submitted that the DAVP empanelment of their newspaper had been suspended from last three months and due to this the paper is on brink of closure and it will end the livelihood of several person attached to the newspaper in different

capacities. The last date of renewal of empanelment with DAVP is 30.9.2015 and since their login got blocked due to suspension, it will not allow them to submit their application for renewal.

A letter to Shri K. Ganeshan, Direct General, DAVP was issued on 24.9.2015 and further on 29.9.2015 communicating the direction of Hon'ble Chairman to the DAVP that the newspaper may be allowed to submit application for empanelment with a direction to the DAVP to accept the same, subject to the final decision by the Council.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Dr. Dhiraj Kakadia, Director, DAVP appeared for the complainant while Mala Rana Patro and Rupesh Sharma appeared for the respondent.

The Inquiry Committee heard the representative of the complainant as also the respondent editor and also carefully perused the complaint and other relevant records. It noted that the respondent newspaper had admitted the mistake in the advertisement. Their plea further is that they had withdrawn the copy and circulated the fresh edition of the newspaper. It further noted that the respondent has also made an internal inquiry with regard to the mistake and appropriate action has also been taken against the erring persons. The Inquiry Committee also noted that the respondents had tendered an unconditional apology.

In view of the above facts, the Inquiry Committee is of the opinion that no further action needs to be taken in the present complaint. The Inquiry Committee would further like to observe that for survival of a newspaper in State like Sikkim, the DAVP and all other organisations may consider empanelling, releasing and disbursing all legitimate dues/advertisements to the respondent newspaper in accordance with law.

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

Held

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

Press Council of India

Sl. No. 6

File No. 14/618/12-13- PCI

Shri Randhir Nidhi,
Gumla, Jharkhand

The Editor,
'Ranchi Express'
Ranchi, Jharkhand

ADJUDICATION
Dated 17.3.2016

This complaint was filed by Shri Randhir Nidhi, Gumla, Jharkhand against the editor, Ranchi Express for publication of false and objectionable news item under the caption "*Asafal abhyarathi par saksharkarta karmiyon ne lagaya aarop*" in its issue dated 8.10.2012.

Contents of Impugned News Item

It was reported in the impugned news item that the literacy workers of Gumla had given a memorandum to the Deputy Commissioner of Gumla in which they alleged that one Shri Randhir Nidhi, who was an unsuccessful candidate in the temporary appointment made under Literacy India Programme, induces the people and their representatives to make the Literacy India Programme ineffective. It was mentioned in the memorandum that one Shri Randhir Nidhi didn't like this program and in order to cancel the temporary appointment, he filed false applications and also tried to affect this program by giving several negative statements in the newspaper. He managed to become coordinator of Nagar Panchayat Literacy Committee despite the fact that he has no contribution in promoting education and he had never took part in the meetings related to the education. It was further reported that if the appointment gets cancelled on the application of people like Shri Nidhi then it will be unfortunate for the District Gumla.

Complainant's Contention

The complainant submitted that the correspondent of the respondent newspaper was appointed as the District Programme Officer of District Literacy Committee which was objected by the other representatives of the Committee and they had requested the President of District Literacy Committee to take action in the matter. He further submitted that the correspondent while misusing his position took the signatures and mobile numbers of the officials of the Literacy Committee fraudulently and registered a complaint against him. He being a journalist also published a one-sided story against him. The complainant has stated that when he enquired about the complaint filed against him from the literacy official, he found that no such complaint has been filed by them. He alleged that this act of the respondent defamed his social image.

Letter to Editor:-

The complainant vide letter dated 28.2.2013 drew the attention of the respondent editor and requested to take action against the correspondent for publication of false news.

Editor's Reply:-

The respondent editor vide his undated letter has forwarded the reply of the correspondent dated 25.4.2013 in which it has been stated that the impugned news item was based on the memorandum given by Smt. Sushila Tirki and other literacy officials to the Deputy Commissioner of Literacy Programme and the same news was also published by Dainik Bhaskar and Dainik Hindustan. It has been further stated that the allegations made by the complainant were totally false and baseless. He denied the allegation that

he was involved in the matter and signed the memorandum. The correspondent alleged that the complainant has taken the signatures of Literacy officials forcefully by giving threat to implicate them in false cases. He added that he was appointed as the District Programme Officer whereas the complainant could not be appointed due to his incompetence. He further stated that the complainant is also the correspondent of Dainik Aaj and Dainik Sanmarg and was dismissed by the Press Club, Gumla due to his illegal activities.

Complainant's Reply:-

The complainant in his letter dated 9.7.2013 submitted that the respondent editor had taken the side of his correspondent whereas his version had not been taken. He further submitted that he had the relevant document/evidence and audio, regarding the allegation made against the correspondent.

A Notice for Comments was issued to the respondent editor, 'Ranchi Express' on 18.11.2013 followed by Time Bound Reminder dated 21.5.2014 for his comments but in vain.

A Show Cause Notice was thereafter issued to the respondent editor on 11.8.2014 for his written statement.

Written Statement

The respondent editor in his written statement dated 10.9.2014 submitted that the impugned news item was also published in other big newspapers like Dainik Bhaskar and Dainik Hindustan but the complainant only filed his complaint against his newspaper. He denied the allegation of the complainant that the signatures of the literacy officials are false. He further stated that the Original Memorandum and the protest letters included the signatures of literacy officials which can be verified from forensic experts. The respondent also stated that the complainant had a personal interest in the selection process under Literacy Programme and due to non-fulfillment of the required criteria, the complainant became unsuccessful while the respondent succeeded. He alleged the complainant himself is a journalist and this complaint seems to be a professional rivalry. He further alleged that the complainant in his complaint only create confusion and does not present any proof in support of his allegations.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri Randhir Nidhi appeared on for the complainant while there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant and also carefully perused the complaint and other relevant records. It noted that despite service of notice, the respondent has not chosen to appear. It further noted that the impugned news item is based on the allegations made by an individual before the Deputy Commissioner. The Inquiry Committee is of the opinion that no action is warranted in the matter. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 7

File No.14/716/13-14-PCI

Shri Praveen Chandra Bhanjdeo,
MLA, Mayurbhanj,
Odisha

The Editor,
Nirbhaya,
Bhubaneswar.

ADJUDICATION

Dated 17.3.2016

This complaint dated 11.10.2013 was filed by Shri Praveen Chandra Bhanjdeo, MLA, Mayurbhanj, Odisha against the editor, Nirbhaya, Bhubaneswar for publication of an allegedly false, baseless and defamatory news items under the caption "***Odisha Assembly has been provided with untrue information by MLA Praveen***" and "***Vidhayak Praveen again into confrontation for making false promises to the flood affected***" in their issues dated 13.8.2013 and 23.8.2013 respectively. It was reported in the news items that the complainant furnished statement with regard to his educational qualification in the Nomination paper dated 3.4.2009 being sworn before Notary Public, filed before the Sub-Collector, Baripada cum Returning Officer that the complainant had not passed tenth class but his educational qualification was written and shown as B.A. in the 'whose who' Directory published by Assembly Secretariat on the basis of information supplied by MLA Praveen Chandra, the complainant.

The complainant stated that the information in article is not true and correct, the same has been published with deliberate intention to tarnish his image and to defame him publicly. He submitted that the 'whose who' Official Directory published by Assembly Secretariat does not contain any such information as reported by reporter and published in the newspaper, the Nirbhaya, relating to educational qualification and status of the complainant. The complainant vide notice dated 16.8.2013 drew the attention of the respondent to publish the apology in the front page of the newspaper while a legal notice issued by the complainant on 16.8.2013 by Registered post was duly received by its editor, the legal notice sent to the reporter received back undelivered with postal remarks 'Refused'. The complainant stated that the editor and reporter are jointly liable for the misconduct which has already caused damage to his reputation. The complainant further submitted that instead of expressing regrets for their acts of omission and commission the editor of paper become more vindictive after receipts of the legal notice and since then writing false things. In support of his statement, he referred the clipping of news item dated 23.8.2015.

A show cause notice was issued to the respondents on 27.1.2014.

Written Statement

The respondent editor vide his written statement dated 27.7.2014 submitted that the news item was published basing upon the data available and displayed in the official web site of Odisha Legislative Assembly as well as the information sworn by Shri Praveen Chandra Bhanjdeo in the affidavit given during the filing of his nomination papers. The respondent further submitted that as per the affidavit, Sri Bhanjdeo mentioned his qualification as Std-X and as per the official web site of the OLA the qualification has been mentioned as BA during the election held in the year 2009.

Counter Comments

In his counter comments dated 16.11.2014, the complainant submitted that the editor relied on the data available and displayed in the official website of Odisha Legislative Assembly and also information shown by him in affidavit submitted during the filing of his nomination papers for the Assembly Election 2009. Whereas as per the nomination paper in form 2B, he had never mentioned his clarification as B.A. Thus, it clearly falsifies the assertion of editor that he published the news item on the information shown by him in his nomination paper. The complainant stated that he never mentioned his qualification as B.A. and in this regard he also filed the relevant extracts of the pages of "Who's Who" Directory which is duly authenticated and attested by the Secretary Odisha Legislative Assembly.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. Shri Ramesh Mahapatra appeared for the complainant while there was no appearance on behalf of the respondent.

The Inquiry Committee heard the representative of the complainant and also carefully perused the complaint and other relevant records. It noted that the respondent has sent a communication seeking adjournment of the case and at the same time he has stated that they are prepared to carry out the correction in the newspaper. The news item suggests that the complainant has disclosed his qualification as 10th whereas in the 'Whose Who' publication of the Assembly Secretariat, his qualification has been shown as BA. It is a stand of the complainant that he is not so shown in the 'Whose Who' and in support thereof he has filed an authenticated copy of the same. It is the plea of the newspaper that the complainant has been shown as BA in the official website of the Assembly. This is not disputed by of the complainant. The Inquiry Committee is of the opinion that there is some error somewhere and it is for the complainant to get it corrected.

In view of the aforesaid, since the respondent has undertaken to make correction in the newspaper, the Inquiry Committee is of the opinion that no further action needs to be taken in the matter. It recommended to the Council to **dispose** of the complaint as aforesaid.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 8

File No. 14/734/13-14-PCI

Dr. Nachiketa Bandyopadhyay,
Registrar,
Sidho-Kanho-Birsha University,
Kolkata, Puraulia (W.B.)

The Editor,
Sambad Protidin
Kolkata

ADJUDICATION

Dated 17.3.2016

This complaint dated 6.10.2013 was filed by Dr. Nachiketa Bandyopadhyay, Registrar, Sidho-Kanho-Birsha University, Purulia (W.B.) against the editor, "Sambad Protidin" alleging publication of false, fabricated and defamatory news item under the caption "**Declaring Leave Vice-Chancellor in controversy**" (English translation) in its issue dated 4.10.2013. It was reported in the news item that controversy emerged over the announcement of a holiday by Prof. Samita Manna of the Sidho Kanho Birsha University, Purulia, West Bengal. The holiday was announced on the same day on which the leftist staff called for a strike and declared a workday-off. Prof. Manna was out of town on the same day and declared the day as a holiday. For the last few months she had been in the news for her frequent out of district travels. Professor Manna responded that she travels out of district on work purpose. She added, a Vice-chancellor has the power to declare three holidays apart from the government holidays. In this case she used that power to declare a day off and that had nothing to do with the strike called by the leftist staff of the University. The complainant vide letter dated 6.10.2013 (English Translation) drew the attention of the respondent editor and lodged strong protest against the publication of such mollified news. He stated that the impugned news item harmed the reputation of newly established University and humiliated the person concerned. The Vice-Chancellor left the District on 24.09.2013 defying the directive of Chief Minister. No source or data was presented which revealed this fact. As per University Office record, Vice-Chancellor was engaged on 24.09.2013 and other dates for University work and Vice-Chancellor did not violate any directive of Chief Minister.

No Written Statement

A Show Cause Notice was issued to the respondent editor on 24.2.2014 followed by a reminder dated 8.7.2014 but no written statement was filed.

The complainant endorsed a copy of the letter dated 17.7.2014 addressed to Hon'ble Chancellor & Hon'ble Governor, Govt. of West Bengal along with a copy of the letter of Degambar Mahato, Munsefdanga, Purulia which was published in the newspaper on 11.7.2014. He informed that a protest letter was sent to the publisher and a letter dated 28.7.2014 was also issued to the respondent intimating the details of the matter or to file a fresh complaint, and for giving complete details to examine but in vain.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. There was no appearance on behalf of the complainant while Smt. Falguni Bhattacharjee appeared for the respondent.

The Inquiry Committee heard the representative of the respondent who submitted that a corrigendum was published in July carrying version of both the persons. The

Inquiry Committee carefully perused the complaint and other relevant records. It noted that despite service of notice, the complainant has not chosen to appear before the Inquiry Committee. It further noted that in the impugned news item, view of both sides has been projected. The Inquiry Committee, therefore, is of the opinion that the respondent newspaper has not breached any journalistic ethics calling for any action in the matter. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No.9

File No. 14/1038/13-14-PCI

Shri Nilabh Dhruva,
Manager Legal,
Bihar Urban Infrastructure,
Patna

The Editor
Hindustan
Hindi Edition
Patna

ADJUDICATION

Dated 17.3.2016

This complaint dated 25.1.014 was filed by Shri Nilabh Dhruva, Manager Legal, Bihar Urban Infrastructure, Patna against the Editor-in-chief, Hindustan (Hindi edition) regarding breach of the accepted standards of recognized ethical canons of journalistic propriety and public taste by the Hindustan Newspaper Patna, on under the head "*Bill Nahi dene par yahan bhi hai andhera*" 26.10.2013 regarding Buddha Smriti Park, Patna, which is being controlled and maintained by his company (BUIDCo.).

The complainant submitted that the Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCo.) is a flagship company of the Govt. of Bihar incorporated to accelerate infrastructure development activities across all cities of Bihar. BUIDCo. is executing basic infrastructure projects, as assigned by Urban Development and Housing Department from time-to-time. Buddha Smriti Park is one of the ambitions and prestigious project of the Bihar Govt. operating under the supervision and control of BUIDCo but the impugned news had publicly accused the company as defaulter in payment of its electricity bills of Buddha Smriti Park leading to disconnection of electricity and hence the park which is situated in the heart of Patna City near Patna railway station is enveloped with darkness after the twilight hours which was constructed by the company and is at present operating under the supervision and control of the company. The complainant submitted a receipt of the electricity bills to clarify that even on the date of the alleged publication there was no dues outstanding against the company vis-à-vis the power company. He further added that the company has also been awarded BT Star PSU Excellence Award 2013 by the Bureaucracy Today for their indemnified work in the field of infrastructure development. He stated that due to wide-spread circulation as read over by thousands of residents of Patna district and other districts of the State of Bihar, the impugned news item had not only caused injury to the mind and property of BUIDCo. but also shattered the goodwill and reputation of the company who by its sole dedication and devotion is encouraging the urban development infrastructure work in the state of Bihar. The news item had caused a lot of embarrassment, loss of business and lowering down the image/reputation to the company at large amounting to defamation by the delinquent. The complainant objected the news item and vide his legal notice dt. 29.10.2013 issued to the respondent newspaper stated that the respondent neither responded to the said legal notice nor even acknowledged and tendered apology with regard to the wrong factual reporting in their newspaper dated 26.10.2013 about non-payment of electricity bills by the complainant 'BUIDCo.' According to the complainant, professional misconduct of the working journalist or the editor is proved by the fact that they are publishing news item in a highly unprofessional manner without ascertaining the facts and circumstances and thereby denting the image of Company in society and public at large.

No Written Statement

A Show Cause Notice dt. 31.3.2014 followed by a time bound reminder dt. 28.4.2014 were issued to the respondent editor, 'Hindustan', Patna but received no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. There was no appearance from either side.

The Inquiry Committee noted that despite service of notice, neither the complainant nor the respondent has chosen to appear before the Inquiry Committee. It carefully perused the records of the case. It noted that the news item suggests that the electrical line of the Buddha Smriti Park which complainant is obliged to maintain was disconnected for non-payment of electricity bill. The complainant himself has produced the electricity bill which shows the arrears in the bill with regard to the electricity charges. The complainant has also chosen not to appear as also.

The Inquiry Committee is of the opinion that no further action needs to be taken in the matter. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 10

File No. 14/1/14-15-PCI

Shri Thakur Chandra Bhushan Singh,
Honorary Secretary of Outgoing
Management,
Deep Sahkari Grih Nirman Samiti,
605/42 Radhanagar-1, Khasmahal,
Tatanagar, Jamshedpur- 831 002
(Jharkhand)

The Editor,
Hindustan,
Tola-Kumrup, Post-Kapali,
Deemna Road, Mango,
Jamshedpur – 831 012
(Jharkhand)

ADJUDICATION

Dated 17.3.2016

This complaint dated 30.3.2014 was filed by Thakur Chandra Bhushan, Honorary Secretary of Outgoing Management, Deep Sahakari Grih Nirman Samiti, Jamshedpur against the Editor, 'Hindustan', Jamshedpur for publication of allegedly wrong news in its issued dated 18.1.2014 under the caption "***Khasmahal Ki 65 Ki Lease Raddh, Kharid-Bikri Per Rok***". It was alleged in the news item that due to irregularities, 65 lease and sale and purchase of Plot No. 605 have been cancelled.

The complainant stated that wrong news was published against Samiti and lease term/factual position vis-à-vis Samiti had not been examined by the paper before publishing the news thereby conveying misleading message to the allottees. The lease period of the society is up to 2.12.2017 and during this period society can allot plot to members and get back plot from members as per lease terms which was been mentioned in the impugned news. The complainant vide letter dated 18.1.2014 as well as reminder dated 24.1.2014 drew the attention of the respondent editor requesting him to publish the contradiction of the news item but received no response.

A Show Cause Notice was issued to the respondent editor, 'Hindustan, Jamshedpur on 22.4.2014.

Written Statement

The respondent in his written statement dated 5.9.2014 denied the allegations and submitted that complaint was filed intentionally with ulterior motive. The news was published on the basis of the correct facts and circumstances. In the news item the facts reported were accurate in its entirety and were based on the Order dated 17.1.2014 passed by LRDC and thus were not defamatory. However, the Order of LRDC as claimed is not annexed as Annexure-A. The respondent further stated that the impugned news item had not made any direct or indirect reference to the complainant whether by name or by designation or by other means and thus requested the Council to dismiss the complaint.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. There was no appearance from either side.

The Inquiry Committee noted that despite service of notice, neither the complainant nor the respondent has chosen to appear before it. The Inquiry Committee

carefully perused the records of the case. It takes notice of the plea of the respondent that the impugned news item was based on the orders passed by the Deputy Collector lent it is not on the record of the case.

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

Held

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

Press Council of India

Sl. No. 11

File No. 14/430/13-14- PCI

Shri Sameer Kumar,
Chief Engineer-cum-Director,
State Programme Management Unit,
Drinking Water and Sanitation Department,
Doranda, Ranchi, Jharkhand

The Editor,
'Dainik Bhaskar'
Ranchi, Jharkhand

ADJUDICATION

Dated 17.3.2016

This complaint dated 13.7.2013 was filed by Shri Sameer Kumar, Chief Engineer-cum-Director, State Programme Management Unit, Drinking Water and Sanitation Department, Ranchi, Jharkhand against the editor, Dainik Bhaskar, Ranchi, Jharkhand for publication of false and misleading news item under the caption "***Gramino ko nahi mila subsidy ka labh***" with sub-caption "*kendriya yojna ke tahat shauchalaya banana ke liye milni thi subsidy, chaar zilo ku rashi rok di vibhag ne*" in its issue dated 7.5.2013.

Contents of Impugned News Item

It was reported in the impugned news item that an NGO had been benefitted by ignoring the rules under Clean India Programme, a sponsored scheme of Central Government. It was further reported that by an order of the Drinking Water and Sanitation Department, Ranchi, the villagers were deprived of the subsidy for the construction of toilets in village. It was been reported that the department stopped the payment of subsidy amount for six months and gave direction to the District Collector to release the payment to one NGO under the Clean India Programme. In the news item it was alleged that the department had ignored all the rules in appointing an NGO named CLTS Foundation of Kolkata as Consultation agency for a period of six months. It was also been reported that the salary of the workers who work for the NGO is being paid by the Drinking Water Department instead of the NGO. The newspaper has also published the version of Shri Shardendu Narayan, Chief Engineer, PMED stating that 'CLTS is an International organization therefore it has been appointed as Consultation agency. As the stoppage of subsidy is concerned, he had no information and he would talk to his senior officers in this matter. The newspaper has also published the version of Shri Sundri Tirki, District Panchayat President, Ranchi stating that as "The department had no authority to stop the subsidy amount and it was done to benefit an NGO. Against this decision, all representative of District Panchayat of Ranchi will talk to the officers of the department and if need arises, they would start protest.

Complainant's Contention

The complainant while denying the allegation levelled in the impugned news item stated that the allegations were false and misleading. He further stated that under the programme they had to motivate all the villagers of the village for constructing the toilets and thereafter only the construction work of toilets will be initiated. He stated that the subsidy amount had not been given to an individual. He also stated that the amount which was given to the workers of the NGO was actually an outcome incentive. He alleged that such type of misleading news items will affect the government programmes. The complainant drew the attention of the respondent editor vide his letter dated 13.7.2013 towards the false and misleading news item but no response has been filed by the respondent.

No Contradiction Published

A letter dated 28.2.2014 was issued to the respondent giving opportunity to him under his right to reply to publish the contradiction of the complainant but in vain.

Complainant's Further Letters

The complainant vide his further letter dated 9.4.2014 addressed to the respondent editor and a copy endorsed to Press Council of India requested the editor publish the contradiction as per the direction of the Council dated 28.2.2014 and to forward a copy of it to the Council as well to him.

The complainant vide his another letter dated 16.6.2014 addressed to the respondent editor and a copy endorsed to the PCI stated that his version/contradiction has not been published so far.

No Written Statement

A Show Cause Notice was thereafter issued to the respondent editor on 16.7.2014 followed by a Time Bound Reminder dated 4.9.2014 for his written statement but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.12.2015 at Guwahati. There was no appearance from either side.

The Inquiry Committee carefully perused the record of the case and all other connected papers. It noted that despite service of notice, neither the complainant nor the respondent is present. The Inquiry Committee is of the opinion that the impugned news item, in no way, breaches the journalistic ethics, so as to call for any action. It recommended to the Council to **dismiss** the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 12

File No. 14/867/14-15-PCI

Dr. Rajeev Ranjan Verma,
Eye Hospital,
Aurangabad (Bihar)

The Editor,
Prabhat Khabar,
Gaya (Bihar)

ADJUDICATION

Dated 17.3.2016

This complaint was filed by Dr. Rajeev Ranjan Verma, Eye Hospital, Aurangabad (Bihar) against the Editor, 'Prabhat Khabar', Gaya alleging publication of false and defamatory news item under the caption "***Rupeyien lete rahe v aankho ki roshni jati rahi***" in its issue dated 11.12.2014. According to the complainant the report had tarnished his image in the society as an extortionist and a defamed doctor. It was alleged in the news item that the complainant had charged Rs. 13200/- for lenses and Rs. 20,000/- for treatment from a patient namely Shri Manoj Kumar but the patient lost his eyesight.

The complainant while denying the allegation stated that he charged only Rs. 13200/- for the treatment and no other charges was demanded from the patient. Further, he added that the patient himself signed on the prescription admitting "***Roshni aa gai***" (eyesight restored). He alleged that the respondent published the news item to defame him in the eyes of the society. The complainant vide undated letter requested the respondent editor to publish the contraction of the news item but received no response.

A Show Cause Notice was issued to the respondent editor, 'Prabhat Khabar', Bihar on 6.4.2015.

Written Statement

The respondent in his written statement dated 24.4.2015 stated that the allegations leveled in the complaint were misleading and baseless. The impugned news item was published on the basis of facts mentioned in the complaint addressed to the SHO by the patient, Shri Manoj Kumar and response thereon of Dr. Rajeev Ranjan Verma. The respondent filed certain supportive documents in support of his stand. He further stated that the primary Inquiry report submitted to SHO by an Enquiry Officer raised question on the writing purported to be of the patient on prescription and asked for its examination by a Writing Expert as the signature and statement on prescription of patient does not match. The audio/video CD of the recording related to the complaint of the patient was available with them and can be provided as per direction by the Council.

Counter Comments

The complainant in his counter comments dated 16.6.2015 shown his dissatisfaction towards the written statement of the respondent editor as they published the impugned news item only on the basis of the complaint filed by the patient, thus the same was one sided. He submitted that there is a need to control the tendency of papers to publish the one sided news item. Further, the tone and tenor of the impugned news item portrayed him as an extortionist and tarnished his image in the society.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.12.2015 at Guwahati. There was no appearance from either side.

The Inquiry Committee noted that the complainant had filed a petition, inter alia, stating that as he is withdrawing the complaint, there is no justification for his presence before the Inquiry Committee for hearing of the complaint. The Inquiry Committee takes note of that and permits the complainant to withdraw the complaint.

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

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 13

File No. 14/801/14-15-PCI

Dr. Kanhaiya Prasad,
Civil Surgeon,
Joint Chief Medical Officer,
Latehar

Dainik Bhaskar
Ranchi
Jharkhand

ADJUDICATION
Dated 17.3.2016

This complaint dated 20.12.2014 and 26.3.2015 was filed by Dr. Kanhaiya Prasad, Civil Surgeon, Latehar against the correspondents, Sh. Sanjay Tiwari and Sh. Vivek Kumar Sinha of Dainik Bhaskar for publication of series of false news items without pre-publication verification with an intention to defame not only the institution but also the complainant individually. It was reported in the impugned news item dated 30.9.2014 that the Sadar Hospital is den of misdeeds where the complainant is an employee. He objected to use of word '**Kukarmi**' attributed to him by the respondent paper which is against the ethics of journalism and in this regard Jharkhand State Health Services Association vide its press note dated 30.9.2014 condemned the act of the respondents. While referring to impugned report dated 7.10.2014, the complainant submitted that the respondents had been publishing sarcastic and objectionable news against him by linking him with one Dr. Swati Rani, a lady Medical Officer. The respondent reporters had been disturbing the functioning of the health system of the district by seeking RTI on different matters and then misusing the information. In the impugned report dated 29.10.2014 the respondents published photo of attendance register without the permission of the department which is in the violation of journalistic ethics. In the news item dated 6.11.2014 it was alleged that the complainant though favours biometric attendance but the same is not applicable for some officers as their attendance registers are separate which the complainant has stated is baseless and incorrect. In the news dated 18.12.2014 it was alleged that the Hospital Manager was found keeping damaged bed in the store while SDO had come for Inspection. The complainant clarified that the manager was on leave during the said period and the SDO was aware of his leave then how the person can be available on two places at the same time?

The complainant further added in his subsequent complaint dated 26.3.015 that again the impugned news dated 26.2.2015 was published alleging that medicines are being distributed without the label of 'Not For Sale' and 'Only Government Supply' which is done to manipulate the record of distribution and registration of medicine stock. The complainant vide letter dated 30.9.014 drew the attention of the respondent editor towards the impugned news items and requested to take necessary action in the matter, but received no response. He submitted that the respondent continuously published concocted news without pre-publication verification with malafide intention to defame him and the institution.

No Written Statement

A Show Cause Notice dated 9.6.2015 followed by a Time Bound Reminder dated 13.7.2015 were issued to the respondent editor, 'Dainik Bhaskar, Latehar, Jharkhand but received no response.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.12.2015 at Guwahati. There was no appearance from either side.

The Inquiry Committee perused the complaint and the relevant records. In its opinion, the respondent while publishing the impugned news items had not violated any journalistic ethics so as to call for action by the Council. It recommended to the Council to **dismiss** the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 14

File No.14/378/14-15-PCI

Mohd. Naseem Ansari,
Secretary, Entazamia Committee Data Nooruddin
Shah Waqf,
Patna.

The Editor,
Dainik Pindar(Urdu Daily)
Patna.

ADJUDICATION

Dated 17.3.2016

In a complaint dated 10.7.2014 addressed to the Chief Editor, Dainik Pindar, Patna and copy endorsed to Press Council of India, Mohd. Naseem Ansari, Secretary, Entazamia Committee Data Nooruddin Shah stated that Dainik Pindar (Urdu Daily) in its issue dated 9.7.2014 published an allegedly false and misleading news item under the caption "***Hazrat Data Nooruddin Shah Ke Mazaar Ke Karib Nazayaz Kabza***". It was alleged in the news item that some people of the political parties and the anti-social elements had illegally acquired the land of Nooruddin Shah Tomb and where all types of illegal activities take place. It was further stated in the news item that under the guise of organising religious function they generate source of income for themselves. Local residents of the area are disturbed with the activities of the Waqf Board and its illegal activities are also badly influencing the students of school and college.

The complainant submitted that the news item tarnished the image of the Waqf Board. The place in question is used for religious purpose as well as for recreational activities. Muslim youth visit this place for discussion on religious and developmental matter. The complainant further stated that the Waqf Board proposed to construct the community hall on the land for which it had already written to Bihar State Sunni Waqf Board and also there was no such complaint against so called illegal activities had been made in the police station. The impugned news item was published with malafide intention to mislead the public and defame the Waqf Board. The complainant in his complaint letter dated 9.7.2014 had requested to publish rejoinder but did not get response from the respondent.

A Show Cause Notice was issued to the respondent newspaper on 12.2.2015.

Written Statement

In his written statement dated 5.3.2015 the respondent editor stated that the published news was based on the complaint received from the local people and the concerned correspondent too compiled the relevant information and thereafter the news was published. The local people expressed satisfaction over publication of the news. The respondent informed the Council that complainant should have filed his objection directly to them for consideration of rebuttal before approaching the Press Council. The respondent further stated that the news was not published with malafide intention.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.12.2015 at Guwahati. There was no appearance from either side.

The Inquiry Committee noted that the complainant has filed a petition inter-alia stating that during the pendency of the complaint, he had a meeting with the editor of the

newspaper who expressed regret and promised to issue corrigendum. According to the complainant, his grievance has been redressed.

The Inquiry Committee, taking note of the aforesaid, decides to close the matter. It recommended to the Council to dispose of the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 15

File No.14/1/15-16-PCI

Shri Anand Vikram,
Durgapur,
West Bengal.

The Editor,
Prabhat Khabar
Ranchi.

ADJUDICATION

Dated 17.3.2016

This complaint dated 28.3.2015 was filed by Shri Anand Vikram, Durgapur against Prabhat Khabar, Ranchi for publication of an allegedly defamatory news item under the caption "***Pati Par Dahej ke liye prtadhit karne ka aarop***" in its issue dated 15.2.2015. It was alleged in the news item that a complaint is registered against the complainant at Bariatu Police Station for dowry. The complainant allegedly harassed his wife, pressurized and beaten her to seek dowry from her maternal home.

The complainant while denying the allegations of the respondent in the impugned news item submitted that her wife had registered a case against him under Section 498A IPC after voluntarily deserting him. The complainant also submitted that his wife committed crime against him two years back and she was on bail in two criminal cases beside other civil cases. The complainant also submitted that the respondent intentionally mentioned his name in the impugned news item but ignored to mention the name of the other party, which shows that the respondent had not acted in a neutral manner. The complainant further submitted that he had been defamed and harassed by the respondent by publishing the news. The impugned news also helped Smt. Shalini Sinha by providing a tool to further pressurize and injure him. The complainant also submitted that before filing this complaint to the Council he had drawn the attention of the editor, newspaper Prabhat Khabar, Ranchi vide his letter dated 9.3.2015 but received no response.

A Show Cause Notice was issued to the respondent newspaper on 9.6.2015.

Written Statement

In his written statement dated 18.8.2015 the respondent editor stated that the impugned news item was published in 6 lines on internal page of the newspaper without giving any bold headlines. The name of informant Shalini Sinha was not written in the news in order to protect the identity, reputation and dignity of the victim lady as per the settled and established journalistic practice. The respondent further stated that he did not have any personal bias or prejudice towards the complainant but if any direction is given by the Press Council of India to publish the identity of the victim lady as per the complaint made by her husband Shri Anand Vikram he shall have no hesitation in complying the same.

Counter Comments

The Complainant in his counter comments filed at the time of the hearing dated 10.12.2015 stated that the written statement filed by the respondent was nothing but an abuse of the process of law as the reply itself was full of lies and misleading facts to take undue mileage and escape from the law. He further stated that the editor has not requested for pardon for delay in replying. The complainant while giving para wise reply alleged that the respondent editor damaged his reputation, identity and dignity.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.12.2015 at Guwahati. There was no appearance on behalf of the complainant while Shri Bipin Roy, Editorial Head, Siliguri appeared for the respondent.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. It further noted that the complainant has also filed a reply to the written statement filed by the respondent. The Inquiry Committee heard the respondent and carefully perused the complaint, the written statement and all other relevant papers. The Inquiry Committee deems it expedient to direct the respondent newspaper to publish the version of the complainant. The complainant shall make available to the respondent newspaper his version within four weeks. The respondent newspaper shall publish the same within one week thereafter. The Inquiry Committee would like to observe that while the complainant shall be allowed to give his version, but in the grab thereof, he may not make counter allegations against his wife.

In view of the aforesaid, it recommended to the Council to dispose of the complaint

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 16

File No.14/2/15-16-PCI

Shri Anand Vikram,
Durgapur,
West Bengal.

The Editor,
Dainik Bhaskar,
Ranchi.

ADJUDICATION

Dated 17.3.2016

This complaint dated 27.3.2015 was filed by Shri Anand Vikram, Durgapur against Dainik Bhaskar, Ranchi for publication of an allegedly defamatory news item under the caption "***Pati Par Dahej ke liye prtadhrit karne ka aarop***" in its issue dated 15.2.2015. It was alleged in the news item that a complaint was registered against the complainant at Bariatu Police Station for dowry. The complainant allegedly harassed his wife, pressurized and beaten her to seek dowry from her maternal home.

The complainant while denying the allegations of the respondent in the impugned news item submitted that his wife had registered a case against him under Section 498A IPC after voluntarily deserting him. He further submitted that his wife committed crime against him two years back and she is on bail in two criminal cases besides other civil cases. The complainant also submitted that the respondent intentionally mentioned his name in the impugned news item but ignored to mention the name of the other party, which shows that the respondent has not acted in a neutral manner. The complainant further submitted that he had been defamed and harassed by the respondent by publishing the news. The impugned news also helped Smt. Shalini Sinha by providing a tool to further pressurize and injure him. The complainant before filing this complaint before the Council had drawn the attention of the editor, newspaper Prabhat Khabar, Ranchi vide his letter dated 9.3.2015 but received no response.

No Written Statement:

A Show Cause Notice was issued to the respondent newspaper on 24.6.2015 followed by a Time Bound Reminder dated 1.9.2015 but no written statement was filed.

Further reply of the Complainant

The Complainant in his further reply filed at the time of the hearing dated 10.12.2015 stated that the written statement filed by the respondent was nothing but an abuse of the process of law and the editor escaping from the law. He further stated that the respondent editor has failed to respond to his complaint. He also stated that the editor had inflated ego and is not in a mood to co-operate with the complainant defying the direction of authority. He alleged that the news item in question was based on falsehood and the editor tried to mislead everyone. He further alleged that the newspaper is biased in publishing one sided false opinion in bad faith with its own vested interest.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 10.12.2015 at Guwahati. There was no appearance from either side.

The Inquiry Committee carefully perused the complaint and all other relevant papers and on consideration thereof and deems it expedient to direct the respondent

newspaper to publish the version of the complainant. The complainant shall make available to the respondent newspaper his version within four weeks. The respondent newspaper shall publish the same within one week thereafter. The Inquiry Committee would like to observe that while the complainant shall be allowed to give his version, but in the grab thereof, he may not make counter allegations against his wife.

In view of the aforesaid, it recommended to the Council to dispose of the complaint

Held

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

Press Council of India

Sl. No. 17

F.No.14/245/13-14-PCI

M/s. Dharampal Satyapal Ltd,
Delhi (Through Advocate).

vs.

The Editor,
Edinor Sambad Assom,
Guwahati, Assam.

ADJUDICATION

Dated 17.3.2016

This complaint dated 4.5.2013 was filed by Shri Anuj Gupta, Advocate, New Delhi on behalf of his client M/s. Dharampal Satyapal Ltd., New Delhi, a public limited company against the Editor, Chief Editor & Owner of 'Edinor Sambad Assom' Guwahati for alleged publication of false, baseless and defamatory news item against his client under the caption "***Gutka Rajeev Gupta Team conspire to destroy Assamese***" (English translation) in its issue dated 6.2.2013.

The complainant objected to the following portion published in the news item:-

- a. Surprisingly, no Association of Professional Body in Assam has got the capacity to point out the irregularities committed by DS Group as everything is well managed by money by the company.
- b. In the name of these and other facilities DS Groups looted the State of Assam.
- c. In DS Group, there is only one Assamese, with surname Goswami working as a high ranking officer in the company. However, even he has been isolated and, thus, never raises his voice against any irregularity or malpractice.
- d. Rest of all Assamese are working as low rank employees, mostly on contract basis.
- e. DS Group is functioning not as an Industry but as a packaging unit.
- f. Till date DS Group is just making fool of the people of Assam.
- g. The entire episode does not end here. There are other episodes of the Company DS Group owned by Rajeev Gupta.

The Counsel for the complainant submitted that the article was not only defamatory and motivated, but also contained false, baseless, incorrect, unverified and misleading statement and allegations against the complainant and its management. The offending article, which had been circulated and could be accessed electronically from any part of the world, was a deliberate attempt to create a wrong impression in the minds of the general public concerned with a motive to harm the name, image, goodwill and reputation of the complainant and its management. He further submitted that the complainant had sent a legal notice dated 16.2.2013 to respondent and called upon the accused to tender unconditional apology and o publish the same but to no avail.

No Written Statement

A Show Cause Notice dated 2.8.2013 issued to the respondent editor, Edinor Sambad Assom was received back undelivered without postal remarks. Again, a Show Cause Notice was issued to the respondent on 23.8.2013 but the same was also received back undelivered with postal remarks 'Left.'. A Show Cause Notice was then sent to the Deputy Commissioner, Kamrup Metro District, Assam with a request to deliver the same to the respondent editor. The Additional Deputy Commissioner, Kamrup District Metropolitan District vide letter dated 10.3.2014 informed the Council that the Show Cause Notice had been served to the respondent on 7.3.2014. But no written statement was filed by the respondent editor, Adinor Sambad Assom, Guwahati despite a reminder dated 12.1.2015.

Reply from the Government of Assam

In response to the Council's letters dated 18.3.2015 and 20.7.2015 issued the Chief Secretary, Government of Assam regarding placing his viewpoints with reference to the news item dated 6.2.2013 which refers to various policies of State Government with specific mention of subsidy being given by it to companies for Gutka production, Shri Swapnil Barua, IAS, Commissioner of Industries & Commerce Department, Government of Assam submitted his reply dated 31.12.2015 and stated that the units of Dharampal Satyapal, engaged in the manufacture of Guthka, Zarda, Panmasal (a Tabacoo based) discontinued to manufacture the said item/s after it was banned by the Government of Assam vide Notification as follows:

1. Gutkha:vide notification No.: HLA. 672/2007/pt-II/71 dated March 8, 2013, and
2. Zarda, Gutkha/Panmasala containing Tabacoo: vide notification no.: HLA. 672/2007/pt-II/406 dated February 20, 2014 under Assam Health (Prohibition of manufacturing, advertisement, trade, storage, distribution, sale and consumption of Zarda, Guthka, Panmasala, etc containing tobacco and/or nicotine) Act, 2013

He further submitted that as per the available information from NEDFI, the incentives/subsidy provided to the units of M/s Dharampal Satyapal are as follows:

1. Transport Subsidy: Rs. 101,98,168.00
2. Central Capital Investment Subsidy: Rs. 50,94,536.00

He also submitted that the subsidies/incentives are paid to the claimants after detailed scrutiny at (a) District Level, (b) State Level and (c) Government of India level and there are detailed checklists to be verified before the claims are settled. He further offers his apology for any unintentional lapse on the part of the State of Assam for not following the directions of this Hon'ble Institution.

Shri Vinod Kumar Pipersenia, IAS, Chief Secretary, Government of Assam vide his reply dated 2.1.2016 on behalf of the respondent State of Assam offers unconditional apology for having unknowingly, unintentionally and under mistaken belief of not following the directions passed by the Hon'ble Council. He stated that all the relevant facts and information called by the Council are being tendered by way of separate affidavit sworn and affirmed by the Commissioner & Secretary to the Government of Assam, Industries and Commerce Department.

Report of the Inquiry Committee

Following three adjournments dated 9.2.2015, 5.8.2015 and 7.10.2015, the matter came up for final hearing before the Inquiry Committee on 4.1.2016 at New Delhi. Shri Saurabh Mishra along with Shri Pushpendra Singh, Advocate for the complainant appeared. Shri S. Barua, IAS, Commissioner of Industries and Commerce Department, Government of Assam, Shri Avijit Roy, Advocate and Shri Navnit Kumar, Advocate appeared on behalf of the State Government of Assam.

The Inquiry Committee heard the complainant as also the representative of the Government of Assam and also carefully perused the complaint and connected papers. It opined that the respondent newspaper while publishing the news item has not violated any journalistic ethics so as to call for action by the Council. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 18

File No.14/863/12-13-PCI

Shri Sandeep Kumar Verma,
TTE, Haridwar (U.K.).

vs.

The Editor,
Outlook, Hindi Monthly,
New Delhi.

ADJUDICATION

Dated 17.3.2016

This undated complaint received in the Secretariat of the Council on 28.2.2013 was filed by Shri Sandeep Verma against the editor, Outlook, Hindi Monthly for publication of an allegedly false and incorrect news item in its February 2013 issue under the caption "**Rail Safar ko Dasti Buri Nazar**" with sub heading "*Train mein chori chippe mahilaon ke ashliil MMS banaye jate hai, Badsalooki hoti hai*". It was reported in the news article that Outlook had in its possession complaints against some history sheeter TTE which had been written by general public and some women against them. In December, 2012 a Railway Guard made allegation against a TTE of Dehradun for teasing his daughter. It was further reported that S/Shri Manoj Kumar and Sandeep Verma, TTE Haridwar and Shri R.K. Meena, TTE, Nazibabad were suspended for teasing the women. It was further reported that a document in possession of Outlook mentions that Sandeep Verma had been using different type of watches having electronic chip, goggles with cameras and buttons for making MMS.

The complainant stated that no such incident took place as alleged in the impugned news item. He also furnished copies of the documents of lady TTE and her husband which they submitted in the court and the decision of the Chief Judicial Magistrate, Haridwar dated 4.10.2012. The complainant vide e-mails dated 7.2.2013 and 11.2.2013 followed by two more communications dated 15.2.2013 and 18.4.2013 drew the attention of the respondent asking them to provide the documentary evidence with regard to the published news item but received no response.

Vide Council's letter dated 10.6.13 the complainant was informed about norm no.27 "Confidence to be respected" of Norms of Journalistic Conduct 2010 whereby a journalist cannot be compelled by the Press Council to disclose source of information. This was in connivance with Section 15(2) of the Press Council Act, 1978.

Written Statement

The respondent in his written statement dated 25.9.2015 submitted that the impugned article related to the lack of women's security and sexual harassment meted out to the women in trains. He further submitted that the story was done on the basis of documents available with Outlook. The respondent further furnished a report by State Police Complaints Authority, Utrakhnad that described him as a history-sheeter involved in many cases. The respondent also attached a complaint by Mrs. Vandana Kalra, which was later converted into an FIR No. 52/10 in Police Station GRP Haridwar u/s 323, 506, 294, 354 IPC. He stated that after the story appeared in the magazine, the complainant kept ringing the concerned women reporter at odd hours with veiled threats asking to reveal the source of information. Outlook in its August 2013 edition printed a clarification but the complainant kept on pressurising the reporter to reveal the source of information, which is sacrosanct.

Counter Comments

The complainant vide his e-mail dated 29.12.2015 submitted his counter comments in which while denying the assertion made in the written statement of the respondent, stated that the Outlook magazine contained lots of objectionable and vulgar contents but the same has been sold in the name of family magazine. He further stated that when he objected to the said contents and spoke over phone in the office of the Outlook magazine, one lady Smt. Manisha Bhalla told him that such contents are necessary for a magazine to sell. He alleged that the newspaper did not have any strong evidence with regard to the impugned article published against him. He further alleged that Shri Manoj Sharma, the then Senior DCM (Railway) and the journalist, Smt. Manisha Bhalla has very old personal relationship. He alleged that Shri Manoj Sharma, a corrupt person in connivance with the journalist published false news item against the railway employees.

Report of the Inquiry Committee

Following three adjournments dated 6.4.2015, 5.8.2015 and 7.10.2015, the matter came up for final hearing before the Inquiry Committee on 4.1.2016 at New Delhi. Shri Sandeep Khurana appeared for the complainant while there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant and carefully perused the record of the case. It notes that despite service of notice, the respondent has not chosen to appear. The Inquiry Committee notes that in the impugned article published in the magazine, the complainant was charged with eve-teasing and was suspended on that account. It further notes the assertion of the complainant that even before the publication of the said article, he was found innocent during the course of investigation. Further, the magazine before publishing the article has not solicited the view of the complainant.

In view of the aforesaid, the Inquiry Committee is of the opinion that the respondent magazine has breached the journalistic ethics and therefore, deserves to be warned. It accordingly upholds the complaint and recommended for warning of the respondent editor, Outlook, New Delhi. It however upholds the right of the publication to protect the identity of its source of information. It further declines to take cognizance of the extraneous observation made by the complainant vis-à-vis other contents of the magazine and the personal allegations against the concerned reporter.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **Warn** the respondent editor, Outlook, New Delhi.

PRESS COUNCIL OF INDIA

Sl. No. 19

File No. 14/550/10-11-PCI

Shri Kanubhai Jethabhai Desai,
Editor/Owner/Publisher/Printer,
Hello Kheralu,
Gujarat

The Editor,
Divya Bhaskar, DB Corp. Ltd,
Gujarat

Shri Joydeep Mazumdar, Advocate,
Greater Kailash, New Delhi

ADJUDICATION

Dated 17.3.2016

This complaint dated 19.12.2008 was filed by Shri Kanubhai Jetabhai Desai, Editor, Hello Khelaru Weekly, Mahsana, Gujarat against the Editor, Divya Bhaskar, Ahmedabad for publication of allegedly false news item under caption "***A kidnapped girl of Satlasana turned hostile against the Superintendent of Police as in a climax scene in cinema***", "***A kidnapped girl married her kidnapper within 15 days***" and in a box item "***Reporter of Khelaru is suspected to be the kidnapper***" in its issue dated 29.7.2008. It was published in the impugned news item that a girl, named Payal, daughter of Bhikabhai Patel of Satlasana, who dropped the school after class 10th met Chetan Patel in a social function and both fell in love at first sight. When her parents opposed her proposal to get married with Chetan Patel, she eloped with him. Thereafter Payal along with her lover/husband came to the Mehsana Police Headquarters and told the Superintendent of Police that she married her lover with her consent and was not kidnapped. When the SP told them to report to Satlasana police station, they disappeared. It was also published in the box item that a grey coloured car with registration no. NH 04 AX 198 found by the Bilimora Police was likely to be the car of Chetan Patel and was also believed to be used in kidnapping Payal and in this connection, the police was about to interrogate Shri KanubhaiJethabhai Desai, the editor of Hello Kheralu.

The Complainant objected to the dragging of his name into alleged incident of kidnapping-eloping of the girl and stated that after reading the news item in question, he contacted the concerned police authority but they denied having information about investigation against the complainant. He had issued a letter dated 3.2.2009 to the respondent drawing his attention in the matter with the request to publish the rejoinder but to no avail.

The Council considered the matter and awarded **Censure** to the respondent newspaper, Divya Bhaskar, Ahemdabad vide its Order 30.7.2010 for violating the norms of journalistic conduct regarding accuracy, defamatory writings, pre-publication verification and right of reply.

The respondent thereafter filed a review petition dated 14.9.2010 along with some documents in support of his contention that he had published the news item on the basis of an FIR and the statement given by the police and requested the Council to revoke its Censure Order.

The Council in its meeting held on 27.8.2012 considered the review petition filed by the respondent and decided to revoke the Order awarding Censure.

The complainant thereafter challenged the said Order dated 27.8.2012 of the Council vide his letter dated 13.9.2013 by alleging that the documents produced by the respondent were false and forged. He also furnished supporting documents to prove his claim.

The Council vide its several letters dated 16.6.2014, 12.8.2014 and 3.2.2015 called upon the respondent to establish his stand with respect to the allegation of the complainant that forged documents were produced by him to revoke the Censure order of the Council but received no response. Thereafter, a comprehensive final reminder dated 9.7.2015 was sent to the respondent but no response was filed by the respondent.

The matter was thereafter again placed before the Council in its meeting held on 7.8.2015 for consideration of the letter of the complainant dated 13.9.2013. The Council while considering the same decided to refer it back to the Inquiry Committee for consideration.

Reply of the Respondent

The respondent in the meantime filed his undated reply received in the Secretariat of the Council on 1.10.2015 in which he denied each and every averment of the complainant. He stated that for the sake of brevity, they adopt the averments of the review petition dated 14.9.2010 and the reply dated 25.8.2011 in toto. He further stated that the allegation of the complainant has been that the order of 30.7.2010 was obtained by adducing false and fabricated documents whilst the complainant had not adduced any documentary proof in support of such a contention. In these circumstances, the contention of the complainants was a mere conjecture. He also stated that the complainant has been consistently relying on a letter dated 13.2.2012 vide which he had sought information from the Navsari police station. The Inspector-in-Charge of the Navsari police station in reply to the information sought by the complainant categorically mentioned that the information was not available in the Navsari police station records and that the complainant should approach Kheralu police station, where the case was registered.

Report of the Inquiry Committee

Following an adjournment dated 7.10.2015, the matter was reconsidered by the Inquiry Committee on 4.1.2016 at New Delhi. Shri Kanubhai Jethabhai Desai, the complainant appeared in person while Smt. Shrishti Singh appeared on behalf of the respondent.

The Inquiry Committee heard the complainant in person as also the representative of the respondent. On the basis of the allegation made by the complainant, the respondent newspaper was censured. The respondent newspaper filed a review application, relying on certain documents and taking those into consideration, the review was allowed and the order of censure was revoked. Thereafter, the complainant has filed an application stating that the documents, on the basis of which, the respondent has sought review, are forged and fabricated. Taking note of the same, the Inquiry Committee directed for issuance of notice to the respondent. In pursuance thereof, they have produced documents showing that the name of the complainant did figure in the case.

Taking into account the aforesaid facts, the Inquiry Committee is of the opinion that the complaint filed by the complainant has no merits and deserved to be dismissed. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 20

File No.14/683/14-15-PCI

Ms. Neerja Bhatla,
Chairperson,
Media & Protocol Division
& Professor, Department of Obstetrics &Gynaecology,
AIIMS, New Delhi.

Mail Today,
New Delhi

ADJUDICATION

Dated 17.3.2016

This complaint dated 3.11.2014 was filed by Ms. Neerja Bhatla, Chairperson, Media & Protocol Division & Professor, Department of Obstetrics & Gynecology, AIIMS, New Delhi against the Editor, Mail Today, New Delhi for publication of an inappropriate and irresponsible news report without cross checking the facts under the caption "***PM raps AIIMS***" in its issue dated 22.10.2014. It was reported in the news item that the Prime Minister criticized the officials for not doing ample research. He also took them to task for whopping expenditure on foreign trips in the name of attending conferences.

The complainant stated that the contents of the news item were not only damaging and demeaning to a prestigious institution, like AIIMS but reflect the perverse mindset of the person who authored the publication, which worrisome for society in general. According to the complainant, the fact is that the Prime Minister lauded the quality of training and service at AIIMS and the respondent newspaper termed it as "***PM raps AIIMS***". The complainant submitted that PM never criticized the officials for not doing ample research and there was no reference to foreign trips at all. The complainant further submitted that the news item published by Mail Today is that significant variance in content and meaning as compared to news coverage done by other papers. The complainant alleged that the respondent published the impugned news item as part of yellow journalism without any facts and far from truth. The complainant also endorsed a copy of the complaint to the editor of Mail Today but received no response.

A Show Cause Notice was issued to the respondent newspaper on 16.2.2015 calling for written statement.

Written Statement

The Counsel for the respondent in his undated written statement received in the Secretariat of the Council on 5.11.2015 stated that unfortunately the editor and the persons in the legal team dealing with the instant matter left the company and due to which they could not file their reply to the complaint on earlier date. The delay in filing the reply was neither intentional nor deliberate. He further stated that the news snippet was never intended to denigrate, defame, demean, tarnish or taint the image of a renowned institution as AIIMS. He submitted that the news snippet was written in the normal course of journalism and there was no motivation or malice behind publishing the news snippet. Inaccuracies, if any in the news snippet were/was unintentional. He also submitted that the contents of the news snippet was sourced from an official from AIIMS itself however due to professional ethics the respondent was not in a position to disclose the name of the source. He stated that he is willing to publish a clarification or the version

of the complainant with regard to the news snippet, as the Hon'ble authority directs or considers appropriate.

Report of the Inquiry Committee

Following an adjournment dated 8.10.2015, the matter came up for final hearing before the Inquiry Committee on 4.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Dr. Puneet Jain, Group Head, Legal & Compliances, Mail Today appeared for the respondent.

Hearing before the Inquiry Committee

The Inquiry Committee heard the representative of the respondent and carefully perused the record of the case. It noted that this complaint is filed by Ms. Neerja Bhatla, Chairperson, Media & Protocol Division & Professor of Department of Obstetrics & Gynaecology, AIIMS, New Delhi against the Mail Today, New Delhi. The complainant is aggrieved by the snippet published in Mail Today, whereby it is alleged that the Prime Minister had rapped the complainant's institute. It is the assertion of the complainant that no such statement was made by the Prime Minister and is absolutely wrong and concocted. The respondent has chosen to issue a clarification in this regard in which the respondent admits, "*The Hon'ble Prime Minister's speech quoted in the snippet, Mail Today was wrong and unverified*".

In view of the assurance given by the respondent newspaper that it shall publish the clarification, a copy of which has been furnished to the Inquiry Committee and be kept on record, the Inquiry Committee is not inclined to proceed further in the matter. It recommended to the Council to dispose of the complaint in view of the undertaking given by the respondent of publishing the clarification.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 21

File No. 14/395/14-15-PCI

Shri Siddharth Sanwaria,
Advocate on behalf of
M/s. Shivangee Medicos,
Chandigarh

The Editor
The Tribune
Chandigarh

Ms. Ritika Jha Lalial
Correspondent, The Tribune

ADJUDICATION **Dated 17.3.2016**

The complaint dated 22.7.2014 was filed by Shri Siddharth Sanwaria, Advocate on behalf of M/s. Shivangee Medicos, Chandigarh against the Editor, 'The Tribune', Chandigarh and its Correspondent, Ms. Ritika Jha Lalial alleging publication of defamatory news item under the caption "***Patients woes: PGI chemist offers 57.2% discount, but not medicines***" in its issue dated 22.7.2014. It was alleged in impugned news item, that the chemist shop at PGI that quoted the highest discount of 57.2% on all medicines had failed to fulfil its purpose. M/s Shivangee Medicos at PGI was allotted the shop on a minimal rent of about Rs. 5000/- per month on the condition that it would provide 57.2% discount on all medicines, but failed to fulfil its purpose. In the rate contract of Shivangee Medicos, the PGI had included a clause of imposing a fine on the chemist in case stocks were not available. However, no action had been taken against the chemist. It was also published that a patient went thrice to the Shivangee Medicos to buy medicines namely Telma, T.Loxof, Uno Tone, Systone etc but the medicines were unavailable and the patient therefore lodged a complaint in this regard to PGI. In another complaint, a Nayagaon resident stated, "It is strange that all four prescribed medicines were out of stock. Besides, cash memos were not being issued to other patients." The impugned publication also carried the version of the chemist i.e. "Stocking all medicines is practically not possible, but according to the directions of the authorities, we provide alternative medicines." Further, it was also published that Tribune team visited the shop but the complainant failed to provide prescribed medicines to them and also behaved aggressively with them for filing complaint against the complainant.

The complainant submitted that the Pharmaceutical Companies provides gifts and freebies including foreign travel to the doctors who promote their products. The Doctors are bound to prescribe the Generic drugs and not to promote the brands of drugs which sadly is the practice followed by most doctors, who not only promote the sale of branded drugs but also direct the patients to have the medicine verified after purchase to ensure the promotions of sale of specific brand of drugs such as Telma, T. Soliten, Uro Tone & Systone as Dphalac Pataday Alcon and Acular LS, instead of Generic drug. The respondent paper reported the instant story in a biased and twisted manner repeatedly published misinformation and defamatory news defaming M/s. Shivangee Medicos and promoting the sale of branded drugs. The complainant through advocate, Sh. Siddharth Sanwaria vide legal notice dated 22.7.2014 drew the attention of the respondent editor to provide the prescription of the medicine as reported in the news item and to publish a public apology with the same prominence.

The respondent in his reply dated 7.8.2014 through advocate pointed that it was not clear that as to on whose behalf the Notice had been served and who had authorized him in this regard. The respondent denied the allegation leveled in the complaint and submitted that the news item carried out in The Tribune was concerned, the same was not

expressed as a position statement of author, or her definitive claim. The statement made in news report amounts to fair reporting of a sentiment which the author came across during the legitimate journalists exercise. The respondent stated that the version of the concerned was also published. The respondent called upon the complainant's advocate to withdraw the notice and in case he still initiate any kind of legal proceeding, the same shall be defended by them.

A Notice for Comments was issued to the respondent editor-in-Chief, The Tribune on 17.10.2014 for his comments.

Comments

The respondent in his comments dated 6.11.2014, while denying the allegations leveled by the complainant, stated that the news item was correct and published in public interest. He added that the report was within the tradition of fairness and version of the owner of the chemist shop was also taken and duly published.

Counter Reply

The complainant in his counter reply letter dated 23.5.2015 submitted that he is not satisfied with the vague reply of the editor, which nowhere allows him to escape from his responsibilities. He added merely to check the accountability of the complainant he made a tool to prescription of medicines from the doctors of PGI which is un-ethical and illegal. He submitted that he had evidence establishing the guilt of the respondent editor.

Since the complainant vide letter dated 23.5.2015 expressed dissatisfaction on the written statement of the respondent and on careful consideration of the material on record, a Show Cause Notice was issued to the respondent editor, The Tribune on 25.6.2015 for written statement.

Written Statement filed by the Respondent

The respondent in his written statements dated 9.7.2015 submitted that they have responded to the legal notice of the complainant and before approaching the PCI the complainant should have approached to the editor (himself) for consideration of his (complainant) version. Further, while denying the allegations levelled by the complainant, the respondent submitted that the newspaper had published the article on the factual position and legitimate journalistic ethics had been followed.

Counter Comments by the Complainant

The complainant in his counter comments dated 20.7.2015 and 27.7.2015 stated that the submissions of the respondent editor were false and he had not adhered the legitimate journalistic ethics. The team of the journalists who visited the complainant's shop were carrying the mal-intentions to defame the complainant. He also stated that the prescription brought to the chemist shop was solely with the intention to promote the sale of certain brands of medicines and in violation of the laws and ethics. He further stated that the respondent editor is misleading the Council by his vague submissions. He requested that the respondent editor is guilty of grave professional misconduct and should be awarded with an exemplary punishment in large interest so that such mala fide illegal frivolous unethical unfair and illegitimate reporting against larger public interest is curbed by the Council.

Reply of the Respondent on Counter Comments of the Complainant

The respondent Editor-in-Chief vide his letter dated 13.8.2015 denied the averments/allegations made by the complainant and stated that the details of prescription and the prescribing doctor could be taken by the complainant from PGIMER, which had not been done by the complainant. He further stated that there is no admission on the part of the answering respondent to the frivolous allegations being leveled by the complainant without any basis.

Further Reply of the Complainant

The complainant through his advocate, Shri Siddharth Sanswaria vide letter dated 12.9.2015 stated that the averment by the respondent were false, frivolous, vague and averred to mislead the Council deliberately. The complainant further reiterated that the respondent who is legally bound to furnish all the information to the Council may submit the details of the prescription post for which an appropriate complaint shall be lodged with the Hon'ble Medical Council of India. The act and conduct of the respondent by concealing the details of the said prescription of the offending doctor amounts to saving an accused from the due process of the law and appropriate legal proceedings shall be initiated against the respondents accordingly without prejudice to the rights of the complainant.

Report of the Inquiry Committee

The matter came up for fresh hearing before the Inquiry Committee on 4.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Amit Sharma, Manager-Legal, The Tribune Trust appeared for the respondent.

The Inquiry Committee notes that despite service of notice, the complainant has not chosen to appear. The Inquiry Committee heard the representative of the respondent and also carefully perused the complaint and all the relevant papers and is of the opinion that the respondent newspaper has not violated any code of journalistic conduct so as to call for any action by the Council. It recommended to the Council to **dismiss** the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 22

File No. 14/697/14-15-PCI

Shri Swami Ramkrishna Shivanand
Sanatan Dharm Shiv Mandir,
Moti Bagh-1 (West-North)
New Delhi

The Editor
National Mission
Hindi monthly Magazine,
Ghaziabad

ADJUDICATION

Dated 17.3.2016

This complaint dated 24.11.2014 was filed by Shri Swami Ramkrishna Shivanand, Disciple of Swami Kalyan Sunderanand of Sanatan Dharma Shiv Mandir, New Delhi against the Editor, 'National Mission', Hindi monthly Magazine, Ghaziabad for publishing false, imaginary, sensational and malicious appeal in its magazine w.r.t. 560 years old world famous, Shree E Dudheshwar Nath Matt Mandir, Ghaziabad, UP under the caption "***Jeernodhar ke naam par shri dudheshwar mandir par awaidh kabza***" in its magazine July, 2014 issue. In the appeal, it was stated that Mahant Shri Narayan Giri of the aforesaid temple in connivance with an affluent person, Shri Dharmpal Garg illegally grabbed the temple under guise of temple's renovation work. The impugned appeal had further put up various questions to the Mahant indicating that the Mahant has been misusing his position and is indulging in corrupt practices vis-à-vis temple's renovation work.

The complainant submitted that the temple, DUDHESHWER NATH, UP is a property of Shree Pach dashnam Juna Akhada, HQS, Varanasi, a supervisory authority, who appointed Shree Dudheser Narayan Giri as Mahant i.e. Head Priest, Manager/Caretaker of the temple and the respondent magazine published/issued a defamatory, false, confusing appeal against 560-years old, Shree DUDHESHWER NATH MATT MANDIR whereby a wrong message has been conveyed to the devotees of the temple and due to this article the religious-socio-cultural activities of temple suffered. The complainant stated that there is a tradition that if anybody constructs anything in the temple and rooms in ashrams then by his consent, names of the persons, dead or alive, are written on the walls as a courtesy. In the name of donation one cannot forcibly construct in the premises of the temple. The donation is not compulsory but voluntary and is used for the management and construction of the temple. In the initial stage, Chatrapati Shivaji Maharaj, Maratha knight visited the small temple and later renovated it. Now in 2010 with inspiration of Shree Mahant Narayan Giri, a new splendid marble temple is being constructed by a devotee cum social worker, Shree Dharmapal Garg, who is also President of "SHREE DUDHESHWERE NATH MANDIR VIKAS SAMITI" and is capable to bear the expenditure and for this he has not appealed to the public at all for this missionary work. The complainant further alleged that the editor, National Mission, monthly magazine published defamatory and concocted appeal for creating terror among the devotees and the public by publishing the appeal "***Jeernodhar ke naam par shri dudheshwar mandir par awaidh kabza***" followed by an objectionable article. The complainant vide notice dated 10.9.2014 drew the attention of the respondent editor while conveying the above mentioned facts and pointed out allegedly objectionable content published in the appeal and article. He also stated that the editor has no right to raise any irrelevant question except religious issues and also questioned him "Why a defamation case should not be filed against them". He asked the respondent magazine to publish an apology in their magazine but no received no response. The complainant submitted that the published appeal was a strategy of the respondent editor and his associates to capture the temple by projecting it as disputed. The respondent was

extracting money illegally from the public by such false wrong, concocted appeal and was confusing the devotees and public. The impugned report was a clear example of yellow journalism. It was an attempt to capture the temple in the name of Shree Dudheshwer Nath Mandir Mukti Morcha.

No Written Statement

A Show Cause Notice dated 23.12.2014 was issued to the respondent editor, 'National Mission', Ghaziabad which after several failed attempts was sought to be served on 5.8.2015 the respondent editor through the District Magistrate through their process serving agency but received no response.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 4.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Umesh Sharma, Editor, National Mission appeared for the respondent.

The Inquiry Committee noted that despite service of notice, the complainant is not present. However, the respondent is represented. It carefully perused the complaint and all other relevant papers. The Inquiry Committee heard the respondent who contended that what the complainant has annexed along with the complaint is the appeal of the Committee and not the article written in the magazine. The respondent has produced the article written in the magazine same be kept on record. From perusal of the article, it seems that a detailed study has been carried out in respect of the temple. The Inquiry Committee may or may not agree with the conclusion arrived in the said article but is of the opinion that it had not violated any norms of the journalistic ethics so as to call for any action by the Council. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 23

File No. 14/282/14-15-PCI

Shri Yasar Shah,
State Minister (Energy),
U.P. State Government,
Lucknow

The Editor,
Amar Ujala,
Noida,UP

ADJUDICATION

Dated 17.3.2016

This complaint dated 9.6.2014 was filed by Shri Yasar Shah, State Minister (Energy), U.P. State Government, Lucknow against the Editor, 'Amar Ujala', Noida, U.P. for publication of allegedly false and fabricated news item under the caption "मंत्री जी ने करवा दी फायरिंग" in its issue dated 4.6.2014. It was alleged in the impugned report that the furniture trader, Ramesh Chandra Gupta, Baharich has accused the Minister of State for Energy, Mr. Yasar Shah of hatching a conspiracy to usurp the land situated at Ramgaon. The trader alleged that he was being pressurized to sell his land at lower rates by the Minister. Firing at the instance of Minister was attempted at the trader on his refusal to sell his land. As the police was not registering the case, the trader sent a letter to the Chief Minister demanding action in the matter. He had stated in his letter that he has 2.15 decimal of land near Begampur under P.S. Ramgaon on Nanpara-Bahraich Road. Adjacent to the land, there is an enterprise of Yasar Shah, Minister of State for Energy. The trader alleged that Mr. Yasar Shah had mounted a pressure on him to sell the land. Thereafter he was fired at. The Ramgaon police was not filing a report for this too despite seven applications to the station officer and the S.P in this regard. The impugned news carried alongside a based report captioned "He himself came to sell the land: Minister of State for Energy". This stated on being asked about the allegations levelled by the trader, the Minister replied that he had not fired on anybody. The Minister said that the trader himself came to sell the land but he refused to accept it. Owing to this, charges were being imposed on him to create pressure. Another based item stated that Superintendent of Police, Shri Mohit Gupta said that a report had been sought from the concerned police station and proper action shall be taken on receipt of the report.

The complainant submitted that he is a respectable citizen and duly elected MLA and holding the post/office of State Minister (Energy) of U.P. State Govt. and has a good reputation in general public as well. The impugned report tarnished his image and reputation. The complainant vide his letter dated 9.6.2014, while objecting to the report, wrote to the respondent to publish contradiction and tender apology in this regard. In response thereto, the advocate for the respondent denied all the allegations and averments made in the notice of complainant and termed it as false, frivolous, concocted, fabricated and scandalous. He stated that the complainant had not made any such comments as mentioned him in his notice at para 4 that the complainant made comments on his own. The complainant alleged that by publishing this impugned report, the respondent committed professional misconduct, colluding with his political rivals.

A Show Cause Notice was issued to the respondent editor, 'Amar Ujala', Noida, U.P. on 10.10.2014 for written statement.

Written Statement

The respondent in his written statement dated 31.10.2014 while denying the allegations submitted that the news was based on the contents of a complaint/request dated 26.5.2014 of Mr. Ramesh Chandra Gupta, Baharich to Shri Akhilesh Yadav, the Hon'ble Chief Minister, UP. Amar Ujala had not made any comments on its own in relation to the impugned matter. Only the content on complaint was published in the form of the news. Even the version of the complainant was published prominently as "वह खुद बेचने आया था जमीन: उर्जा राज्यमंत्री प्रदेश के उर्जा राज्यमंत्री यासर शाह से जब व्यवसायी द्वारा लगाये गये आरोपो पर बात कि गई तो उन्होने कहा कि उन्होने किसी पर फायरिंग नही करवाई है \ ना ही किसी की जमीन हड़पना चाह रहे हैं \ राज्यमंत्री ने कहा कि व्यवसायी रमेश उनके पास खुद जमीन बेचने आया था \ लेकिन उन्होने लेने से इंकार कर दिया था \ उसी के चलते दबाव बनाने के लिये उन पर आरोप मढ़े जा रहे हैं ।"

The respondent stated that the complaint was nothing but an attempt to restrict the fundamental right of freedom of press implicit in the right of freedom of speech and expression, which is essential for political and social liberty and proper functioning of democracy. The purpose of a newspaper is to advance the public interest by publishing the facts and in the present case also, Amar Ujala merely performed the duty incumbent on it by publishing the true and documented facts only. The respondent added that the allegations made by the complainant were false, frivolous and baseless. The report was general news and was published in good faith and without any malice against anyone and was based on the contents of the complainant (Mr. Ramesh Chandra Gupta). Thus, the Editor had not committed any professional misconduct. Amar Ujala published the report with responsibility in a truthful and bonafide manner.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 4.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Amit Kumar Chaudhary, Assistant Manager along with Shri P.R. Rajhans, Advocate appeared for the respondent.

The Inquiry Committee heard the respondent's counsel and carefully perused the complaint and all other relevant papers. The Inquiry Committee notes that in the impugned news item, the version of the complainant had also been incorporated but the headline is not appropriate. The headline attributes certain acts on the part of the complainant. The Inquiry Committee is of the opinion that while choosing the headline the respondent newspaper ought to have been more careful. Accordingly, the Inquiry Committee cautions the newspaper to be more careful in future and recommends to the Council to dispose of the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 24

File No. 14/120/15-16-PCI

State Bank of Patiala,
Lodhi Road,
New Delhi

The Editor,
The Halla Bol Times,
Delhi

ADJUDICATION

Dated 17.3.2016

This complaint dated 20.3.2015 was filed by the Assistant General Manager, State Bank of Patiala, Lodhi Road, New Delhi against the Editor, Halla Bol Times, Shahdara, Delhi alleging publication of false and defamatory news item under the caption "***State Bank of Patiala prabandhak par badsaluki kaa aarop***" in its issue dated January 1-31,2015. It was reported in the impugned news that Smt. Brijesh, Account holder, has alleged that the Branch Manager misbehaved with her husband Sanjiv Kumar. The woman stated that an unknown person had withdrawn Rs. 14,000/- from her Bank account through an ATM and her husband has filed a written complaint with the police and the bank in this regard. The Bank Manager contacted the customer and when her husband visited the Bank on her behalf, the Branch Manager misbehaved with him using unparliamentarily language. He asked him to close the account immediately and insisted to take the complaint back if he wants to continue operation of his wife's bank account. The manager asked him to sign/thumb impression on some documents and when he refused to do so, he got her husband moved out from the bank forcibly. The woman filed a written complaint against this incident before the police and bank authorities.

While denying the allegation, the complainant submitted that Smt. Brijesh gave her ATM card to her husband Shri Ramesh Singh for withdrawal of some amount. Her husband withdrew Rs. 2000/- and subsequently took out a sum of Rs. 14000/- by using the card. Smt. Brijesh informed the bank vide letter dated 10.11.2014 that her husband had withdrawn only Rs.2000/- and not Rs.14000/-. Upon making further enquiries, her husband informed that he did not know how to operate ATM card, so he handed over the card to another person and also disclosed the ATM PIN to him for withdrawing the money. The Bank branch had procured CCTV footage from the correspondent bank, which clearly showed that someone else was helping him to operate the ATM and the same person withdrew Rs.14000/- by using the card. The CCTV footage was shown to the customer and they accepted having taken help of the third person. Further, the complainant pointed out that in the newspaper, Smt. Brijesh husband's name is written as Sanjiv Kumar whereas in the letter addressed to the Bank by Smt. Brijesh, the name of her husband was written as Shri Ramesh Singh. The complainant submitted that the customer violated the Bank instructions with regard to operation of ATM facility by disclosing ATM PIN with her husband, who in turn, shared it with unknown person to operate the ATM, so bank cannot reimburse the money. The transactions were successful as per bank documents/record and CCTV footage. The Branch Manager has not used any unparliamentarily language rather he told him about the person who had taken the money by showing CCTV footage. The Branch Manager had never told the customer to close the account and not used any abusive words as mentioned in the newspaper. The complainant alleged that the customer wants to take undue advantage of the press by making wrong allegations against the Manager of the branch in order to get the amount which they have lost either due to their fault of giving ATM Card to other person. The complainant alleged that the respondent had published the news item without verifying

the facts from the bank. Vide letter dated 27.2.2015 and E-mail dated 18.3.2015, he drew the attention of the respondent for publishing false news but received no response.

A Show Cause Notice was issued to the respondent Editor, 'Halla Bol Times', Delhi on dated 6.7.2015 for written statement.

Written Statement

The respondent editor in his written statement dated 24.7.2015 stated that a complaint of Smt. Birjesh was received through Md. Vasim, Assistant Editor of the newspaper which revealed that the Branch Manager of State Bank of Patiala had misbehaved and abused the husband of the complainant. He also threatened him to close his wife's account. The complainant also filed same complaint before the senior officers of the bank. The Bank Manager had not produced any evidence to show that a quasi-judicial inquiry was conducted by the bank and the complainant was heard and natural justice was done to all concerned. The respondent stated that the concerned SBP bank should redress the grievance of its customer in their own interest rather to suppress the voices of their customers. It would be better if the bank had first adopted the due course of law and waited for the outcome of police inquiry and then asked for the corrigendum. The respondent editor submitted that they had no intention to injure anybody's reputation as they are loyal to freedom of press and dignity of people.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 4.1.2016 at New Delhi. Smt. Sarabjit Kaur, Chief Manager appeared for the complainant while there was no appearance on behalf of the respondent.

The Inquiry Committee heard the complainant and carefully perused the complaint and all other relevant papers. It noted that despite service of notice the respondent has not chosen to appear. The Inquiry Committee further noted that in the impugned news item, the alleged misbehaviour of the manager of the complainant with a customer and asking the customer to close the account has been highlighted. According to the news item, it was the version of the customer. The complainant states that the customer has suffered due to her own negligence and the CCTV footage proves the same. The respondent newspaper before publishing the impugned news item ought to have taken the version of the complainant also. This has not been done. The Inquiry Committee is of the opinion that the respondent newspaper has breached the code of conduct relating to pre-publication verification from the affected persons and thereafter denied them right of reply and therefore deserves to be censured for that. The Inquiry Committee accordingly recommends to the Council that the respondent newspaper be censured for publication of aforesaid news. The Inquiry Committee further directs that the order passed by the Council be prominently published in the newspaper also.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **Censure** the respondent newspaper, 'Halla Bol Times', Delhi. A copy of the adjudication be sent to DAVP, RNI and Government of NCT of Delhi for necessary action as they deem fit.

Press Council of India

Sl. No. 25

File No. 14/544/14-15-PCI

Ms. Madhavi Singh,
Upper Floors,
30 Ravindra Garden, Aliganj,
Lucknow- 24

The Editor,
Times of India,
105/7A S.N. Banerjee Road,
Kolkata- 700 014

ADJUDICATION
Dated 17.3.2016

This complaint dated 14.8.2015 was received from Ms. Madhavi Singh, Lucknow against the editor and reporter of The Times of India, Kolkata for publication of false and objectionable news item under the caption "***Call for expert panel to scan masters art***" and "***Healer of lost Art***" in its issues dated 29.6.2014 and 31.5.2014 respectively. The complainant while referring to the first news item objected on using scientific analysis in the describing profile of Mr. Ganesh Pratap Singh and in second news item wherein Mr. Ganesh Pratap Singh had unduly associated her father-in-law's name with him for training.

The complainant stated that as per her knowledge he is not competent (simple B.Com, by education) and the timing of revealing his role after three years when nobody concerned is around to verify the amount/genuinity of his contribution in Tagore's fake painting case (2010) and his name was missing in all major reporting's in media at that time. The complainant further submitted that Shri Ganesh Pratap Singh is currently facing a criminal case in Lucknow Court for associating his father-in-law's name and their professional goodwill as a restorer in the separate media profiling in 2010 in the Telegraph, Calcutta. The complainant drew the attention of the respondent towards the impugned publications vide e-mails but received no response. A show-cause notice dated 9.10.2014 was issued to the respondent editor, The Times of India, Kolkata.

Written Statement

The Counsel for the respondent editor, The Times of India while denying the allegations submitted that complainant had some dispute with Mr. Ganesh Pratap Singh and was aggrieved with the article as the newspaper highlighted his work done in the field on restoration of paintings/artworks. The counsel for the respondent also stated that facing criminal case cannot deprive an achiever for announcing his achievements. He also submitted that the complainant was deliberately trying to drag the respondent in frivolous case. He further stated that the news about the fake paintings which were sold in the name of original of the reputed artists and its subsequent happening was not against the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 4.1.2016 at New Delhi. There was no appearance from either side.

The Inquiry Committee perused the complaint and all other relevant papers. It notes that despite service of notice, neither the complainant nor the respondent has chosen to appear. Accordingly, the Inquiry Committee recommended to the Council to dismiss the complaint.

Held

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

PRESS COUNCIL OF INDIA

Sl. No.26

File No.14/712/14-15-PCI

Shri Arjun Chowdhury,
New Delhi.

The Editor,
The Times of India,
New Delhi.

ADJUDICATION
Dated 17.3.2016

This complaint dated 6.12.2014 has been filed by Shri Arjun Chowdhury, New Delhi against The Times of India, New Delhi for publication of a false, scandalous and defamatory news item under the caption "***Delhi's first CM's son held for realty fraud***" and "***First CM's son tries to influence***" in its issue dated 18.11.2014 and 6.12.2014 respectively. It was reported in the first news item that the son of Delhi's first Chief Minister was arrested by the Economic Offences Wing of Delhi Police for allegedly duping people by selling non-existent land and property. Further, it was reported that the accused, Ajay Chaudhary, is the son of Congress veteran, Chaudhary Brahm Prakash and used to pose as the Director of Real Estate Company to strike deals with businessmen. It was also reported that he had sold land worth crores in prime locations on forged documents. He used to lure his victims by offering lucrative deals and then disappear after taking the full settlement money. He also used political influence to set up an office and employed a few people who helped him pull off the deals.

It was reported in the second news item that a city judge hearing the bail plea of the son of Delhi's first Chief Minister transferred the matter saying the accused tried to influence her and his lawyer threatened her. The accused was arrested last month by the economic offences wing of Delhi police for allegedly duping people by selling non-existent land and property.

Denying the allegations levelled against Shri Ajay Chaudhary, the complainant stated that the news reports were false, scandalous and defamatory. He further stated that the respondent editor published these news reports about his father, Shri Ajay Chowdhry without verifying the true facts from him or records/documents. The complainant drew the attention of the respondent editor on the impugned news items and requested him to verify the facts mentioned in the letter by checking the records from the concerned court file and then only write news articles on the basis of the correct facts and judicial records. He also requested the respondent to not publish false and misleading articles in newspaper to tarnish the reputation of Shri Ajay Chowdhry.

A Show Cause Notice was issued to the respondent newspaper on 11.5.2015.

Written Statement

The respondent's advocate vide letter dated 5.8.2015 strictly and specifically denied and refuted the contents of the complaint. It was denied that the articles were false, misleading and defamatory as they were based on true inputs received from two different authorities' viz. Economic Offences Wing of the Delhi Police and Court proceedings on factual occurrences. The articles were correct inasmuch as they state that the complainant tried to approach the judiciary. The respondent further stated that it is true that the complainant was arrested by the Delhi Police. It was denied that the articles were motivated, biased, and defamatory and they had been published at the behest of the complainant's alleged adversary, one Mr. Kishore Lal. The respondent also stated that the articles were published in public interest for shedding light on the

transparent and objective functioning of competent authorities such as the judiciary and the police.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 4.1.2016 at New Delhi. There was no appearance from either side.

The Inquiry Committee perused the complaint and all other relevant papers. It noted that despite service of notice, neither the complainant nor the respondent had chosen to appear. Accordingly, the Inquiry Committee recommended to the Council to dismiss the complaint.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 27

File No.14/656/14-15-PCI

Shri Vikas Jain,
S/o Shri N.C. Jain,
Aliganj, Lucknow

The Editor,
Dainik Jagran,
Lucknow.

ADJUDICATION
Dated 17.3.2016

This complaint dated 25.2.2015 was filed by Shri Vikas Jain, S/o Shri N.C. Jain, Aliganj, Lucknow against Dainik Jagran, Lucknow for publication of defamatory news item under the caption "***Café mein current se balak ki maut- Hadsa Aliganj shetra ki ghatna, water cooler mein current se hua hadsa and KGMU mein bijli karmi jhulse***" in its issue dated 27.7.2014. Some other news items were also published in the newspaper as detailed herein below:

S.No.	Caption	Date
1	Sanvedanhin ho gayi Aliganj police – restaurant mein current lagne se chatra ki maut ka mamla	30.8.2014
2	Haath par haath dhare betha hai Vidyut Suraksha Nideshalaya – Aliganj ke restaurant mein current se chatra ki maut ka mamla.	2.9.2014
3	Tripping hoti to bach jati bache ki jaan	3.9.2014
4	Nideshalaya ko dhoka dekar restaurant ne jhatki NOC – Aliganj ke restaurant mein current se balak ki maut ka mamla	4.9.2014
5.	Bache ki maut par khanapurti kar rahe vibhag	22.9.2014
6	Restaurant malik ki shey par dhamka rahi police	23.9.2014
7	Karvai ke liye bhatak rahe mata-pita	25.9.2014
8	Dand ki jagah mil gaya promotion	26.9.2014

It was alleged in the news item that a student of class 8th visited the restaurant and had a burger there. He drank water from water cooler which was placed in the restaurant and due to electric shock he died. Staff members of the restaurant took him to hospital where doctor announced brought him dead. The police took action in the matter and filed a case against the restaurant owner. The complainant, owner of the restaurant submitted that a false case was registered with Aliganj Police Station, Lucknow against the complainant. The complainant alleged that paper had been publishing one-sided story and running parallel investigation on the incident in the follow up news by misreporting facts. The complainant further stated that why follow up of other incidents of death and injury in the cases of electrocution was not done and only the case of complainant was singled out for follow up. The complainant also drew the attention of the respondent editor on 11.10.2014 and mentioned the facts to him with request not to publish the news being prejudiced against him but did not get any response.

A show cause notice was issued to the respondent newspaper on 19.6.2015.

Written Statement

The respondent editor, Dainik Jagan, Lucknow denied the allegations of the complainant and submitted that the news article was based on the factual position. The matter was of concern that due to irresponsible attitude of the complainant, a teenager boy lost his life and the news item was published in the public interest. He further stated that a Magisterial enquiry was directed by the administration on 20.8.2014 and that is why the matter was in lime light. The respondent also enclosed a copy of Magisterial enquiry in the matter.

Counter Comments:

The complainant in his counter comments dated 18.9.2015 submitted that the name of the person and date is not mentioned on the written statement which shows the negligent affair of Dainik Jagran, Lucknow. The person filing the reply wilfully and deliberately filed report forging 4th line from bottom and mentioned "dhara 287, 304 ke". The Additional City Magistrate, Lucknow may be asked to send a correct copy of said report. Thereafter, proceedings for filing false document before this forum may be initiated against the editor of Dainik Jagran, Lucknow. The complainant further stated that the contents of the written statement are vague, wrong and false hence denied and reiterated his grievance.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Shri M.M. Srivastava, Advocate appeared for the complainant whereas Shri Birendra K. Mishra appeared for the respondent.

During the course of hearing, the complainant in support the contention has cited the decision of the Supreme Court in the case of SLP 9951 of 2004 (M.P. Lohia vs. State of West Bengal disposed of on 2015).

The Inquiry Committee noted that the complainant is aggrieved by the publication of a news item relating to death of a child in the restaurant due to electrocution and the follow-up stories. The grievance of the complainant is that the respondent newspaper has conducted a media trial and such kind of incidents have taken place elsewhere but no follow up story came in the newspaper. The Inquiry Committee considered the grievance of the complainant and perused the complaint and relevant records. It is of the opinion that while publishing the news items, the respondent newspaper has not violated any code of conduct so as to call for any action by the Council. The Inquiry committee is of the opinion that Judgment relied on by the complainant has no bearing in the facts and circumstances of the case.

It recommends to the Council to dismiss the complaint.

Held

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

PRESS COUNCIL OF INDIA

Sl. No.29

F.No.14/600/12-13-PCI.

Shri Rajeev Kumar,
Chandauli,
(U.P.).

Versus

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

ADJUDICATION

Dated 17.3.2016

This complaint dated 12.11.2012 was filed by Shri Rajeev Kumar, Chandauli (U.P.) against "Dainik Jagran" for publication of an allegedly false, misleading, highly objectionable and defamatory news item captioned "एक्सईएन ने समाप्त कराया अनशन" in its issue dated 6.11.2012. It was reported in the impugned news item that XEN ended the hunger strike of social workers by serving them juice. The complainant alleged that the respondent-editor did not publish the news prominently thereby creating misconception among its readers. According to the complainant, due to extensive electricity cut in the area, he and his associates were on hunger strike in public interest from November 1 to 5 in the front of XEN Electricity Division office. Due to this agitation, their demands were acceded to and XEN officer Shri Brijesh Kumar ended the hunger strike by serving them juice with a written assurance. The complainant stated that all newspapers published the news prominently except respondent, Dainik Jagran which allegedly published delusionary news in such manner that local people started taunting him and his social image was smeared.

The complainant further submitted that earlier on 17.10.2012 they sat on one day symbolic hunger strike on the same issue. While respondent paper did not publish any news on the next day, it published a misleading news item captioned "बिजली कटौती क विरोध में क्रमिक अनशन" in its issue dated 19.10.2012 whereas no Anshan took place on that day. The complainant submitted that annoyed with this false and misleading publication, the L.I.U and Electricity Department started questioning him. The complainant alleged that due to publication of impugned news item he suffered mental agony and his social reputation was harmed. He has requested the Council to take necessary action in the matter.

No Reply

Notice for Comments was issued to the respondent-editor, Dainik Jagran, Varanasi on 22.4.2013. Since no response was received despite issuance of reminder dated 30.1.2.2014, a Show-cause Notice was issued to the respondent on 20.4.2015 but no response was received.

Report of the Inquiry Committee

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

The Inquiry Committee notes that despite service of notice the complainant has not chosen to appear before the Committee. The Inquiry Committee has perused the complaint and all connected papers. The grievance of the complainant is that the

respondent newspaper had not been given prominence to the news it deserves. The Inquiry Committee is of the opinion that it is the prerogative of the editor and keeping in view the facts and circumstances of the case the respondent newspaper cannot be said to have violated any journalistic ethics.

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

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 29
Shri Shahid Ali,
Advocate,
National President
(United Muslims Front)
New Delhi

File No. 14/188/14-15-PCI
The Editor,
Hindustan Times
New Delhi

ADJUDICATION **Dated 17.3.2016**

This complaint was filed by Shri Shahid Ali, Advocate, National President (United Muslims Front), New Delhi on 21.05.2014 against the Editor, 'Hindustan Times', New Delhi for publication of objectionable, provocative and slanderous words in reporting news items under the captions "Islamist terror Rages on", "Boko Haram Islamists 'Kill many' in another attack, say officials", and "29 killed in raids on Kenyan coast" dated 14.07.2014, 19.07.2014 and 07.07.2014.

The complainant alleged that the respondent while publishing the news items regarding the terrorist activities of a terrorist organization based in Nigeria, had continuously been using words like "Islamist Group" or "Islamic Militants/Islamic Terrorist etc." with respect to the terrorist group Boko Haram. According to the complainant, the respondent newspaper had been doing so not only while reporting the terrorist acts of Boko Haram but earlier also on many occasions had maligned the image of Islam by way of projecting terrorist activities as having been perpetrated by Islamic terrorist or by Islamist Group or by Islamic Militants. He further stated that the followers of Islam take serious note of the matter and firmly believe that Islam do not teach or spread the violence or terrorism. In fact, the terrorist have no religion and their main moto is to spread the terror in the name of religion. All sensible and respectable citizens those who respect the social values and humanity always condemn such acts of maligning a particular religion and polluting the minds of public at large. The complainant vide letter dated 15.5.2014 drew the attention of the respondent Editor, Hindustan Times and demanded immediate apology for hurting the religious sentiments of the followers of Islam and a commitment to not to use such terms associated with terrorism and Islam in future but no response received in this regard, they continue the use of the slanderous epithets. It is unfair, illegal, provocative act to associate Islam with terrorist activities which spread hatred against the followers of Islam in the name of religion and is also punishable under the provisions of section 153-A and 153-B IPC.

No Written Statement

A Show Cause Notice dated 27.8.014 issued to the respondent Editor, 'The Hindustan Times', New Delhi but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Shri Shahid Ali, the complainant along with Shri Anwar Khali and Umar Daraz, Advocates appeared. Shri Karan Heera, Attorney Holder appeared for the respondent.

The Inquiry Committee has heard the complainant as also the representative of the respondent and perused the complaint and connected paper. The Inquiry Committee

is of the opinion that the alleged offending words used by the respondent newspaper in no way violates any code of conduct so as to call for any action by the Council. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 30

File No. 14/218/14-15-PCI

Shri Sunil Kumar,
Press Relation Officer,
O/o Director General (Prisons),
Prison Headquarters,
Tihar, New Delhi

The Editor,
The Economic Times
New Delhi

ADJUDICATION **Dated 17.3.2016**

This complaint dated 27.5.2014 was filed by Shri Sunil Kumar, Press Relation Officer, Delhi Prisons, Delhi against the editor, The Economic Times, New Delhi for publication of false and concocted news item under the title "*She is a Prisoner of Feudal Past, and She's No Mayawati*" in its issue dated 24.5.2014. It was alleged in the impugned news item that Ms. Vimla Mehra, Director General (Prisons), an IPS Officer of 1978 Batch inaugurated her own statue in Tihar Jail on January 27, 2014 at the cost of Rs.30 lakh. The statue of Ms. Mehra stands next to that of Bharat Mata inside the jail premises and some inmates were paying obeisance to the figure. The Prisoners' Welfare Fund had contributed to build the Statue. It was further alleged in the impugned news item that Ms. Mehra had previously been in the news for curtailing rights of under trial prisoners and restricting meetings with private counsel to once a week from five times a week and the same was confirmed by the Tihar spokesperson.

Denying the allegations levelled in the impugned news item, the complainant stated that the impugned news item was totally false, highly distorted, exaggerated, concocted and motivated. He stated that a small statue (DG) of 33" x 29" by using discarded building material has been built by the jail inmates out of reverence hardly at a cost of Rs.5000/- (approx) instead of Rs.30 lakh. The story was highly malicious as the statue has not been commissioned by jail authorities. The complainant vide letter/e-mail dated 24.5.2014 drew the attention of the respondent Editor, the Economic Times towards the impugned publication with a request to publish clarification about the prison management with same prominence as given to the news item, but neither the rejoinder was published nor any reply received from the respondent editor

No Written Statement

A Show Cause Notice dt. 3.2.2015 was issued to the respondent Editor, 'The Economic Times', New Delhi but no written statement was filed.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Shri Sunil Kumar Gupta, Law Officer appeared in person whereas there was no appearance on behalf of the respondent. The respondent had collected a copy of the complaint personally on 23.12.2015 and sought an adjournment to file written statement.

The Inquiry Committee has heard the complainant and perused the record of the case and finds that the news item in no way breach any code of conduct. The Inquiry Committee is of the opinion that the Director General inaugurating his own statue in the jail premises is news worthy and the respondent has not committed any error by its publication. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 31

File No. 14/471/14-15-PCI

Shri Paban Singh Gahtowar,
Former Union Minister and
Ex-Member of Parliament (Lok Sabha)
New Delhi

The Editor,
Dainik Agradoot
Guwahati

ADJUDICATION

Dated 17.3.2016

This complaint dated 23.8.2014 was filed by Shri Paban Singh Gahtowar, Former Union Minister, Ex-Member of Parliament (Lok Sabha) against the Editor, "Dainik Agradoot"- a regional newspaper published from Assam for publication of allegedly malicious, baseless, defamatory and inaccurate report in its issue dated 25.6.2014 under the caption "*Ghatowar is the owner of 3,908 crores in Swiss Bank*". It was alleged in the report that Shri Ghatowar has 3908 crores in his Swiss Bank account. The respondent is in possession of list of Politicians and Businessmen who have stacked money in Swiss Banks. The impugned news item further reiterated that the complainant has money cloaked in Swiss bank accounts.

The complainant submitted that being a dutiful political leader of the Tea Tribe community in Assam, he has been elected as a Member of Parliament five times. He has been associated with public life for the last 30 years and carried clean and efficient service to the masses. He alleged that the impugned news was framed to show him as corrupt and dishonest in the eyes of public. He is deeply aggrieved by such a publication which tarnished his image in the public besides causing tremendous pain and mental agony. According to him, his reputation built up over last several decades has been shaken on account of this publication which is unsubstantiated and unproved in wake of the fact that vide the order of Supreme Court, a Special Investigation Team in this matter has already been constituted to investigate the matter. The complainant vide legal notice dated 28.6.2014 followed by a reminder dated 11.8.2014 through advocate drew the attention of the respondent editor for unconditional apology but received no response.

A Show Cause Notice dated 9.9.2014 issued to the respondent Editor, 'Agradoot', Delhi.

Written Statement

The respondent in his written statement dated 29.9.2014 stated that the said news item was published on the basis of a document submitted to the Supreme Court of India by senior advocate, Shri Ram Jethmalani. The said document carried the names of the late Rajiv Gandhi, Shri Paban Singh Ghatowar and others who had deposited money in the Swiss banks. He had no malicious intent towards Shri Ghatowar in publishing the said news item as stated in his complaint. As soon as he received the letter from Shri Ghatowar's end that the news item was not correct, he published the clarification in the front page of his daily on 21.8.2014.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Ms. Krishna Sharma, Mr. Navneet Kumar, Ms. Vartika Sahay, Ms. Barnai Das and Ms. Deepika Ghatowar, Advocates appeared for the complainant. The representative of the respondent also appeared.

The Inquiry Committee heard the Counsel for the complainant as also the representative of the respondent newspaper. The Counsel for the complainant states that the complainant will be satisfied if the newspaper clarifies that the impugned news item was based on the basis of the affidavit of Mr. Ram Jethmalani filed before Supreme Court and which according to Mr. Jethmalani was yet to be verified. The representative of the respondent states that such a clarification shall be made within a week at appropriate page.

The Inquiry Committee takes note of the aforesaid stand of the respondent and directs for disposal of the complaint on the aforesaid terms.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 32

F.No.14/1202/13-14-PCI.

Shri Brahmanand Shukla,
President,
Mohalla Suraksha & Vikas Samiti,
Salori,
Allahabad (U.P.)

Vs

The Editor,
Hindustan, Hindi daily,
Allahabad (U.P.).

ADJUDICATION

Dated 17.3.2016

This complaint dated 11.3.2014 was filed by Shri Brahmanand Shukla, President, Mohalla Suraksha and Vikas Samiti, Salori, Allahabad (U.P.) against "Hindustan", Hindi daily, Allahabad for allegedly publishing a misleading news captioned "सलोरी के कछार में पार्क बनाएगा एडीए" in its issue dated 5.3.2014. It was reported in the impugned news item that Allahabad Development Authority has planned to build a park on the Kacchari land, which drowns in flood every year. It was further reported that the Councillor of the area said that the park is needed but the problem is that the ADA is planning to build the park at a place where the flood water is bound to enter and every year the greenery of the park would be destroyed.

The complainant submitted that the caption of the impugned news item should have been "सलोरी के ऊपरहार में पार्क बनाएगा एडीए" instead of "सलोरी के कछार में पार्क बनाएगा एडीए" because as per Khasra Khatoli Fasli, 1418, the proposed park land is situated at Chandpur Salori Perhar and not Kacchar at RV No.456. Secondly, this area does not drown in flood every year as stated in the news item. Although, it had been drowned in heavy flood in the years 1948, 1978, 1986 and 2013. Thirdly, the proposed park near Gangeshwarnath Mandir is to be built on the North-West side of Kailashpuri which is densely populated.

Notice for Comments was issued to the respondent-editor, Hindustan, Allahabad on 19.5.2014. Since no reply was received from the respondent despite issuance of reminder, Show-cause notice was issued to the respondent on 3.3.2015.

Written Statement

The respondent vide his written statement dated 26.3.2015 while denying all the allegations made by the complainant submitted that the complaint was baseless, without merits coupled with ulterior motives. The respondent further submitted that the impugned news item was published on the basis of the correct facts and circumstances related to matter where Allahabad Development Authority passed a tender regarding construction of a park in the area of Salori which is ordinarily flooded with water every year. The respondent added that the impugned news item was published after due research, based on the tender published in the newspaper "Dainik Jagran" on 30.1.2014. According to the respondent, the particulars in the news item displays a journalistic trait in as much as, it raises the issue of prevalence of such irresponsible acts by the ADA in the society and the focus of the news item is not particular matter raised by the complainant, but the occurrence of such imprudent acts by ADA.

Report of the Inquiry Committee

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

The Inquiry Committee noted that despite service of notice, neither the complainant nor the respondent have chosen to appear. It carefully perused the complaint and all other connected papers 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 decided to **dismiss** the complaint.

PRESS COUNCIL OF INDIA

Sl. No. 33

F.No.14/256/14-15-PCI.

Ms. Roshni Kaur,
Director (Public Relation),
Krishi Bikash Shilpa Kendra,
New Delhi.

The Editor,
Versus Dainik Statesman,
Kolkata.

ADJUDICATION

Dated 17.3.2016

This complaint dated 27.5.2014 was filed by Ms. Roshni Kaur, Director (Public Relation), Krishi Bikash Shilpa Kendra, New Delhi against "Dainik Statesman", Kolkata for allegedly publishing false and baseless article captioned "***After 'Sarada' scandal it's Krishi Bikash Shilpa Kendra***" in its issue dated 30.4.2014. The objectionable points as alleged by the complainant are as follow:-

1. Tried to project Prosenjit Bose's Krishi Bikas Shilpa Kendra as a cheat fund.
2. They even forge the original documents of the youth by making false promises.
3. Shri Shakti Pada Bagdi is enlisted in 2012 by CBI as one of the most wanted criminals then how it can be possible for him to communicate with different Government Ministries.
4. Through this misleading publication they have tried to damage the Prosenjit Bose's Krishi Bikas Shilpa Kendra's rapport with the new Government.
5. People attached with Shakti Pada Bagdi's concern, Krishi Bikash Shilpa Kendra are earning huge amount of money from unemployed youths by making false promises of giving Central Government's job.

The complainant alleged that the respondent is involved in conspiracy against National Mission (Tpp-06) and also disturbs national interest and importance by hampering the good image of her society by their false and totally fake publication. It was reported in the impugned news item that people attached with Shakti Pada Bagdi's concern Krishi Bikash Shilpa Kendra are getting huge amount of money from unemployed youths by giving false promises of giving Central Government's job, in this way they had just tried to misled people. It was further reported that in the year 2009, PMO considered to monitor and implement National 20-Points Programme Tpp-06 for Krishi Bikash Shilpa Kendra but unfortunately the Hon'ble Chief Minister of West Bengal wrote to Shri Shakti Pada Bagdi (who is most wanted criminal by Ministry of Home, Govt. of India and State of West Bengal) Home Department), which hampered the clean image of Krishi Bikash Shilpa Kendra. Shri Satya Brata Das had continued his job as an Administrative Director of West Bengal and after that he was promoted to the National Secretary, KBSK but the publication mentioned him as a fraud. The complainant alleged that the impugned publication was directly trying to spread the message that the KBSK is a fraud organisation. The complainant alleged that the impugned publication is completely illegal and cognizable. The complainant vide letter dated 27.5.2014 drew the attention of the respondent-editor to affirm the evidence regarding the impugned publication and requested for the remedial action but received no response.

A Show-cause Notice was issued to the respondent-editor, Dainik Statesman, Kolkata on 9.10.2014.

Written Statement

Shri Manash Ghosh, Editor, Dainik Statesman, Kolkata vide his written statement dated 25.2.2015 while denying the allegation informed that the letter dated 28.5.2014 was not directly received from the complainant. According to the respondent, they found nothing in it to contradict the contents of the article published in the newspaper except vague allegation that they wrote 'totally corrupted news'. The respondent further submitted that the stationary used by the Krishi Bikash Shilpa Kendra claiming to be 'a Unit of Government of India' is false and was the thrust of their report. Referring to a Memo dated 18.5.2010 of the Criminal Investigation Department, Govt. of West Bengal, the respondent submitted that the Memo inter alia states that the Krishi Bikash Shilpa Kendra had been using the National Emblem and the name of the Ministry of Agriculture by forging documents. The Memo states that the Government of India has asked the Government of West Bengal to initiate criminal cases against the organisation. The respondent further referred a letter of Ministry of Statistics and Programme Implementation, which stated that the KrishiBikashShilpa Kendra is an NGO 'operating illegally to implement 20-point programme' on the basis of a letter issued by late Prime Minister Smt. Indira Gandhi. The PMO quoted in the said letter as having no record of issuing any such authorisation to KBSK. The respondent submitted that this letter also enclosed a copy of an FIR filed against the said organisation in Maharashtra. The respondent stated that there is no case whatsoever made out against them of breach of journalistic ethics.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Dr. Prosenjit Bose, CMD along with Miss Sayambita Howdal, V.C. cum Executive Director, Krishi Bikash Shilpa Kendra appeared for the complainant. Shri Satyajit Sarna, Advocate appeared on behalf of the respondent.

The Inquiry Committee heard the representative of the complainant as also the Counsel for the respondent. It had perused the complaint, the written statement and all other relevant papers. The Inquiry Committee is of the opinion that the impugned news item is based on the various correspondences and documents and published in public interest. Thus, it is not in violation of any journalistic ethics so as to call for any action by the Council. The Inquiry Committee recommended to the Council to dismiss the complaint accordingly.

Held

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

Press Council of India

Sl. No. 34

File No. 14/81/13-14- PCI

Shri Dhanraj Ranoji Gavali,
Advocate,
Ex. Deputy Mayor, Belgaum,
Karnataka.

Vs.

The Editor,
Tarun Bharat Marathi daily,
Belgaum, Karnataka

ADJUDICATION
Dated 17.3.2016

This complaint dated 21.4.2013 was filed by Shri Dhanraj Ranoji Gavali, Advocate & Ex. Deputy Mayor, Belgaum, Karnataka against the Editor, Tarun Bharat, Marathi daily, Belgaum, Karnataka for committing the offence of abetment and promoting gambling by publishing the 'Matka' (Gambling) numbers of 'Kalyan' and 'Mumbai' in his newspaper. In this regard, the complainant had drawn attention towards issues dated 9-10 April, 2013 in which Matka numbers was published. The complainant alleged that the numbers were published in such a manner that only the gambler knows where it is published. He stated that the respondent paper had editions published from places like Kolhapur, Belgaum, Goa and Maharashtra and all these editions were being used to promote gambling which is an offence and also against the norms of journalistic conduct. He further alleged that the newspaper enticing the young people who were addicted to gambling by publishing the numbers of Matka as they get to see the result conveniently in Tarun Bharat. He added that this fact came to his knowledge when one of his neighbours complained against her son regarding this O.C (Matka). He also alleged that the respondent published the Matka numbers without any heading which is mandatory for any news published and thus it is again in violation of the norms and also prohibited under the Act and as such constitutes an offence.

No Written Statement

A Notice for Comments was issued on 19.8.2013 to the respondent but when no comments were filed by him, a Show Cause Notice was issued on 4.8.2014 for his written statement No written statement was filed by him despite a reminder dated 16.10.2014.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. Shri Dhanraj Rajoji Gavali, the complainant appeared in person while Shri Shridhar S. Kulkarni, Advocate appeared for the respondent and made their submissions.

The Inquiry Committee noted that the complainant who happens to be a public figure has brought to the notice of the Council random numbers printed in the newspaper without any caption. It is the assertion of the complainant that these are matka numbers which encourage gambling. The respondent has tried to deny that and the Counsel representing for the respondent stated that they have stopped publishing the numbers and further stated that no such numbers shall be published in future.

The Inquiry Committee is of the opinion that by not giving any caption or details, the newspaper has given the readers an opportunity to give meaning of those numbers and possibility of those being Matka numbers cannot ruled out.

In view of the undertaking given by the respondent that it will not publish such numbers in future, the Inquiry Committee is inclined not to proceed further in the matter. It recommended to the Council to dispose of the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 34

File No.14/81/15-16-PCI

Shri Rajesh Kumar Sharma,
Advocate,
Delhi.

The Editor,
Navodaya Times,
New Delhi.

ADJUDICATION
Dated 17.3.2016

This complaint dated 21.5.2015 was filed by Shri Rajesh Kumar Sharma, Advocate, Delhi against the Editor, Navodaya Times, New Delhi for publication of false, objectionable and defamatory news item under the caption "***Vivahit Mahila Ke Sath Dushkarm Ka Prayas***" in its issue dated 4.5.2015. It was reported in the news item that a person forcibly entered into the house of a lady at night when she was alone. He tried to rape her and when she cried out, he fled away from there. A case was registered against the person named Shri Rajesh Kumar Sharma, Advocate.

The complainant denied the allegations levelled in the impugned news item and submitted that when he came to know from his relatives and friends regarding impugned news published in Navodaya Times he rushed to the police station to inquire about the registration of FIR and found that neither any FIR was lodged against the complainant nor the police station received any PCR call regarding the alleged incident in news. He stated that the impugned news item is totally false, frivolous and baseless, manipulated and is a concocted story. The complainant further stated that through an e-mail on 8&9 May 2015, he requested of the Navodaya Times to let him know the basis on which the impugned story was published by them but he received no response despite a reminder dated 11.5.2015. The complainant stated that he also tried to call up office of the said newspaper but did not receive any satisfactory reply.

A show cause notice was issued to the newspaper on 24.6.2015.

Written Statement

The respondent editor, Navodaya Times in his written statement dated 25.7.2015 stated that the news story in question was actual and factual and was published in the ordinary course of publication of the newspaper without any motive, malice or ill-will against any person. The respondent stated that it was a public interest news story published on the basis of Police FIR No.108/15 dated 28.4.2015 registered by the Lahori Gate Police Station, Delhi under section 354/451/506/509 IPC against the complainant on the complaint of one married lady of the area and the investigation is being conducted by Shri Kuldip Tanwar, Inspector, Lahori Gate, Police Station, Delhi. The respondent further stated that the newspaper did its honest duty towards the general public. However, the paper is ready to carry counter version of the complainant, if he so desires.

Counter Comments:

In his counter comments dated 24.8.2015, the complainant, Shri Rajesh Kumar Sharma, Advocate stated that the respondent did not go through the contents of FIR No.108 dated 24.8.15 registered in police station, Lahori Gate as the same were distinct from the contents of the reported matter published on 4.5.2015 in Navodaya Times. He

further stated that the matter reported in the above said newspaper was published with ulterior motive, maliciously and by ill-will.

Further Communication from the respondent:

The respondent vide its letter dated 19.9.2015 forwarded a copy of Police FIR No.108 dated 28.7.2015 registered by Lahori Gate Police Station under section 354/451/506/509/34 IPC against the complainant, Shri Rajesh Kumar Sharma.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Shri Rajesh Kumar Sharma, the complainant appeared in person whereas Shri Madan Mohan Thapar appeared for the respondent.

The Inquiry Committee has heard the complainant and the representative of the respondent and perused the complaint and the written statement and all other relevant papers. The Inquiry Committee is of the opinion that the respondent has published wrong news item without any verification. The claim made by the respondent newspaper that the news item was published with reference to a criminal case lodged against the complainant does not appeal to the Inquiry Committee. The allegation in the FIR is not in conformity with the news item published. The impugned news item has brought the complainant to disrepute. The Inquiry Committee accordingly directs the respondent newspaper to publish the corrigendum and apology within two weeks in its newspaper. It further directs that a copy of the publication be also furnished to the office of the Council within four weeks.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 35

File No. 14/296/14-15-PCI

Mr. Sonu Maheshwari,
Chairman,
Naujawan Welfare Society,
Bathinda

The Editor,
Punjab Kesari

ADJUDICATION

Dated 17.3.2016

Mr. Preet Verma, Advisor to Chairperson, National Commission for Protection of Child Rights, New Delhi vide letter dated 13.6.2014 forwarded a complaint of Mr. Sonu Maheshwari, Chairman, Noujawan Welfare Society, Bathinda dated 3.7.2013 against the Editor, Punjab Kesari for publishing objectionable advertisement regarding sale of unborn baby in its issue dated 30.6.2013 under the caption "*I wish to give my 4th unborn child in adoption. Childless families may contact-Puja 090500-37012.*"

The complainant submitted that a member of his organization had contacted the advertiser over mobile who told her real name as Ms. Rajni Kashyap, w/o Satyapal Kashyap, Yamuna Nagar and informed that she has already three sons and again pregnant for Seven and a half months. She told if he wants her expected baby, he will have to pay Rs. six lakhs as she lives in a rented accommodation and she needs the amount to purchase a plot. The lady also gave him her joint account no. 05610015 00217965 of Punjab National Bank as registered in the name of Sachin/Rajni Kashyap. The complainant also referred his complaint to National Commission for Protection of Child dt.29.12.2010 of Yamunanagar in this regard on which no action was taken.

NCPCR informed that sale of children for particular purpose is an offence under the IPC (Section 372). India also ratified the Optional Protocol to the Convention of the Rights of the Child on sale of children, child prostitution and child pornography. Procedure and guidelines for adoption of children are laid down by the Central Adoption Resource Authority (CARA) as well as under Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The Children (Adoption of) Act provides that it shall not be lawful for any advertisement to be published indicating that-

- (a) The parent or guardian of a child is desirous of causing the child to be adopted; or
- (b) A person is desirous of adopting a child, or any person (not being the Board) is willing to make arrangements for the adoption of a child.
- (1) Any person who causes to be published, or knowingly publishes an advertisement in contravention of the provisions of this section shall be liable, on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars.

The Guidelines of PCI on Principle and Ethics, norms 36 (V), 'newspapers should not publish an advertisement containing anything which is unlawful or illegal, or is contrary to public decency, good taste or to journalistic ethics or propriety'. The NFPCR requested for Council's opinion in the matter.

A Notice for Comments dated 22.7.2014 issued to the respondent Editor, 'Punjab Kesari, Jalandhar under the intimation letter to the NFPCR and the complainant, NWS.

Comments

The respondent in his comments dated 28.8.2014 submitted that the grouse of the complainant was with regard to the sale of children in District Yamunanagar (Haryana) and the newspaper had no role in the complained incidents. Rather the complainant came to know through the advertisement that the advertisers were in the business of selling born and unborn children which is cause of concern. The role of newspaper is not the cause of complaint. The advertisements cannot give any clue that the advertiser is engaged in the business of sale of children and the same was not published to promote the business of the advertiser. The advertisement was published in the ordinary course without doubting any bad motive of the advertiser. The editor cannot guess the motive of any advertiser. Moreover the two advertisements referred by the complainant were issued after a long gap. So these cannot be said to be published in a routine manner and regularly.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. There was no appearance from the complainant's side while Shri Madan Mogan Thapar appeared for the respondent.

The Inquiry Committee has perused the complaint and heard the representative of the respondent. The complainant is aggrieved by the publication of an advertisement in a newspaper for taking adoption of a child, yet to be born. The Inquiry Committee is satisfied that an advertisement for adoption of an unborn child is not only illegal but also unethical and the respondent newspaper ought not to have published the same. The Inquiry Committee upholds the complaint for lack of due scrutiny of advertisement at its and recommends to the Council to Warn the newspaper. It further directed the newspaper to publish the Order of the Council in its newspaper.

Held

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

PRESS COUNCIL OF INDIA

Sl No. 36
Shri Deepak Vats,
Delhi

File No. 14/827/14-15-PCI
The Editor,
Punjab Kesari,
Delhi

ADJUDICATION

Dated 17.3.2016

This complaint dated 12.2.2015 was filed by Shri Deepak Vats, Deputy Registrar, University of Delhi against the editor, Punjab Kesari, a Hindi newspaper, Delhi for publication of false, baseless and highly defamatory news item in its issue dated 13.12.2014 under the caption "***Kya baat hai ! Farzi certificate se ban gaye Deputy Registrar***". It was reported in the impugned news that complainant had been appointed as the Deputy Registrar in the University of Delhi on the basis of fake degree of B.Sc. (Honours) in Zoology and that no such degree was granted by the Gurukul Kangri Vishwavidyalaya, Haridwar.

Denying the allegations leveled in the impugned news item the complainant categorically pointed out that he had the requisite qualification for the post of Deputy Registrar and the degree of B.Sc. (Honours) Zoology was also granted by the Gurukul Kangri Vishwavidyalaya, Haridwar and correctness of it can be verified from the Vishwavidyalaya. The complainant further stated that the newspaper instead of verifying the facts published the impugned news item very prominently in broader headlines fraudulently and with malafide motive to defame him and lowered his estimation in the eyes of superiors, colleagues, subordinates, friends and general public. The complainant vide letters dated 15.1.2015 and 28.1.2015 drew the attention of the Editor, Punjab Kesari, Delhi towards the defamatory news item but received no response.

A Show Cause Notice dated. 5.5.2015 was issued to the respondent editor, 'Punjab Kesari, New Delhi.

Written Statement

The respondent Director, Daily Punjab Kesari, New Delhi in his written statement dated 30.5.2015 categorically denied the allegations levelled by the complainant. The respondent drew the attention of the complainant as well as the Council on these points (i) there is difference of information in the applications of Assistant Registrar and Deputy Registrar; (ii) Having two degrees in same year from same university and raises suspicion (iii) if complainant has the degree of BSc (Hon.) (Zoology), then why he hid the same for applying for the post of Assistant Registrar. The news was published on the basis of claim of Prof. Dr. Harpal S. Sangwan and it has been clearly mentioned in the news item. The respondent submitted that the news was published with due verification and after conversing with various persons and it also includes complainant's version. The respondent also submitted that they abide by the ethics of journalism and stand by the story published in their newspaper. The respondent further submitted that, if the complainant provides them necessary documentary proofs in support of his complaint they may think about the publishing the same.

Counter Comments

The complainant vide his letter dated 19.8.2015 stated that inspite of accepting the blunder and taking steps for rectification, the respondent editor tried to cover the

mistake. The complainant reiterated that the news item was published without verification.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 5.1.2016 at New Delhi. Shri Deepak Vats, complainant appeared along with Shri R.P. Sharma, Advocate. Shri Parvinder Sharda and Shri A. K. Jain, Advocates appeared for the respondent.

The Inquiry Committee has heard the complainant as also the representative of the respondent. The respondent admitted that the Heading of the news item was not proper and have undertaken to publish the newspaper's regret and apology for the publication of the said news item. The Inquiry Committee takes note of the assurance given and directs the respondent newspaper to publish expression of regret and apology prominently in its newspaper and forward a copy of the same to the Council within four weeks. It recommended to the Council to dispose of the complaint on the aforesaid terms.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 37

F.No.14/189/14-15-PCI.

The District Election Officer and
Officer-in-Charge,
District Level MCMC,
Hamirpur (Himachal Pradesh).

Vs.

The Editor,
Punjab Kesari,
Jalandhar (Punjab)

ADJUDICATION
Dated 17.3.2016

The District Election Officer/Officer-in-Charge, District Level MCMC, Hamirpur (Himachal Pradesh) vide his letter dated 23.4.2014 forwarded a copy of the decision of District Level MCMC against Punjab Kesari for publication of Paid News captioned “कांग्रेस की रैली से चार गुणा बड़ी रैली कर भाजपा ने दिखाई ताकत” alongwith photographs in its local edition issue dated 17.4.2014 in favour of a BJP Candidate, Shri Anurag Thakur. It is stated that in response to their notice, Shri Anurag Thakur in his reply dated 20.4.2014 pleaded that he had no information of the contents and publication of the said impugned news item. He further submitted that he had no business to influence any editorial decision of a newspaper. The District Election Officer stated that the District Level MCMC came to the conclusion that the impugned news item was published by the newspaper with an aim to benefit the candidate and this fall under paid news. The District Level MCMC was not convinced with the reply filed by the candidate and decided to book the expenditure of the news item in the expenditure of the said candidate.

The District Election Officer, MCMC, Hamirpur forwarded the proceedings/minutes of Meetings recording the reasons for holding this paper responsible for publishing paid news duly signed by MCMC's members.

A Notice for Comments was issued to the Editor, Punjab Kesari, Jalandhar (Punjab) on 6.2.2015.

Comments

Shri R.S. Jolly, Editor, Punjab Kesari vide his comments dated 3.3.2015 while denying the allegation of paid news stated that the impugned news item was sent by their accredited Press Reporter, Shri Rajeev Chauhan and the same was published in ordinary course. The respondent further submitted that it is absolutely incorrect and wrong that the impugned news item was published on payment basis as no money was received by the Reporter or the newspaper for publication. According to the respondent, the impugned news item in question was of public importance because there was large gathering who attended the event and there was nothing wrong in the impugned news item or its contents.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 6.1.2016 at New Delhi. There was no appearance on behalf of the complainant while Shri Madan Mohan Thapar appeared on behalf of the respondent, Punjab Kesari.

The Council has initiated the proceeding on the basis of the report given by the Election Commission of India. The Election Commission of India has in turn forwarded the same on the basis of the decision taken by the District Level-Media Certification and Monitoring Committee (DL-MCMC). The MCMC had come to the conclusion that it is a paid news as no news were published with reference to the headline and the said headline was about the two photographs.

The Inquiry Committee is of the opinion that the headline as referred to in the report of the MCMC is in relation to the photographs published beneath the said headline. The Inquiry Committee is of the further opinion that from the report of the MCMC, it is difficult to come to the conclusion that it is paid news. It recommended to the Council to dismiss the complaint accordingly.

Held

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

* Shri Vijay Kumar Chopra, Member recused from the meeting.

PRESS COUNCIL OF INDIA

Sl. No. 38-39

File No. 14/552-553/12-13-PCI

Shri Ajay Kumar Duraiswamy,
Kilpauk, Chennai T.N.

1. The Editor,
Dinamalar,
Coimbatore Edition,
Chennai
2. The Editor,
Dinathanthi,
Coimbatore Edition,
Chennai

ADJUDICATION

Dated 17.3.2016

This complaint dated 20.11.2012 was filed by Shri Ajay Kumar Duraiswamy, Chennai against the Editor, 'Dinamalar' and 'Dinathanthi' alleging publication of false, frivolous, vexatious and defamatory news items in their issues under the caption "Child Kidnapped from School, Grandfather files complaint against Father" (English version – Dinamalar) on 17.10.2012 and "Grandfather filed complaint against father for kidnapping his child and "Child reported to have been kidnapped, rescued" (English version Dinathanthi) on 18.10.2012 and 25.10.2012 respectively. It was reported in the two newspapers on 17.10.2012 & 18.10.2012 that the complainant kidnapped his own son and attacked his sister-in-law while taking custody of his son. A case was registered in this regard. It was reported in Dinathanthi that the police helped reunite the kidnapped boy with his mother who was out of the country.

The complainant stated that his wife and he live separately due to marital discord and a divorce petition is pending before the Family Court at Chennai. They have a male child of three years. Due to publication of the impugned news items he is facing harassment and torture at the hands of the Tamil Nadu Police in collusion with two Tamil dailies. Despite being a natural guardian of his own child, he has been accused of kidnapping and attacking his sister-in-law. Unmindful of relationship of father and child and the fact that child's mother has abandoned the child with the intent of working in the UAE, the police registered an FIR in this regard, issued a press release and humiliating them and asking for a bribe of Rs. 35,000/- to close the same. Further in the FIR or in the complaint it is mentioned that he attacked his sister-in-law. These were entirely fabrication of news by the concerned reporter with the collusion of the Komarapalayam police, intending to make him look like a criminal and in order to create a sensational piece of news in an otherwise drab and boring daily paper. He further stated that the investigating police officials had the sole purpose to use the pressure tactic by having his name published to extort money from him and colluded the press to help their cause. The complainant levelled allegation of professional misconduct on the respondent editor/newspaper which are as under:

- a) Colluding with the police in propagating incorrect news of false charges with intent to blackmail,
- b) Assisting the police for creating an environment to coerce an innocent person to submission and to believing that an actual crime was committed,
- c) Printing news without corroborating facts amounting to criminal accusations which amount to situation of trial by the press,

- d) Using the photographs of a three-year-old child unnecessarily in a daily publication, with readership running into lakhs, without due permission of either of his parents.

The complainant vide notice dated 27.11.2012, through advocate drew the attention of the respondent editors and called upon them to tender unconditional apology by publishing in the future edition and to pay the damages failing which he will be constrained to have recourse to appropriate legal remedies against them.

Reply of Dinathanthi

In response the respondent 'Dinathanthi' vide his letter dt. 28.3.2013 submitted that in response to the Notice of the complainant dt. 26.11.2012 a suitable reply was sent on 11.12.2012. The news item published in the Daily Thanthi issue dt. 18.10.2012 is only based on the version given by the police. He has stated that the occurrence of taking away the child by the complainant is reported to the Police by the maternal-grandfather of child and is under investigation. In this way the allegation of the complainant as to collusion with the police by the press was totally baseless and unwarranted and the news was published in good faith and there is absolutely no motive in publishing the news falsely.

Counter comments

In response, the complainant in his counter comments dt. 3.5.2013 objected the written statement, first, in the FIR drafted by the police 'is it mentioned that he attacked his sister-in-law'. The statement published as a part of the debauchery was a fabrication of the reporter, at the instigation of the police, firstly to make the news article interesting, as the act of taking his own son might not warrant the interest of the newspaper's readers, otherwise. It also helped the police in their bid to demand a bribe, an act which they followed through and are subsequently facing the consequences of, an act which he alleges that the reporter is a party to the matter. Secondly, the use of the word "Kidnapped", the police or in-laws may claim that he "kidnapped" his own begotten son but there was/is no court directive for custody of his son in place, so his act of taking his son cannot be construed or termed 'kidnapping'. Third, regarding permission to print his son's picture when there is 'Norms for Journalistic Conduct' to caution against identifying minor children. The respondent was asked to show tangible signed proof from both his parents allowing the Daily Thanthi to reproduce the photograph of his minor son without the dire need or requisite.

The second respondent, 'Dinamalar' did not file his written statement/comments despite issuance of reminder dt.15.5.2013.

Report of the Inquiry Committee

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

The Inquiry Committee noted that despite service of notice, neither the complainant nor the respondent has chosen to appear. It carefully perused the complaint and all connected papers and is of the opinion that the news item is based on the allegation made in the FIR lodged by the Grandfather of the child. A little variation in the news and the FIR do not justify action against the newspaper under the Press Council Act. The Inquiry Committee recommended to the Council to dismiss the complaint accordingly.

Held

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

Press Council of India

Sl. No. 40

File No. 14/81/13-14- PCI

Shri Dhanraj Ranoji Gavali,
Advocate,
Ex. Deputy Mayor, Belgaum,
Karnataka.

Vs.

The Editor,
Tarun Bharat Marathi daily,
Belgaum, Karnataka

ADJUDICATION
Dated 17.3.2016

This complaint dated 21.4.2013 was filed by Shri Dhanraj Ranoji Gavali, Advocate & Ex. Deputy Mayor, Belgaum, Karnataka against the Editor, Tarun Bharat, Marathi daily, Belgaum, Karnataka for committing the offence of abetment and promoting gambling by publishing the 'Matka' (Gambling) numbers of 'Kalyan' and 'Mumbai' in his newspaper. In this regard, the complainant had drawn attention towards issues dated 9-10 April, 2013 in which Matka numbers was published. The complainant alleged that the numbers were published in such a manner that only the gambler knows where it is published. He stated that the respondent paper had editions published from places like Kolhapur, Belgaum, Goa and Maharashtra and all these editions were being used to promote gambling which is an offence and also against the norms of journalistic conduct. He further alleged that the newspaper enticing the young people who were addicted to gambling by publishing the numbers of Matka as they get to see the result conveniently in Tarun Bharat. He added that this fact came to his knowledge when one of his neighbours complained against her son regarding this O.C (Matka). He also alleged that the respondent published the Matka numbers without any heading which is mandatory for any news published and thus it is again in violation of the norms and also prohibited under the Act and as such constitutes an offence.

No Written Statement

A Notice for Comments was issued on 19.8.2013 to the respondent but when no comments were filed by him, a Show Cause Notice was issued on 4.8.2014 for his written statement No written statement was filed by him despite a reminder dated 16.10.2014.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. Shri Dhanraj Rajoji Gavali, the complainant appeared in person while Shri Shridhar S. Kulkarni, Advocate appeared for the respondent and made their submissions.

The Inquiry Committee noted that the complainant who happens to be a public figure has brought to the notice of the Council random numbers printed in the newspaper without any caption. It is the assertion of the complainant that these are matka numbers which encourage gambling. The respondent has tried to deny that and the Counsel representing for the respondent stated that they have stopped publishing the numbers and further stated that no such numbers shall be published in future.

The Inquiry Committee is of the opinion that by not giving any caption or details, the newspaper has given the readers an opportunity to give meaning of those numbers and possibility of those being Matka numbers cannot ruled out.

In view of the undertaking given by the respondent that it will not publish such numbers in future, the Inquiry Committee is inclined not to proceed further in the matter. It recommended to the Council to dispose of the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 41-42

File No.14/178-179/13-14-PCI

Shri C.T. Ravi,
Member of Karnataka Legislative Assembly,
Former Minister of Higher Education, Government
of Karnataka, Chikmagalur.

Shri G.M. Rajashekar,
Editor, Publisher, Printer &
Owner, Chikmagalur Suddigara,
Chikmagalur.

Gauri Lankesh
Kannada Weekly, Bangalore

ADJUDICATION

Dated 17.3.2016

This complaint dated 15.5.2013 has been filed by Shri C.T. Ravi, MLA, Former Minister for Higher Education, Government of Karnataka, Chikmagalur against the Editor, Chikmagalur Suddigara and Gauri Lankesh alleging publication of false, malicious and defamatory news items as detailed below:

S.No	Caption	Name of the newspaper	Dated
1	Fraud proved through Lokayuktha investigation	Chikmagalur Suddigara	April 15-30, 2013
2	Lot of Lorries, JC Bs Crusher, Asphalt of Contractor at the House of Minister	-do-	May 1-15, 2013
3	Story of Chikmagalur Thief	Gauri Lankesh	May 8, 2013

The first news item relates to the complaint filed before the Lokayukta w.r.t. forging of documents relating allegedly to non-existent Anjaneya Education Society. It was alleged in the news item dated April 15-30, 2013 that Anjaneya Education Society functions from the house of Minister C.T. Ravi who is the founder of the School. Pallavi Ravi, Head Master, Sudarashan, Tejaswini Sudarshan are teachers and all the children of this non-existent school are the blood relatives of Minister. It is proved by the private persons and also through investigating officers of Lokayukta about bogus educational institution of Education Minister who planned to snatch the C.D.A. site worth crores of rupees. On enquiry in this regard, about 60 persons substantiated the allegation made against bogus institution. It has been reported in news item dated May 1-15, 2013 that voters were tired of listening to the developmental magic mantra speech of Minister C.T. Ravi. The MLA-Minister of Chikmagalur constituency, who is representing the people is duty bound to manage the public work road/drainage work. The actual execution and quality of work was challenged in the impugned report.

It was published in Gauri Lankesh dated 8.5.2013 that one Yogesh @C.T. Ravi 20 years back was living in a rented house which belonged to Brahmin situated at Gandhinagar, Chikmagalur. The very same yogesh @ CT Ravi filed declaration by way of affidavit before the Election Commission by declaring that he possessed property worth Rs.3.75 crores, that showed his devotion to the nation. It was further submitted that during the election between 2008 and 2013 the affidavits filed by C.T. Ravi create lot of confusion which sufficiently to prove the allegation. He misled Government by creating fake documents.

The complainant submitted that the above said articles were a blatant and naked pursuit to defame him and his family members. He added that the respondents indulged in a sustained campaign in the garb of promoting the allegations against him as he was

contesting elections from Chikmagalur Assembly with a view to malign and defame him and his impeccable record of public life. The complainant stated that this attitude by the respondents was with a sole intention of bring bad name and present him in society as wrong doer.

A Show Cause Notice dated 4.8.2014 was issued to the respondent newspapers, Chikmagalur Suddigara and Gauri Lankesh.

Written Statement :

The Respondent Editor-in-Chief, Chikmagalur Suddigara in his undated written statement stated that the complainant and his family were involved in series of scandals and as a responsible journalist it was his duty to expose the misdeeds of the people's representatives. The respondent also stated that two cases are pending against the complainant and his wife in the Lokayukta court and FIR is filed against them. The respondent further stated that he had no reason to malign the name of the complainant.

The respondent Gauri Lankesh vide his written statement dated 14.10.2014 stated that they wrote the said article in good faith as their duty as journalist to expose the corruption of people holding public positions and their report was based on the glaring discrepancies in the affidavits submitted by Mr. Ravi. A complainant was also filed against Mr. Ravi before the Lokayukta regarding accumulation of disproportionate assets and their report had also given details about the complaint against him. The respondent also enclosed copies of the affidavits filed before the Election Commission by Mr. Ravi and also attached copies of newspaper reports regarding the same. The respondent concluded by saying that the complainant Mr Ravi is trying to muzzle the press and its freedom of expression.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. Shri M.B. Zirali and Shri Ravi Katti, Advocates appeared for the complainant while Shri A.R. Rahul and Shri G.A. Kon, Advocates appeared for the respondents.

The Inquiry Committee heard the complainant as also the Counsel for the respondent. It carefully perused the complaint and connected papers. The Inquiry Committee is of the opinion that the headline of the news item is conclusive in nature and the same does not reflect the contents of the news. It is derogatory and damaging. The respondent newspapers, while doing so, have committed breach of journalistic ethics and deserve to be Censured.

It is also the allegation of the complainant that Mr. Raj Shekhar is publishing various editions without any RNI registration number. If that be so, the complainant is free to approach the competent authority for appropriate action in accordance with the law.

In view of the aforesaid, the Inquiry Committee recommended to the Council that both the respondent newspapers be Censured. It directed the respondent newspapers to publish the Order of the Council in their newspaper prominently and forward a copy of the publication to the Press Council thereafter.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **Censure** the respondent newspapers, 'Chikmagalur Suddigara', Chikmagalur and 'Gauri Lankesh', Kannada Weekly, Bangalore. A copy of the adjudication be sent to DAVP, RNI and Government of Karnataka for necessary action as they deem fit.

Press Council of India

Sl. No. 43

F.No.14/380/13-14-PCI

Shri Balachandra Rao Marpalli,
Sr. Inspector of Motor Vehicles,
Yelahanka R.T.O. Office,
Bangalore.

Editor,
Brahmasthan Weekly,
Bangalore.

ADJUDICATION
Dated 17.3.2016

This complaint dated 20.5.2013 was filed by Shri Balachandra Rao Marpalli, Sr. Inspector of Motor Vehicles, Regional Transport Office, Bangalore against the Editor, 'Brahmasthan' Weekly, Bangalore alleging publication of false, baseless and defamatory news items in the issues dated 7.4.2013 and 14.4.2013.

It was reported in the news that the properties purchased by Balachandra Rao is under investigation of Lokayukta and so far no enquiry has been done against this robber. He is misusing the name of Lokayukta. It was further reported that ever since he came to Yelahanka RTO office, he wants money and did not care even about the RTO. If anyone questions him about this, he relies on Lokayukta who he claims is his close confidant and there was no one to question him. It was also reported that after he came to this office he was demanding bribe and also wants ladies for his enjoyment and detailed report will be published in next issue. In another news item under the caption '*Senior Inspector Balachandra Rao's Corruption*' it was reported that ever since RTO Shri Aradhya came to this office, the complainant began torturing him. It was alleged in the news item that if ladies/girls come to Yelahanka Office, he takes them to his chamber and chit chat with them for hours.

The complainant alleged that the respondent approached him on 2.4.2013 in his chamber and demanded Rs.10,000/- and threatened if he refused his demand he would publish the news in his newspaper. When the complainant did not ~~sheens~~ succumb to the pressure, the respondent published false and defamatory news items and circulated his paper to the general public with sole intention to defame and degrade him in the eyes of general public and harm his unblemished service in the department. He alleged that the respondent has published the news items without verifying the true facts and tarnished his reputation. The complainant vide his Notice dated 3.5.2013 drew the attention of the respondent editor stating that he suffered disgraced and disparagement because of the publication of derogatory articles, and if he does not receive any reply, he would approach the Press Council of India but received no response.

A show cause notice dated 25.11.2013 was issued to the respondent Editor to file written statement.

Written Statement

In his written statement dated 12.12.2013 the respondent while denying the allegation stated that he had published impugned news items in good faith and in public interest about the facts and circumstances of the incidences about the complainant, who has amassed disproportionate wealth and assets to his real income from the department ever since he joined it. As a consequence of such articles, the house of the complainant was raided by the officers of Lokayukta and the matter had been reported in his newspapers on 11.11.2007. Further for last seven years, no action has been initiated against the complainant in spite of providing all the material, then again on 7.4.2013 and

14.04.2013 he published articles in the interest of public at large and no words can be construed as defamatory. As counter action, the complainant had filed private complaint before the Hon'ble Magistrate Court at Bangalore in PCR No.7360/2013 under section 384 and 504 of IPC and the case is pending before the Hon'ble court. He added that about women company and incident of Rs. 10,000/- he would provide documentary evidence to prove that the complainant's allegations are false and on the contrary he is dishonest person having more assets disproportion to his income, and calling those witnesses who are all his psychophant /agents. The respondent requested to dismiss the complaint as the same is not maintainable in the interest of justice.

Respondent's Further Reply

The respondent vide his further letter dated 15.2.2016 while reiterating his earlier reply has stated that he has published true facts about the complainant in his newspaper in the interest of the public. He further stated that the authorities of Karnataka Lokayukta initiated action against the complainant which is still pending disposal and the matter is before the Hon'ble Lokayukt Court. He alleged that the complainant with bad intention to curb the rights of Press Media filed the complaint before the Council only to avoid and not publish his misdeeds of corruptions in press in future. The respondent further alleged that the complainant with vendetta has troubled him a lot by filing PCR Case in Yelahanka Police Station u/s 304/504 IPC in which Hon'ble Court granted the interim bail, still the case pending disposable.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. There was no appearance on behalf of the complainant while Shri S. Muniraj appeared for the respondent and made his submissions.

The Inquiry Committee noted the assertion of the complainant that false allegations with regard to corruption on him was published. It is a common ground that after the publication of the news item, raid was conducted by the Lokayukta and ultimately the complainant was chargesheeted and is facing trial. In fact, the complainant has filed an application dated 2.2.2016 before us inter alia stating that after investigation chargesheet has been filed and has requested the Council to stop further proceeding in the matter.

The Inquiry Committee is not inclined to stop further proceeding in the matter. The Inquiry Committee on consideration of the record is of the opinion that no case is made out for any action against the newspaper. The Inquiry Committee recommended to the Council to dismiss the complaint accordingly.

Held

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

Press Council of India

Sl. No. 44

F.No.14/670/13-14-PCI

Shri A. Somashekaraiah,
Bangalore.

The Editor,
B.T.S.Voice,
Kannada Weekly,
Bangalore.

ADJUDICATION
Dated 17.3.2016

This complaint dated 5.10.2013 was filed by Shri A. Somashekaraiah, Bangalore through his advocate Sh. S.V. Srinivasan against the Editor, 'B.T.S. Voice', Bangalore alleging publication of false and defamatory articles under the caption "*Illegal gain of a permanent employee of Water Board*" and "*Dreadful stories of Soma's illegal gain*" (English version) along with his photograph in its issue dated August and September, 2013 respectively. It was alleged in the news items as per translation provided by the complainant that the complainant is a permanent employee working as Meter Reader in Water Board and instead of executing his own duty is behaving like a plumber contractor by paving for his own earning along with his hanger-on. He executes high amount projects like commercial and multi-storey buildings and is extending his scope day by day. He claims that he has support of AE/AEE officer. Another allegation is that for illegal gain, he was bribing Sri Venkateshwara Engineering works and utilizing them for his personal desires. He is cheating people saying that he has clout in workers union and this has made workers feel dissatisfied as he reflect himself to an influential person in workers union.

The complainant submitted that he is working as Meter-Reader/Water Inspector and a permanent employee of BWSSB. He already put in 20 years of service in B.W.S.S.B. without any adverse remarks, allegations and Departmental Enquiry. Moreover, no case is pending before any Court of law or before Lokayukt Court of Bangalore or elsewhere. As far as his assets and liabilities are concerned he always submits Return in prescribed form before 31st March every year and copy of the same was also given to the Management of the B.W.S.S.B. Board. He added that the respondent is a Registered Plumber. During 2012 the Plumber Association issued a Hand Bill, wherein it was found that the Respondent is running BTS Sarathya/BTS Voice, Srinivasa Electrical and Water Sanitary Works, Government approved Class-I Contractor for BESCOM/PWD/BWSSB/BBMP/BDA and Contractor before the B.W.S.S.B. Board, Bangalore, Karnataka. The contractor was also publishing a Newspaper. The complainant alleged that the respondent has published the news items without verifying the facts with a motive to diminish his character in the eye of public as well as among his relatives. The complainant vide Notice dated 27.8.2013 drew the attention of the respondent editor and requested to publish apology for the false publication, but received no response.

Written statement

In his written statement dated 11.12.2013, the respondent through his advocate denied the allegations levelled in the complaint and stated that in the Department there are many complaints against the complainant who was unlawfully gaining the contracts works, which is totally against the rules of the department. Some year ago when the complainant was working as Meter Reader in Ulsoor Service Station, he was questioned about his misdeeds by the Assistant Executive Engineer, the complainant tore off the Ledger Report in front of higher officer, consequently he was temporarily suspended. It

is totally false to say that there are no cases pending before the Court against the complainant. Huge wealth clearly shows how the petitioner has evaded the tax and has been misleading the Govt. authorities. The respondent cleaned ample evidence by way of complainant's C.D. Many contractors had personally complained against the petitioner for his unlawful activities in the Department. The reply to complainant legal notice got delayed due to medical reasons and on 9.12.2013 reply to the legal notice had been sent to the petitioner. Further there is no restriction that a contractor cannot run or publish a newspaper for public interest. The respondent is into social service and without any self-gain collects and publishes the grievances of the public for public awareness only. The respondent stated that the complainant illegally obtained license in the name of others and was doing works and gaining illegally.

Counter comments

The complainant in his counter comments dated 25.1.2014 submitted the respondent neither produced any documentary evidence to establish his stand. No departmental Enquiry, no charges or no complaint or any case is pending before any Court. The respondent stated that he was got admitted in the Hospital during 8-10-2013 to 15-10-2013, but the complainant got legal notice issued on 27.8.2013. The respondent gave a reply to the Notice issued by the Petitioner after a lapse of two months that too after the Notice was issued by this Hon'ble Council. This itself show that he is not having any documentary evidence to establish is stand. He submitted that the respondent engaged with contract work and on the other hand publishing news items against the competitors who were coming in his way and is taking shelter as Editor of the Newspaper.

Complainant's further letter

The complainant vide his further letter dated 10.2.2016 submitted that the alleged enquiry came to be initiated by the management and that enquiry ultimately resulted in favour of him by exonerating him of the various charges levelled against him in the enquiry.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. There was no appearance on behalf of the complainant while Shri B.T. Srinivasa appeared for the respondent

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. It is admitted by the respondent that before publishing the impugned news item, the complainant version was not taken. The respondent editor realizes his mistake and offers to publish the version of the complainant. The Inquiry Committee accordingly directs the complainant to furnish his version to the, respondent editor in brief within six weeks. The respondent editor within four weeks from its receipt shall publish the same and send a copy to Press Council. The Inquiry Committee would further like to caution the respondent editor that in future if any news is published against anybody, he would make efforts to take his version also. The Inquiry Committee recommended to the Council to dispose of the complaint with 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 decided to **dispose of** the complaint with the aforesaid terms.

Sl. No. 45

File No.14/844/13-14-PCI

Shri Abin J. John, McAfee Software India Pvt. Ltd.,
EGL Business Park,
Piney Valley 2nd Floor,
Bangalore -71,
Karnataka.

The Editor,
Rashtra Deepika,
Kozhikode-6.

ADJUDICATION
Dated 17.3.2016

This complaint dated 17.11.2013 was filed by Shri Abin J. John, McAfee Software India Pvt. Ltd., Bangalore against Rashtra Deepika, Kozhikode for publication of allegedly misleading news item in its issue dated 9.10.2013 based on Western Ghats Ecology Expert Panel (WGEEP) Aka Gadgil Committee Report but the respondent intentionally hid the facts and published wrong information to mislead people. The above named newspaper used it as an opportunity to write article with false claims that had the potential to agitate the farmer/planter communities in the areas.

The complainant substantiated his locus standi in this matter being a member of the public who is reader of the print media and in the instant case read the above captioned News. The complainant asserted that he, alongwith the public, who were exposed to such reports, were clearly misled. According to the complainant, the respondent paper twisted the recommendations given by Dr. Madav Gadgil in Western Ghats Ecology Expert Panel (WGEEP) Report, also published false news about WGEEP Report. The laymen or any ordinary person with education only in regional language cannot read and understand the WGEEP Report as it is English and they were forced to rely on media reports. The respondent newspaper used it as an opportunity and wrote articles with false claims that had the potential to agitate the farmer/planter communities in the areas which were the subject matter of the report. The complainant further asserted that the respondent's intention was to mislead people and bring them on road for strike and unfortunately, they had succeeded in it and violence was reported from Kottiyoor, Kannur District, Kerala and Adivaram, Calicut District, Kerala. The incident in Kannur resulted in setting multiple government vehicles to fire, kidnapping of central government employees etc. The complainant stated that many policemen including Kannur S.P was attacked in this incident. The complainant vide e-mail dated 10.10.2013 drew the attention of the respondent editor, Calicut edition followed by reminders dated 11.10.13 and 24.10.2013 but received no response. The complainant says that Rashtra Deepika has history of 125 years and should not have indulged into publication of inflammatory news item.

A Show Cause Notice was issued to the respondent newspaper on 7.5.2014.

Written Statement:

In his written statement dated 4.6.2014, the respondent editor stated that the complainant had made a very baseless, irresponsible and cruel allegation that the news item published about the Gadgil Committee report provoked the people's agitation and protest. The respondent stated that the agitation was against the recommendations in Kasthoorirangan report. All the newspapers in Kerala during that period reported about the adverse impact of Kasthoorirangan report and the agitation was against the same.

The respondent informed the Council that the news item is self explanatory. The same categorically enumerates the various facts leading to substantiating the conclusion

arrived at therein. In this context it is pertinent to note that the complainant has not controverted the various major facts detailed in the news item substantiating the views expressed objectively, in good faith, therein inviting the attention of the general public to the impact and consequences if Gadgil Committee report is implemented. The complainant on the other hand has only pointed out some minor mistakes in the news item which was prepared by a local news reporter. The respondent further submitted that the news item is published in good faith after making reasonable enquiry about the facts stated therein. The news item is an accurate, objective and impartial reporting about the issue. The publication of the said news item has never provoked the general public and was never a reason for agitation anywhere in the state.

Counter Comments:

The complainant in his counter comments denied all the allegations of the respondent and submitted that the respondent himself admitted that there are minor mistakes but they are not minor. The recommendations to minimize the use cannot be called as Ban. The complainant further submitted that according to the counsel of the respondent, this report was published only in Wayanad edition is also false as the same story was available on the respondent webpage.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. There was no appearance on behalf of the complainant while Shri Jomy George, Advocate appeared for the respondent.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear. The respondent is represented by his Counsel. The Inquiry Committee carefully perused the complaint and connected papers and is of the opinion that while covering the story, the respondent has not breached any journalistic ethics so as to call for any action by the Committee. The Inquiry Committee recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 46

File No.14/926/13-14-PCI

Shri C. Hanumantharayappa,
Bangalore, Karnataka

The Editor,
Naavu Bandeddavaru,
Bangalore, Karnataka.

ADJUDICATION
Dated 17.3.2016

This complaint dated 29.11.2013 was filed by Shri C. Hanumantharayappa, Bangalore against the Editor, Navu Bandeddavaru, Bangalore alleging publication of false and baseless news item with his photograph in its issue dated 10.11.2013. It was alleged in the news item that Shri C. Hanumantharayappa who is a primary school teacher had amassed wealth of crores of rupees. It was further been alleged in the news item that the complainant provided false record for seeking the National Award. It is million dollar question, as to how he got the National award for best teacher whom he does not even know how to teach the lessons and is "Nalayak", unfit for award. The complainant also did not provide the accounts regarding the centenary building programme to the concerned department of Government. It was also alleged that the complainant has shown his school and created colourful stories and misled those persons to construct the school building. He had also exploited parents to gave donations to purchase material for schools. It was further reported in the impugned news item that on promotion he got the designation of Head Master but he never respected SDMC and all the co-teachers are aggrieved by the behaviour of the said teacher except one or two of his followers. He always remains busy in his business and never thought of his duty as a teacher. teachings etc.

The complainant alleged that the respondent illegally demanded Rs. 50,000/- and when he declined, the respondent made several attempts to tarnish his image and all the allegations made by the respondent in his newspaper are baseless, frivolous and false. He alleged that the respondent is misusing the press for his wrongful gain and has no work except to extract the money. The complainant vide letter dated 28.11.2013 through his advocate drew the attention of the respondent editor to stop publishing derogatory and defamatory articles in his paper and asked for damages of Rs.2,00,000/- .

A Show Cause Notice dated 13.2.2014 was issued to the respondent newspaper.

Written Statement:

In response, the respondent editor, Shri Gangaraj Shiravara in his statement dated 5.3.2014 denied the allegations of demanding money and submitted that the complaint only aimed at curtailing the freedom of expression and creating a bias against this news magazine. He stated that the allegation of demand Rs.5,00,000 by him was highly motivated and fabricated. The respondent also added that no blasphemous or obscene coverage has been used in the article which offends any body's modesty. He further submitted that complainant had made a false statement that he had initiated proceedings against him as an editor this editor. Hence, all these allegations were denied as false and fabricated.

Counter Comments:

The complainant in his Counter Comments dated 29.3.2014 submitted that the respondent is habitual of blackmailing officials, teachers, industrialists etc. and writing defamatory and derogatory articles in his magazine to gain wrongfully at their cost. He

further stated that when he declined to heed his illegal demand, the latter started writing rubbish, defamatory articles against him tarnishing his reputation in the society. He further stated that the said editor does not publish his paper regularly.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. Shri C. Hanumantharayappa, the complainant appeared alongwith Shri Keshavamurthy. Shri Ganga Raj, Editor, Navu Bandeddavaru appeared for the respondent and made their submission.

The Inquiry Committee heard the complainant as also the respondent editor and perused the records. The Inquiry Committee is of the opinion that the respondent fortnightly has published the impugned story without any material even to prima facie substantiate the news item. The respondent has also not followed the well established practice of giving an opportunity to the complainant to give his version. The complainant is the winner of the prestigious Best Teacher Award given by the President of India. The respondent newspaper has also chosen to malign the image of a woman without any cogent reason. The humiliating effect of the acts of omission and commission of the respondent newspaper deserve to be dealt severely.

In view of the aforesaid, the Inquiry Committee held that the respondent deserves to be Censured for impugned publication. The Inquiry Committee recommended to the Council to Censure the fortnightly, "Navu Bandeddavaru", Bangalore, Karnataka. The Council directs the respondent newspaper to publish the decision of the Council in its next issue of his fortnightly and also to forward a copy of the same to the Secretariat of the Council for record.

Held

The Press Council on consideration of records of the case and report of the Inquiry Committee accepts reasons, findings and adopts the report of the Committee and decided to **Censure** the respondent newspaper, "Navu Bandeddavaru", Bangalore, Karnataka in the above terms. A copy of the adjudication be sent to DAVP, RNI and Government of Karnataka for necessary action as they deem fit.

PRESS COUNCIL OF INDIA

Sl. No. 47

File No. 14/939/13-14-PCI

Smt. G. Suvarnamma,
Tahsildar,
District Chittoor,
Andhra Pradesh

The Editor,
Sakshi, Telugu Daily,
Hyderabad

ADJUDICATION

Dated 17.3.2016

This complaint dated 10.12.2013 was filed by Smt. G. Suvarnamma, Tahsildar, Chittoor District (A.P.) against the Editor, 'Sakshi', Telugu Daily, Hyderabad alleging publication of baseless, misleading, manipulated and defamatory news items in its issue dated 10.12.2013. It was reported in the impugned report that "*The villagers of Thirumalakondaiahgaripalle village of Puthalapattu Mandal have complained to DRO that Tahsildar Suvarnamma is acting indifferently and supporting the illegal transporters of sand.*" In another news item published with a photograph of some persons holding petitions in their hands reporting that "*The acts of Suvarnamma, Tahsildar of Puthalapattu are creating troubles to us. She has tried to issue Pattas over the land in the road leading to our village. She ignored our request to issue pattas in some other place and she came to our village on Sunday, when we were not there and planned to issue pattas by surveying and measuring lands. Also, she is allowing illegal transportation of sand by taking money-Residents of Thirumalakondaiahgaripalle, Puthalapattu Mandal.*"

The complainant submitted that some of the residents of Thirumalakondaiahgaripalle and surrounding villages, in three petitions, had made representation to the District Administration requesting not to issue pattas (Assignment of Land) over the forest land which is being used for the grazing purpose of their livestock such as cows, sheeps and goats. All the three petitions were sent to her for necessary action. The complainant submitted that the contents of the impugned news were contrary to the contents of the petition. She alleged that the news was published with a motive to intentionally defame her. The complainant vide letter dated 10.12.2013 drew the attention of the respondent editor to take appropriate action against the concern for publishing the news but received no response.

Written Statement

The respondent vide undated letter received in the Sectt. on 17.4.2014 submitted that the complainant was neither a party to the said forum on the occasion of Grievance Day nor she has complete knowledge of various grievances that are placed/expressed by the general public, except those that are forwarded to her for necessary action. The complainant had hurriedly filed the complaint without ascertaining the facts or enquiring in to the veracity of the same. The news is carried in good faith without any malice or ill will. The publication is in regard to the grievances of general public in a public forum especially on Grievance Day with an intention to communicate the view and expressions of the general public for the information of the public in good faith.

Counter Comments

In response to the written statement, the complainant vide his letter dated 30.6.2014 submitted that the respondent had not given proof for the derogatory remarks published in two news items and that too with her name i.e. "*DRO that I am (Suvarnamma, Tehsildar)*

acting indifferently” and another “*My acts of (Suvarnamma, Tahsildar of Puthalapattu) are creating troubles to us*”. Thus it is proved beyond doubt that the news were baseless, misleading and manipulated to defame her. The respondent couldn’t substantiate for publishing such baseless and derogatory remarks against a Tahsildar/Executive Magistrate and that too a woman officer. She stated that he faced a lot of humiliation and mental torture due to the publication. She requested to take the action so serious that the paper should not publish such baseless news against any officer in future.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. There was no appearance on behalf of the complainant while Shri K. Muralidhn Reddy, Advocate appeared for the respondent.

The Inquiry Committee noted that despite service of notice, the complaint has not chosen to appear. It carefully perused the complaint and connected papers. The impugned news item suggests that he complainant is allowing pattas over the land going to the village and supporting illegal transport of sand. The news item was published on the basis of the statement given by the villagers on the grievance tday. The Inquiry Committee is of the opinion that the respondent newspaper had material to publish the news item and the same is in public interest. It recommended to the Council to dismiss the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 48

File No. 14/209/15-16-PCI

Ms. K. Daisy,
Ennore, Chennai

The Editor,
DhinaThanthi

ADJUDICATION

Dated 17.3.2016

This complaint dated 25.7.2015 was filed by Ms. K. Daisy, Chennai against the editor, DhinaThanthi for publication of false news item in its issue dated 11.6.2015 under the caption "**Restoration of Government Land worth Rs. 3 crores at Kondaikarai Village**". It was published in the news item that there is a land of WATER SHED at Kondaikarai village at Thiruvotriyur – Ponneri High Road as per the records of the Tribunal of Revenue Department. It is stated that some persons have effected transfer of patta by preparing fake documents relating to the Government land of water pandal of one acre and 16 cents at Kondaikarai village. Patta had been issued to this land in the name of Daisy and Pandurangan belonging to the Pallikarnai Area of Chennai. Pursuant to the death of Pandurangan, Daisy had applied for transfer of patta of the said land in her name. The High Court of Madras ordered to consider the same. After the complaints made by the villagers to the Government of Tamil Nadu and Revenue Department relating to the land of WATER SHED, the said land was protected, afterwards as per the Order of Land Survey Department of Tamil Nadu Government, Taxes Assessment Department, Commissioner of Land Administration and District Revenue Officer of Thiruvallur and on the inspection of the records of Revenue Department and village land account relating to this land, it was found out that patta was issued based on information given by some persons. Pursuant to this Narayanan, R.D.O. of Ponneri and Tamilselvi, Tahsildar of Ponneri cancelled the patta already issued and sent report to the district Revenue Officer. On the said basis, the D.R.O. Department cancelled the patta which was issued earlier and restored the land of WATER SHED which belongs to Government valued at rupees three crores.

The complainant submitted that the land belongs to her and she has all the proofs for the same. She applied for separate patta before the Survey and Settlement Commissioner and Assistant Settlement Officer, Chennai and got favourable orders. She then filed Petition before the Thasildar Ponneri along with the orders but he didn't consider the Petition. Due to delay she filed a petition before Hon'ble High Court of Chennai who directed the Tehsildar to implement the orders of the Survey and Settlement Commissioner and Assistant Settlement Officer, Chennai, if there is no legal impediment. Subsequently the Thasildar Ponneri in a very urgent manner simply passed an adverse Order, without any enquiry. After this she filed an Appeal before the (RDO) Revenue Divisional Officer, Ponneri but overlooking the Appeal, without conducting any enquiry and even disobeying the High Court Orders, the Ponneri RDO passed an adverse order in her case. After this she filed an appeal before the District Revenue Officer (DRO), Thiruvallur which is sub judge. The complainant stated that now the dispute is pending before the DRO, Chennai but the false news has put her to an irreparable loss, mental agony and decreased the property value. The complainant sent a legal notice to the editor, DhinaThanthi on 17.7.2015 for the impugned publication but received no reply so far. She requested the Council to take action against the respondent who as committed

unforgivable crime of tarnishing her image in the society by publishing a wrong news without verifying the facts and documents.

A Show Cause Notice dated 24.8.2015 issued to the respondent Editor, 'DhinaThanthi, Chennai.

Written Statement

The respondent editor in his written statement dated 11.9.2015 denied the allegations and averments contained in the complaint. He submitted that the news published was not false at all as the same was based on the information gathered from the offices of the Tahsildar and the concerned authorities. The respondent sent his reply dated 25.7.2015 through his Advocate and the same has been received by the Complainant's Advocate on 29.7.2015. In these circumstances, it was not correct to state that the respondent did not send reply to her. The complainant, without even waiting for a reasonable time, has rushed to the Press Council of India by sending the complaint dated 25.7.2015, alleging that the respondent did not send his reply to her lawyer's notice. As the dispute regarding the land in question, even according to the complainant is pending before the District Revenue Officer, Tiruvallur, the present complaint before the PCI does not merit any consideration further. Thus the newspaper had not offended against the standards of Journalistic ethics or public taste and the Editor or working journalist has not committed any professional misconduct.

Counter Comments

The complainant vide her letter dated 17.10.2014 submitted that the advocate of the respondent sent reply with false statements. The written statement of the respondent saying that the impugned news was based on the information gathered from the concerned authorities was false because mere reading and comparing of translated copy of alleged News and Order passed by the Revenue Divisional Officer, Ponneri would explain the ill intention of the respondent. The Order of Revenue Divisional Officer never mentioned the following words like i) "Restoration of Government Land Worth rupees three crores at Kondakarai Village. ii) Fake Documents, effected transfer of patta by preparing fake documents relating to the Government Land. ii) Restoration of Government Land. But news published by the respondent was printed with the above mentioned words with ill intention and which has damaged her good name and the property value has also decreased. She stated that here the dispute is regarding the false news published by the opposite party not for the dispute regarding the ownership of title. It is not necessary to file all the documents regarding ownership of title but if the Council pass an order to file the documents she is ready to file before it.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 15.2.2016 at Belgaum. Mrs. K. Daisy, the complainant appeared in person while there was no appearance on behalf of the respondent.

The Inquiry Committee noted that despite service of notice, the respondent has not chosen to appear before Inquiry Committee. In fact, the prayer for adjournment has been made on behalf of the respondent but the Inquiry committee is not inclined to adjourn the case. The Inquiry Committee perused the complaint and the connected papers and is of the opinion that the respondent newspaper while publishing the news has not violated any code of conduct so as to call for any action in the matter. The Inquiry Committee recommended to the Council to dismiss of the complaint accordingly.

Held

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

PRESS COUNCIL OF INDIA

Sl. No. 49-50

File No. 14/104-105/13-14-PCI

Shri Cyril P Jacob,
Kochi, Kerala

1. The Editor,
Janayugom,
Vazhuthacadu,
Trivandrum, Kerala
2. The Editor,
Mangalam Daily,
Kottayam, Kerala

ADJUDICATION
Dated 17.3.2016

This complaint dated 20.4.2013 was filed by Shri Cyril P Jacob, Kochi against the Editors, 1) Janayugom, Manglam Daily and 2) Manglam, Daily for publication of false, incorrect and defamatory news item under the caption “**37 acres of land encroached in Vagamon under the guise of Biennale (English Translation)**” & “**Government approval for encroached land (English Translation)**” in its issues dated 30.1.2013 and 28.1.2013 respectively. It was reported in the impugned news item in Janayugom dated 30.1.2013 that encroachers hoisted flag under the guise of Kochi Muziris Biennale in a hill slope land which was evicted by the government after erecting the govt sign board. This “Biennale encroachment” is done in 37 acres of land in Uluppunni, Vagamon where former revenue minister Thiruvanchoor Radhakrishnan erected the government board, but now the green signal given for this encroachment is by Idukki MP, P.T. Thomas. It was published in Mangalam dated 28.1.2013 that a land which was identified by Special Task Force as government property and government name board erected property, where an awareness programme on water shortage, was organised as part of Biennale. It was further stated that a native of Thodupuzha encroached this land in Vagamon Uluppunni by destroying the government erected name board.

The complainant while denying the allegations levelled in the impugned news item has stated that the land is purchased by him in 2002 where he started an artist’s residency in Vagamon. He further stated that a group of artist camped in their residency and did huge land art, the biggest in India converting 8 acres of hill slope. He also stated that a big function was organized to dedicate the art work and two days prior to this inauguration, they had organized a press conference at Thodupuzha. He has stated that the leading newspaper gave a very good coverage for the work and the inaugural function but vernacular newspapers, Janayugom and Mangalam published very damaging, false and incorrect report. The complainant vide letters dated 15.2.2013 and 12.2.2013 drew the attention of the respondents and requested them to withdraw the respective news items and tender public apology by publishing the same in their respective newspaper but no response was received by the complainant. Show Cause Notices were issued to the respondent editors on 2.1.013 for their written statements.

Written Statements:-

1. Respondent No. 1 (Janayugom)

The respondent editor in his written statement dated 26.9.2013 had submitted that the news item was based on valid evidence and true facts. He added that perusal of the

complaint revealed that the complainant was not sure about the survey numbers and titles of the property in question. He further stated that the complainant himself admitted in the letter dated 15.2.2013 that thousands of land owners do not have clear title over the property. According to the respondent, the complaint is totally frivolous and vexatious in nature. He submitted that they are sticking to the news item published on 30.1.2013 and requested the Council not to proceed further in the matter.

2. Respondent No. 2 (Mangalam)

The respondent Editor in his written statement dated 14.9.2013 submitted that the news item was not defamatory in nature which was published on the basis of the statement given by their reporter, Mr. M S Sandeep in public interest. He added that it did not aim at unethically defaming or tarnishing the reputation of the complainant. The news item was not frivolous or incorrect as alleged in the complaint.

Report of the Inquiry Committee

Following several adjournments, the matter came up for final hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from either side. The General Manager, Janayugam Publication Ltd. Vide his letter dated 9.2.2016 sought another opportunity, in response to the Summons to have sitting at Kochi, Bangalore or Chennai. Further as is collecting documents to justify his stand he sought postponement of the hearing.

The Inquiry Committee noted that despite service of notice, the complainant has not chosen to appear and therefore the Inquiry Committee is constrained to dismiss the complaint on the ground of non-prosecution. It recommended to the Council to dismiss the complaint accordingly. The General Manager, Janayugam Publication Ltd. vide his letter dated 9.2.2016 sought another opportunity, in response to the summons to have sitting at Kochi, Bangalore or Chennai. Further as his collecting documents to justify his stand he sought postponement of the hearing.,

Held

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

Press Council of India

Sl.No. 51

F.No.14/738/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Karnataka Zellapanchayathi for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Karnataka Zellapanchayathi', Bangalore in its various issues published news items/advertisement in favour of various Candidates of Karnataka Legislative Assembly which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Karnataka Zellapanchayathi on 4.4.2014.

Written statement

The respondent vide his written statement dt.11.3.2015 submitted that the allegations made against him were baseless, false and specifically denied. He submitted that the Bio Data was furnished to him by the candidates who requested him to publish the same in his paper. Accordingly he had printed the Bio Data information and not inserted anything in those article. He had not tilted towards any of the candidate but he had sincerely expressed his view which had collected from the general public. He had gone through the matter before printing the same and felt that the article and contents were trustworthy. The said articles and contents were furnished by the general public and their views were printed in his paper. He had maintained the standards of journalistic ethics in publishing the paper and never violated the norms of journalism.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri Ananda Reddy B., Editor appeared for the respondent:

“The Inquiry Committee had heard the representative of the ECI as well as the respondent. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who

participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

- (1) To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
- (2) Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No.52

F.No.14/739/13-14-

PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Mahila Shakthi' for publication of allegedly 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These report were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Mahila Shakathi' in its issue published news items/advertisement in favour of Shri B. Munegowda and Shri B.N. Bacchegowda candidate of Legislative Assembly under the caption "Fight between 4 candidates in Doddaballapur constituency" and "B.N. Bacchegowda is the man behind Hoskote taluk's Development" which was a clear case of paid news.

Show Cause Notice was issued to the respondent Editor, Mahila Shakathi on 9.4.2014. but no written statement was filed. However, a letter dated 10.3.2015 had received from the respondent which was in regional language.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent for its response alongwith reply.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the either side. The respondent editor 'Mahila Shathi, Doddaballapur vide his unsigned letter dt. 15.2.2016 received in the Secretariat on 18.2.2016 requested to adjourn the matter due to ill health.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No.53

F.No.14/740/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Hai GuduguSidiliu' for publication of allegedly 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It was stated that the newspaper 'Hai GuduguSidiliu' in its issue published news items/advertisement in favour of Shri J. Narasimhaswamy of Karnataka Legislative Assembly under the caption "Allegation free clean politician : Ex MLA J. Narasimhaswamy" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Hai Gudugu Sidiliu, Doddaballapur, Karnataka on 4.4.2014 through D.M. followed by a reminder dated 17.10.2014. A Time Bound Reminder was also sent to the respondent for written statement on 4.4.2015 but no written statement was received.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief

Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No. 54
PCI

F.No.14/741/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Hai Doddaballapur' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Hai Doddaballapur' Karnataka in its issue dated April 30, 2013 published news items/advertisement in favour of Shri J. Narasimhaswamy candidate of Karnataka Legislative Assembly Election which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Edda Dwani, Mysore, Karnataka on 9.4.2014.

Written Statement:

The respondent editor, Hai Doddaballapur in his written statement dated 20.12.2014 denied that the published article is paid news. He has stated that the complaint is false and baseless. The editor had not committed any error by publishing the articles in his weekly paper. The said article was sponsored by the candidate namely J. Narasimhaswamy and the editor was not responsible for the article or the contents in the said article. The respondent submitted that being the editor of Hai Doddaballapur he had not published any article which resulted in professional misconduct or offended against the standards of journalistic ethics or public taste. He also submitted that since 15 years the said paper was being published regularly and there was no complaint against the paper from any corner or angle. The respondent further submitted that the article published in page 2 of Hai Doddaballapur dated 13.4.14 nothing exaggerated was printed. The said MLA on his own will got printed his article which had prepared by his henchmen and handed over the same to the editor for printing. They published the said article as sponsored article in Kannada Prayojitha Puta.

The respondent vide his letter dt.11.3.2015 handed over through representative, Sri.B.Ananda Reddy, Doddaballapur submitted that allegations made against him were baseless, false and specifically denied. He submitted that the said article published was furnished by the Ex.MLA J.Narasimhaswamy requesting him to print the same in his paper. The respondent accordingly had printed the said article as a sponsored article. The Editor had printed the article under the note stating that it was sponsored page (prayojitha puta). The editor was not responsible for the article or the contents in the said article published and printed in his paper. He added that he had gone through the matter before printing the same in his paper and felt that the article and the contents were trustworthy. The Ex.MLA J.Narasimhaswamy was punctual, honest and was working for the Doddaballapur constituency. The said person attended functions well in time and had developed good relationship with the people.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri Rajendra Kumar and Shri B. Ananda Reddy appeared for the respondent.

“The Inquiry Committee had heard the representative of the ECI as well as the representative of the respondent. The respondent submitted that the article was sponsored by candidates. The proceeding was initiated on the basis of a letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl.No. 55
PCI

F.No.14/742/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Prajegale Prabhugalu' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Prajegalu Prabhugalu' in its issue published news items/advertisement in favour of Shri Bless B. Munne Gowda, candidate of Legislative Assembly under the caption "Bless B. Munne Gowda: who aims for Intelligent Politics" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Prajegale Prabhugalu on 11.4.2014.

Written Statement

In response to Council's show cause notice the respondent Editor, Shri D.C. Chowdaraju in his written statement dated 5.5.14 stated that the news item in question published by them was to report the social work done by the candidate and what is reported in the newspaper are the true facts reported on the basis of statement given by him (candidate). Even though the news item had been inadvertently worded in the manner making it appear that it was done with an intention to support the candidate. He denied the allegations levelled against his newspaper. The Respondent further stated that if in the opinion of Press Council of India it is found that there was a violation of the provision of Press Council Act, 1978 they would like to take the opportunity to state that the news item in question was carried without knowledge or the express to intention to violate the code of conduct or the statutes governing the same. The respondent had tendered his apology & assured that henceforth no such act will be done.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared from the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl.No. 56
PCI**

F.No.14/743/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Tarun Bharat' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper Tarun Bharat, Belgaum in its issue published a series of news items/advertisement in favour of Shri Arvinda Patil, Independent (MES) candidate of Khanpur Constituency, Shri Sambhaji Patil, Independent (MES) candidate, Belgaum, South Constituency, Shri Shivaji Suntakar, Independent (MES) candidate, Belgaum Rural Constituency and Smt. RenuKillekar, Independent (MES) candidate, Belgaum North Constituency which were an alleged cases of paid news.

Show Cause Notice was issued to the respondent Editor, Tarun Bharat, Belgaum, Karnataka on 9.4.2014.

Written Statement:

The respondent editor, Tarun Bharat, Belgaum in his written statement dated 7.5.2014 stated that there was no violation of Regulation 5(1) of The Press Council (PFI) Regulation 1979 Daily Tarun Bharat, Belgaum is a mouthpiece & Barometer of the public opinion. The respondent further stated that Daily Tarun Bhaat Belgaum had consistently fought against all forms of injustice & exploitation and the news item published are crystallised public opinion and therefore cannot be classified as Paid News Items. Therefore, there was no violation of regulation of the Press Council of India. The respondent respectfully prayed for withdrawal of the show cause notice.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared from the respondent side.

“The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee

was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The respondent vide his letter dated 9.3.2015 had requested to adjourned the matter.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side whereas Shri Shridhar S.Kulkarni, Advocate represented for the respondent 'Tarun Bharat'.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl.No. 57

F.No.14/744/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Samyukta Karnataka, Kannada Daily, Bangalore for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide his letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly -2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 4.05.2013 and 6.5.2013. It had stated that the newspaper 'Samyukta Karnataka' Kannada Daily, Bangalore in its issues dated 28.04.2013, 29.04.2013, 30.04.2013 and 3.05.2013 published news items/advertisements in favour of various candidates of Karnataka Legislative Assembly. The news item captioned 'Son in Law Actor : Father in Law – Director' published on 28.04.2013 is in favour of Shri Nagendra Mayavanshi, BJP Candidate from Nagathan Constituency. The news items published on 29.04.2013 & 30.04.2013 regarding Dr. (Smt.) Anjali Nimbalkar, Independent candidate contesting from Khanapur Constituency under the captions "Khanapurdalli Anjali birugali-Marathi pradeshdalli samiti out" & "Khanapur Abhivraddi Mareta Shashakaru: Pakshetar Abhyarshiyatta vaaluttiruva jana". Another news items/advertisements published on 3.05.2013 in favour of Shri Jagadish Metagud, BJP candidate, contesting from Bailhongal Constituency under the caption "Matadaarar Gaman Seleyuvatiruva Abhivruddi" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, 'Samyukta Karnataka' on 7.4.2014 followed by a Time Bound Reminder dated 16.10.2014 for filing his written statement in the matter but no response received.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared from the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who

participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side whereas Shri Vilas Joshi, Chief Reporter represented for 'Samayukta Karnataka'.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl. No. 58
PCI**

F.No.14/745/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Karunad Darshan, Belgaum for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide his letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. The report was based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 6.5.2013. It stated that the newspaper 'Karunad Darshan' in its issue dated 1.05.2013 published two news items/advertisements in favour of Dr. Vishwanath Patil, KJP candidate, Bailhongal constituency under the captioned "Dr. Vishwanath Patil aayake kenischita" & "Dr. Vishwanath Patil aayake nischita Bailhongaladalli bisuttiruva badlavane gaali" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, 'Karunad Darshan' on 28.03.2014 followed by a Time Bound Reminder dated 16.10.2014 for filing his written statement in the matter but no reply is received from him.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared from the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in

this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl.No.59
PCI**

F.No.14/746/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Karnataka Alalu', Belgaum (Karnataka) for publication of allegedly 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. It had stated that the newspaper 'Karnataka Alalu' in its issue dated 1.05.2013 published news items/advertisements in favour of two candidates namely Shri Satish Jaarkiholi, Congress and Dr.Vishwanath Patil, KJP candidate of Karnataka Legislative Assembly. The caption of the news were "Yamkanmardi Kshetra: Egaagalemmadiruva Abhivraddi Kaaryegale Satish Jarkiholiyavar geluvige bennelabu" and "Dr.Vishwanath Patil aayake nischita Bailhongaladalli bisuttiruva badlavanegaali" which were alleged cases paid news. No news clipping or English translation had been provided.

Show Cause Notice was issued to the respondent Editor, 'Karnataka Alalu', Belgaum (Karnataka) on 1.4.2014 through D.M. followed by a reminder dated 17.10.2014. Show Cause Notice was also sent to respondent Editor on 12.02.2013.

Written Statement

The respondent vide his letter dated 25.2.2015 tendered apology for the said publication and admitted that he published a news relating to the development carried out by Sri.Satish Jarakiholi and Sri. Vishwanath Patil at the time of election which he should not have published as it violated the code of conduct. In this behalf, the said persons had already paid cost to the concerned authorities. Being unaware of the matter, he had published the said news and gave assurance that he would adhere to code of conduct during election times.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared from the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC.

The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No. 60

F.No.14/748/13-14-PCI

Suo-motu action on reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Pudhari' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Pudhari' in its issue dated 3.5.2013 published news items/advertisement in favour of S/Shri Sanjay Patil and Rafiq Khnapuri, BJP and Congress candidates of Legislative Assembly and Shri Rafique AK. Khanapuri, Congress candidate under the caption given below which is an alleged case of paid news.

S.No.	News item	Dated
1	"Efforts to make for projects that give employment"	3.5.2013
2	"Linguistic problem Casteism behind Taluka Not Developing"	3.5.2013

Show Cause Notice was issued to the respondent Editor, Pudhari on 11.4.2014.

Written Statement:

In response to Council's show cause notice dated 11.4.2014 Shri Vasnat M. Sapre, Advocate & Management Advisor, Pudhari in his written statement dated 31.10.2014 stated that the reports /articles published by them were not at the instance of any candidates and they have not received any compensation for it neither from the candidates nor from any one else. He further stated that Daily Pudhari is one of the oldest newspaper having completed 75 years of its inception and known for its frank candid and unbiased publication. The news items in question were published in the normal course and it has been done purely as the duty of the newspaper to publish factual unbiased information.

First Hearing dated 11.3.2015

The matter was heard by the Inquiry Committee in its meeting held on 11.3.2015 at Tirupati. The decision in this case was reserved by the Hon'ble Chairman as the English version of the impugned news item was not available on record. A letter dated 30.3.2015 was sent to Shri Pankaj Pandey, OSD followed by a Reminder dated 18.5.2015 and Final reminder dated 24.6.2015 for obtaining the English version of the impugned news item but no response was filed till the time of hearing.

Further written statement

The respondent vide letter dt. 13.2.2016 submitted that the news published was purely a factual news not a paid news as alleged by the complainant.

Sh.V. Raghavendra, Deputy Chief Electoral Officer, Office of the Chief Electoral Officer, Karnataka vide letter dt. 23.12.2015 forwarded the details of paid news cases

reporting during General Election to Karnataka Legislative Assembly, 3, proceedings/order of the MCMC committee, reports received from 10 districts i.e. Bengaluru Rural, Kolar, Dakshina Kannada, Chikkamagalur, Belagavi, Chamarajanagar, Mandya, Kodagu, Tumakuru and Mysuru respectively for information and necessary action.

Report of the Inquiry Committee

The matter again came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. Sundar Suresh Latkan, Bureau Manager, Belgaun represented the respondent.

In the present case the reporter who had given the news had also received money for publication of advertisement. This creates suspicion. But only on that basis it is difficult for the Inquiry Committee to the conclusion that it is paid news. However, the Inquiry Committee would like to **caution** the respondent that in future reporters should desist from collecting money for advertisement. The Inquiry Committee recommends to PCI for **dismissal** of the complaint with 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 decided to **dismiss** the complaint.

Press Council of India

**Sl. No.61
PCI**

F.No.14/752/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Pruthvi, Kannada Fortnightly, Bijapur (Kar.) for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide his letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. Shri Pandey forwarded the translation of the impugned news items published in newspaper 'Pruthvi' in its issue dated 15.04.2013 in favour of Shri Vijay Kumar S. Patil, Janta Dal (S), Babaleshwar constituency under the captions "Vijugouda is preparing to burst the victory crackers in Babaleshwar" and "An interview with JD(S) candidate of Babaleshwar constituency, Vijaykumar S. Patil" which was an alleged case of paid news.

The newspaper failed to file any response to the notices of dated 9.4.2014 and 12.2.2015.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared from the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. Santosh Kumar, Editor represented for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was

passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. The Committee notes that while the impugned publication are all in praise of the candidate, similar publications carried for other candidates have been produced by the respondent who asserts that these were all reports based on interviews with the candidates and his claims. Though the Committee also noted the publication of the advertisement of the candidate in the same edition, the charge of paid news could not be established.

When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl.No. 62
PCI

F.No.14/754/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Rajamarg' Kannada daily, Bijapur for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper Rajamarg, Kannada Local daily, Bijapur in its issue dated 25.4.2013 published news items/advertisement in favour of Smt. Vasundhara Ainapur, Independent candidate of Karnataka Legislative Assembly under the caption "Wonderful welcome receiving by Independents" (English translation - clipping not provided) which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Rajamarg, Bijapur, Karnataka on 3.4.2014.

Written Statement:

The respondent editor, Rajamarg in his written statement dated 18.4.2014 stated that Smt. Vasundhara Ainapur had organized a press meet on 22.4.2013 at her house and at that time she did release her Election Agenda stated about herself receiving a heartily welcome from the out skirts and the city Lamban Tanda's by giving Kum-kum and Turmeric as per their custom of the community. They published the said release in their paper on 25.4.2013 hence the said publication was just an opinion expressed by her and therefore the said article published did not amounts to either boosting of her personality or canvassing about her election. The respondent further stated the perusal of the press statement given by Election Commissioner dated 1.2.12 and also the clarification given by the Election Commission dated 20.1.2013 affirms of said publication didn't amounting to any type of violations.

First Hearing dated 12.3.2015

The matter was placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent.

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee

was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side whereas Sh. P.V. Mamadapur, editor represented for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl.No. 63
PCI**

F.No.14/755/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Kannada Prabha' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Kannada Prabha' in its issue dated 20.4.2013 published news items/advertisement in favour of Shri Vatal Nagaraj candidate of Legislative Assembly under the caption "Various roles of un thirst agitator" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Kannada Prabha Karnataka on 09.4.2014 followed by a Time Bound Reminder dated 16.10.2014 but no written statement has so far been filed.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri K.B. Deuaraju, Reporter appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI as well as the representative of respondent. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Written Statement

The respondent editor vide letter dt. 16.2.2016 denied the allegations alleged by the complainant and submitted that the report as a case of paid news is totally baseless and false. He stated that the views expressed by all the candidates during their election campaign rallies across the state and constituencies have been reported as news in their daily, irrespective of political parties. In this way he objected the allegations that the news item carried in their daily as paid news. The respondent submitted that the complaint may kindly be rejected on threshold itself.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl.No. 65

F.No.14/757/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Suvarna Vani, Bangalore for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper Suvarna Vani, Bangalore published in its issue dated 24.4.2013 under the caption "No competitors for me : Vatal" news items/advertisement in favour of Shri Vatal Nagaraj, KCVP candidate of Karnataka Legislative Assembly which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Suvarna Vani, Bangalore on 25.3.2014 followed by a time bound reminder dated 16.10.2014 but no written statement has been filed by the respondent.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri Srinivas Babu M., Editor appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI as well as the respondent. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from either the complainant side or for the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names

and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl.No. 66
PCI

F.No.14/758/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Reshme Nadu' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Reshme Nadu' in its issue dated 23.4.2013 and 24.4.2013 published news items/advertisement in favour of Shri Vatal Nagaraj candidate of Chamaraanagar constituency of Karnataka Legislative Assembly under the caption "SDPI support; Elephant strength for Vatal" and "No competitors seen for me in the constituency: Vatal Nagaraj" (English translation) which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Reshme Nadu on 4.4.2014.

Written Statement:

In response to Council's Show Cause notice the respondent Editor, Shri Sadashiva Gattavadipura in his written statement dated 4.4.14 stated that the news items published in his newspaper under the caption "SDPI support: Elephant strength for Vatal" published in the newspaper was an analysis of the past history of the candidate Vatal Nagaraj and his chances after the support given by SDPI and "No competitors seen for me in the Constituency - Vatal Nagaraj" is a statement released by the candidate to all the newspapers which published by other newspaper also. He further submitted that they don't have any black dot in their track record. He further stated that they were not the sort of Paid News type and hence requested to drop all proceedings in the matter.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special

Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. Abrahamdi Silva, Chief Reporter, Chamarajanagar for the respondent and asserted that he and other journalist had been by the DC to see the working of the MCMC but there was no journalist on the Committee. He further asserted that publication about the District Administration could have been a cause of animus.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl. No.67
PCI**

F.No.14/759/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Deccan Herald' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Deccan Herald' in its issue dated 21.4.2013 published news items/advertisement in favour of Shri S. Gangadhar, Independent candidate of Karnataka Legislative Assembly under the caption "Ex Serviceman in Poll Fray" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Deccan Herald on 4.4.2014 .

Written Statement:

Shri K. Subramanya, Associate Editor, Deccan Herald vide his written statement dated 12.3.2015 stated that Deccan Herald have a reputation of accurate reporting and carries the confidence of general public as upholding the journalistic spirit through the decades. The allegations made in the complaint were highly defamatory in nature. The Officer had been completely misguided in filing the present complaint. The respondent further stated that the allegations that the article was a paid article were wholly untenable and baseless. The news daily reserves right to initiate independent action in this regard as against the complainant.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri K. Subrahmanya appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI as well as the representative of the respondent. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special

Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Further written statement

Sh. Sadashiva Gattavadi, Editor vide his written statement dt. 4.4.2014 submitted that the news item dt. 23.4.2013 was an analysis of the past history of the candidate Vatal Nagaraj and his chances after the support given by SDPI. The news dt. 24.4.2013 was a statement released by the candidate Vatal Nagaraj to all papers. It appeared on other dailies also so also other candidates statements also appeared on our daily. Sh. Abraham D'Silva, the Chief Reporter vide letter dt. 14.2.2016 submitted that the said news item were not within the purview of 'paid news'. The above said news were published on the interest of public and the statement given by the concerned candidate.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. Anand V. Yamnur, Deputy News Editor for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl.No. 68
PCI**

F.No.14/760/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Janamitra' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Janamitra' in its issue dated 18.4.2013 and 26.4.2013 published news items/advertisement in favour of Shri S.L. Dharmegowda and Shri C.T. Ravi candidate of Legislative Assembly under the caption "Irrigation & drinking water is priority – Dharmegowda" and "80% promises fulfilled: C.T. Ravi " which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Janamitra, Chikmagalur on 4.4.2014.

Written Statement:

The respondent Editor, Janamitra in his written statement dated 24.4.2014 stated that he was an unbiased journalist having unblemished record in his career of 39 years as journalist. He also stated that he did not want the nib of his pen to be blunted either by money or by accusation. The respondent further submitted that he had carried on his job with the utmost faith in the motto of journalism "facts are sacred and comments are free". He had always carried himself with equal distance with all the political parties, with the policy that "all are known but none too close". The respondent had submitted that the answers given by the candidates were only reproduced as their opinion and comments without any motive whatsoever. Neither there was any comments nor any opinion made by him.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC.

The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Further written statement

The respondent in his further written statement on 16.2.2016 submitted that Janmitra had completed 46 years of its publication and known for its integrity and credibility. He further submitted that they had not favored any political party in their interview. And they had not tried to elicit any answers which may help them to garner votes in their interview. On the other hand interviews of candidates and party leaders are common and necessary for journals to show the perspective of candidates in general elections. Interview is very important and inevitable for a journal to get the insight of the candidate and also to know the road map and to show his capacity, knowledge and thinking ability to the people and it is away of exposing him. He added that nothing can bend him, he was absolutely upright and honest to the core.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. S.Girijashankar, Editor for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly **recommends** to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl.No. 69
PCI

F.No.14/761/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Samyuktha Karnataka' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Samyuktha Karnataka' in its issue dated 23.4.2013 published news items/advertisement in favour of Shri K.B. Mallikarjuna, Congress candidate of Legislative Assembly under the caption "Candidate's Personality, More than cast or money, will be the voter's choice" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Samyuktha Karnataka on 11.4.2014 followed by a Time Bound Reminder on 16.10.2014 but no written statement was filed.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. Vilas.D.Joshi, Chief Reporter for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in

this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No. 70

F.No.14/762/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Prajavani' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Prajavani' in its issue dated 24.4.2013 published news items/advertisement in favour of Shri Saathi Sundresh, CPI candidate of Legislative Assembly under the caption "Vigorous campaign by Sathi Sundresh" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Prajavani, Mangalore on 4.4.2014.

Written Statement:

In response to Council's show cause notice dated 4.4.2014 Editor, Prajavani in his written statement dated 28.4.2014 stated that the allegations made in the complaint was highly defamatory in nature and the officer had completely misguided in filing the complaint. He further stated that the article infact even had published the statements which indicate that the candidate did not have chances of winning the elections. The allegations that the article was a paid -article was wholly untenable and baseless. They reserved right to initiate independent action in this regard against the complainant. The respondent further stated that they also published a statement in their newspaper issue dated 7.4.2013 clearly stating that the readers of Prajavani were intelligent lot and the newspaper did not publish any news for money. The respondent further submitted that as per Press Council (Procedure for Inquiry) Regulation 3(1)(c) & (f) the complainant was required to draw the attention of the newspaper towards the impugned publication which he/she considered offending/objectionable before filing the complaint with Press Council of India within the time limit. According to him, in this case the requirement of Inquiry Regulations had not been fulfilled so the complaint was not maintainable & liable to be rejected. He also stated that the complaint was entirely bold and benefit of any merits. He requested to drop the proceedings.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri PadmarajDandavati, Executive Editor appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI as well as the respondent's representative. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty

(Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. M. Nagaraja, News Editor for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No. 71

F.No.14/763/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Vijay Karnataka' for publication of allegedly 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Vijay Karnataka' in its issue dated 28.4.2013 published news items/advertisement in favour of Shri T.D.Rajegowda, Congress candidate from Shringeri of Legislative Assembly under the caption "T.D. Rajegowda, Congress candidate from Shringeri" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Vijay Karnataka on 9.4.2014.

Written Statement:

The respondent editor, Vijay Karnataka in his written statement dated 4.11.14 while denying the allegations levelled against his newspaper, stated that they had not published any paid news as alleged. The impugned publication was an advertisement and a promotional Feature published on behalf of the candidate, at his request and who had duly remitted requisite charges and to this effect. He forwarded a copy of the bill cum receipt dated 27.4.13. The respondent further submitted that they have an inherent right to publish advertisements at the instance of their customers and rely on the documents provided by them and the editor has no role whatsoever in publishing the Advertisements in the newspaper. He also submitted that there was no truth in the allegation that the said published item was a paid news and it was published in good faith only. The respondent also denied that they had offended or violated any norms prescribed by the Press Council of India. He had further denied that there was any cause of action and the show cause issued to them was uncalled for & unwarranted.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee

was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

In the case in hand, the respondent submits in the written statement that the impugned publication was advertisement and a promotional feature published on behalf of the candidate at his request and his having remitted the requisite charges. A copy of the receipt dated 27.4.2013 has also been attached in support thereto. The Inquiry Committee has perused the impugned publication and is of the opinion that the said report has all the appearances of an advertisement and if the candidate had not accounted for it in the expenditure statement, the election authorities may be right to include and account for its. However, from the perspective of the functioning of the press, the respondent newspaper avers that it was an advertisement and promotional feature duly paid for, for which they have also produced a receipt for Rs. 17, 217/-. In the facts and circumstances noted above, the Inquiry Committee is not satisfied that the case can be covered with the ambit of paid news. However, the Committee would like to caution the respondent that whenever any material is published as an advertisement or promotional feature, it should be clearly so identified for the benefit of the public at large. It recommends to the Council accordingly.

Held

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

Press Council of India

Sl. No. 72

F.No.14/764/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'MalenaduJyothi' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee(MCMC) dated 10.4.2013. It had stated that the newspaper 'MalenaduJyothi' Kannada Weekly in its issue dated 29.4.2013 published news items/advertisement in favour of Shri Gopikrishna , Independent Candidate of Karnataka Legislative Assembly under the caption " Gopalkrishna-independent candidate; champion of the poor" which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, MalenaduJyothi, Karnataka on 4.4.2014.

Written Statement:

The respondent editor, MalenaduJyothi in his written statement dated 24.4.2014 stated that he has not violated any press rules and acts and followed the direction/regulation of PCI. He further stated that news item in question was expressed by the local peoples, and they had not got any money in respect of the published news from any where. The respondent also stated that the complaint was false and baseless with misinterpretation of the reported matter. He requested to dismiss the complaint.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri Suresh Chandra S., Editor appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI as well as the representative of the respondent. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Further written Statement

The respondent vide letter dt. 16.2.2016 submitted that the complaint filed against him was false and baseless. The said report was expressed by the local peoples and it was an expression of people only. He had not get any remuneration/fee/honorary/money in respect of that news from anybody.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. Shivakumar, Advocate for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No.73

F.No.14/765/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Samyuktha Vijaya for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'SamyukthaVijaya', Bangalore in its various issues published news items/advertisement in favour of various Candidates of Karnataka Legislative Assembly which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Samyuktha Vijaya on 4.4.2014.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri V. Muniraju appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI as well as the representative of the respondent. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Written Statement

The respondent vide his written statement dt. 16.2.2016 submitted that he published the report without any malafide intention and without effecting to anybody's interest and without influencing the voters or publics, only the information/news from the public's is published in the daily news paper. The candidate K. Srinivasa Gowda, in the function what had stated was made as a news without any word of addition and deletion. No candidate was harmed, because of the news paper published in the paper.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. V.Muniraju, Editor for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No. 74

F.No.14/766/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Priya Patrike, Kolar for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Priya Patrike' Kolar published in its issues dated 21.4.2013 & 30.4.2013 news items/advertisement in favour of Shri R. Varthur Prakash, Independent candidate of Karnataka Legislative Assembly which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Priya Patrike, Kolar on 4.4.2014 followed by a time bound reminder dated 16.10.2014 but no written statement has been filed by the respondent.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri Shri Manjunatha N, Advocate, Shri K.N. Manjunath appeared for the respondent.

The Inquiry Committee had heard the representative of the ECI as well as the counsel of the respondent. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. K.N.Manjunath, Editor appeared for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names

and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No. 75

F.No.14/767/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Abhimanyu' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Abhimanyu' Kannada Fortnightly in its issue dated 16.5.2013 published news items/advertisement in favour of Shri K.R. Ramesh Kumar, INC candidate of Srinivaspur constituency of Karnataka Legislative Assembly under the caption "Tough fight in Srinivaspur" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Abhimanyu, Bangalore, Karnataka on 25.3.2014.

Written Statement

The respondent editor, Abhimanyu in his written statement dated 24.4.14 while denying the allegations levelled against him had stated that 'Abhimanyu' is a fortnightly paper known for its unbiased views and it always protects the ethics of journalism. According to him the news report published in his fortnightly was a story based on true facts and Mr. Ramesh Kumar is known for his political ethos and he was the MLA for four terms and was also Speaker of Karnataka Legislative Assembly. He was the great follower of former Chief Minister and social reformer Dr.DevarajUrs. He further stated that the complaint was baseless, fictitious and far from the truth. The respondent also stated that the complaint had no substance, hence it required no clarification, hence it may be rejected.

First Hearing dated 11.3.2015

The matter was placed before the Inquiry Committee for hearing on 11.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared for the respondent.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who

participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance from the complainant side whereas Sh. B.N. Ramesh, Editor appeared for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl.No. 76
PCI**

F.No.14/770/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Mandya Circle Weekly' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee(MCMC) dated 10.4.2013. It stated that the newspaper 'Mandya Circle Weekly' in its issue dated 27.4.2013 published news items/advertisement in favour of Shri Ashok Jayaram, Independent Candidate of Karnataka Legislative Assembly under the caption "A new light in Mandya politics Ashok Jayaram", which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Mandya Circle Weekly, Karnataka on 3.4.2014.

Written Statement:

The respondent editor, Mandya Circle Weekly, Shankarnagar, Mandya, (Karnataka) in his written statement dated 21.4.2014 stated that the complaint was baseless and frivolous one and he denied the contents of the complaint. He further stated that whatever published in this newspaper regarding Ashok Jayaram was not paid news publication as it was only a public opinion. The respondent concluded by saying that the complaint was far from truth which may be rejected.

First Hearing dated 12.3.2015

The matter was placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas none appeared from the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Respondent's further submission

The respondent vide his further letter dt. 10.2.2016 submitted that he had not committed any illegality in publishing the alleged news as it was not a paid news and the said publication was only an opinion of the public as such the said publication did not violate any rules and regulation of Press Council. Further the complainant filed the complaint with ulterior motive to harass him so that the said candidate would not actively contest in the said election and more over there was no complaint either from the contesting election candidate or from the public with respect to the alleged news.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

**Sl.No. 77
PCI**

F.No.14/771/13-14-

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Karavali Ale, Mangalore for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

ADJUDICATION

Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Karavali Ale', Mangalore published a series of news items/advertisement in favour of various candidates of Karnataka Legislative Assembly which was an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Karavali Ale on 11.4.2014.

Written Statement:

Shri Sathish N. Vaidya, Editor, Karavali Ale vide his written statement dated 10.3.2015 stated that the contents of the notice dated 20.9.2013 issued by Shri Pankaj Kumar Pandey, Officer on Special Duty of General Election, Legislative Assembly, Karnataka were totally false, illegal and far from reality. Some of the reports cited by Mr. Pandey were subject matter pending before the competent court with jurisdiction to try the dispute. As such any other authority holding an enquiry with reference to the publication was barred under the principle of sub-judice. He further stated that Mr. Krishna Palemar had filed a suit OS No.118/2011 against Kaavali Ale and the same was pending for trial before the IInd Additional Senior Civil Judge, Mangalore.

The respondent further stated that the Electoral Officer without any basis came to the wrong conclusion that news items referred to in the said complaint were cases of paid news. The respondent prayed the Council that proceedings may kindly be dropped in the interest of equity and justice.

First Hearing dated 12.3.2015

The matter was placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India whereas Shri B.V. Seetaram, Director, Karavali Ale, Mangalore appeared from the respondent side.

"The Inquiry Committee had heard the representative of the ECI. The respondent denied the allegation and contents that action was a retribution by the District Magistrate for the critical reports carried by the newspaper. The Committee directed the respondent to file written submissions in the matter for the District Magistrate to respond. It further notes that proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and

Monitoring). The Committee had been told that this had been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee had also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which had provided for constitution of MCMC at District and State Level. The Inquiry Committee was not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee was also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) was the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC was furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Further Written Statement

The respondent in his further written statement dt. 16.2.2016 submitted that the complainant while making out a case of paid news against Karavali Ale in respect of the news about Krishna Palemar, BJP candidate from the Surathkal constituency in Dakshina Kannada district in the 1st assembly elections, had failed to take into account the reports published in Karavali Ale about Palemar's main rival in the elections, namely, Moidin Bava of the Congress which were not at all favourable to him. It had proved beyond doubt that the Karavali Ale had treated both the BJP and Congress candidates alike, exposing them in their selfish designs. Both Palemar and Bava are businessmen first and politicians next. The first one is a builder and the second one is a timber trader and reportedly involved in several other business. If it was Karavali Ale's public campaign that the political parties should not field businessmen as their candidates because, their primary interest was to server themselves using the levers of power than serving public. Further, the respondent while submitting copies of its issues, projected Palemar's rival Moidin Bava of the Congress in similar light as that of the former. The view that had driven Karavali Ale to write against both BJP and Congress candidates was that the Surathkal constituency people who are highly educated and enterprising, deserved better but unfortunately, they had no choice. The newspaper had never written to favour any of the candidates in the Surathkal constituency where Krishna Palemar of BJP stood for elections.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 16.2.2016 at Belgaum. There was no appearance either from the complainant side whereas Sh. B.V. Seetaram, Chairman, Karavali Ale media group, Mangaluru represented for the respondent.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The

inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news

items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 78

F.No.14/772/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Udayavani' Manipal for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

Adjudication
Dated 17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee(MCMC) dated 10.4.2013. It stated that the newspaper 'Udayavani' Manipal in its issue dated 28.4.2013 published news items/advertisement in favour of Shri J.R. Lobo, Congress candidate of Karnataka Legislative Assembly election under the caption "Development of constituency and pro-people schemes are priority : J.R. Lobo" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Udayavani on 4.4.2014.

Written Statement:

The respondent editor, Udayavani, Manipal in his written statement dated 30.4.2014 stated that he has not violated any press rules and acts and the news item of dated 28.4.13 is expressed by the local people, it was an expression of people only and they have not got any money from anywhere.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

- (3) To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
- (4) Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

Sl. No. 79

F.No.14/773/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Varthabharathi for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Varthabharathi', Mangalore in its issues dated 24.4.2013, 26.4.2013, 27.4.2013 and 30.4.2013 published news items/advertisement in favour of various Candidates of Karnataka Legislative Assembly which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Varthabharathi on 3.4.2014.

Written Statement:

A written statement dated 15.2.2016 received in the Council on 22.2.2016 from respondent VarthaBharati after the hearing of the case at Belgaum on 17.2.2016. The respondent denied the allegations made against their newspaper in the above petition. He stated that the photo published on several occasions in VarthaBharati Kannada Daily were against any code of conduct, election rules and also deny that it caused damage to any body's reputation, goodwill and career of anybody. The respondent further submitted that news/articles item along with the photo published on several occasions in VarthaBharati Kannada Daily as stated by the petitioner does not affect communal harmony and it also does not affect rules of election code of conduct. All reports are written based on information collected by their reporters and feedback of general public at that time and these news items were published only with the intention of giving true information to public.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by ShriPankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure

and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 80

F.No.14/778/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Mysore Praje' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports were based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper Mysore Praje, Mysore in its issue published news items/advertisement in favour of Shri S.R. Mahesh, JDS and Shri Pradeep Kumar M-IND candidates of Karnataka Legislative Assembly under the caption "Popular JD(S) candidate from Krishnarajanagar constituency Sa Ra Mahesh is sure of victory, this time too" & "Forget the old; choose independent candidate Pradeep" which are an alleged cases of paid news.

Show Cause Notice was issued to the respondent Editor, Mysore Praje, Jayanagara, Mysore, Karnataka on 27.3.2014.

Written Statement:

The respondent editor, Mysore Praje, Mysore in his written statement dated 15.4.2014 stated that the complaint against the newspaper is false, baseless. The respondent further stated that the material considered cannot be treated as a paid news because it is neither an advertisement nor an article prepared at the dictation of the candidates.

The respondent editor in his written statement dt. 4.3.2015 submitted that the impugned article is the input of true events and facts for which he can substantiate with Government Documents connected to the facts mentioned in the said article about various developmental activities completed/taken up by Sa.Ra.Mahesh. He further stated that the Hon'ble Supreme Court of India has not put any kind of restrictions on political analysis favouring or disfavoring or even fairly analyzing for/against such political parties. The only restriction the Hon'ble Supreme Court has imposed is not to telecast/publish such news/articles during elections. He added that even the predictions he made in the report was after intensively gathering information through his intelligence source and Sa.Ra.Mahesh won the M.L.A.Elections as analyzed by him. He requested to reject/dismiss the complaint in the interest of justice and as per the Right conferred under the Fundamental right for speech and expression, under the Constitution of India.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar

Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 81

F.No.14/779/13-14-PCI

Suo-motu action on reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'ShabdhaVedhi' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

Adjudication

Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'ShabdhaVedhi' Kannada fortnightly, Mysore in its issue published news items/advertisement in favour of ShriSiddaraju, BJP candidate of Karnataka Legislative Assembly under the caption "Give me a chance; and I will take (HD) Kote district on the path to progress" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, ShabdhaVedhi, Mysore on 22.4.2014.

Written Statement:

In response to Council's show cause notice dated 22.4.2014 Shri H. N. Chandrashekar, Editor, ShabdhaVedhi, Kannada fortnightly, Mysore in his written statement dated 2.6.2014 denied that the news item in question was a paid news as he has not at all collected any amount or in kind from anybody. He stated that since from last 15 years he is serving to the public as an editor promptly and respectfully to the public.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by ShriPankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. Shri H.N. Chandrashekar, Editor, Shabdavedhi. There was no appearance from the complainant side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 82

F.No.14/780/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'NanjanagudMitra' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper NinjanagudMithra, Mysore in its issue published news items/advertisement in favour of Shri K. N. Keshwamaurthy and ShriChaluvaraju-JDS candidates of Karnataka Legislative Assembly election under the caption "This time around, a localite and a nice man - People inclined towards choosing KalaleKeshavamurthy" & " Wave in favour of JD(S) and Kumaranna across the state; Varuna to benefit from this" which are an alleged cases of paid news.

Show Cause Notice was issued to the respondent Editor, NanjanagudMitra, Kannada Fortnightly Mysore, Karnataka on 11.4.2014.

Written Statement:

The respondent editor, NanjanagudMitra, in his written statement dated 3.6.2014 stated that their paper is not in favour of the people who have monetary mussel power and also not favour any political parties and whatever published in their paper is entirely an opinion of the people He further stated that their paper only published impartial news. The respondent further stated that their paper had collected the opinion of public vis-à-vis trend of the Assembly election and published the same . He denied having received any amount or remuneration for publishing the news.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India.The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by ShriPankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the

Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

On the basis of the material on record, it is difficult for the Inquiry Committee to come to the conclusion that it is a paid news. However, the Inquiry Committee is certainly of the view that the impugned news item is a piece of bad journalism and, therefore, the newspaper has to be careful in future. The Inquiry Committee, therefore, recommends to the Press Council of India to dispose of the complaint with above 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 decided to **dispose of** the complaint.

Press Council of India

S.No.83

F.No.14/781/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against The Times of India for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'The Times of India, Mysore published in its issue dated 27.4.2013 news items/advertisement in favour of Shri G T Devegowda, JDS candidate of Karnataka Legislative Assembly which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, The Times of India on 27.3.2014 followed by a time bound reminder dated 16.10.2014 but no written statement was filed by the respondent.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 84

F.No.14/782/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'MysooruMitra', Mysore for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Mysooru Mitra', Mysore in its issue dated 16.4.2013 published news items/advertisement in favour of Shri S.A. Ramdas, BJP candidate of Legislative Assembly under the caption "*Conspiracy won't win when pitted against people's love says BJP candidate and Minister S.A. Ramdas- English Translation*", and in favour of Shri H.S. Shankarlinge Gowda, JDS candidate of Legislative Assembly under the caption "*I will be in JD(S) till my last breath says Chamaraja MLA Shankarlinge Gowda*" and in favour of Shri Vasu, INC candidate under the caption "*I don't know how to pretend (act) says former Mayor Vasu*" which are an alleged cases of paid news.

Show Cause Notice was issued to the respondent Editor, 'MysooruMitra' on 11.4.2014.

Written Statement:

The respondent editor, 'Mysooru Mitra' in his written statement dated 3.5.2014 stated that the entire article is the input of true events, facts and statements of the concerned person in the alleged article. He further stated that he has been constantly observing the Lok Sabha Elections 2014 in TV/News Paper etc. and all the major T.V. Channels and Newspapers predicted the number of seats the National Parties and the State Parties would win in the ongoing Lok Sabha Elections. He also stated that even the Hon'ble Supreme Court of India did not put any kind of restrictions on political analysis favouring or disfavouring or even fairly analyzing for/against such political parties. The only restriction the Hon'ble Supreme Court imposed was not to telecast/publish such new/articles of such nature during elections.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The

Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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 1 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the

order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S. No. 85

F.No.14/783/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Media Maahiti' Mysore for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication

Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper Media Maahiti, Mysore in its issue published news items/advertisement in favour of Shri Pradeep Kumar M -IND candidate of Karnataka Legislative Assembly election under the caption "The Young leader in fray as independent candidate at KR constituency" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Media Maahiti, Mysore, Karnataka on 11.4.2014.

Written Statement:

The respondent editor, Media Maahiti in his written statement dated 13.1.2015 submitted that they had started Media Maathi daily evening newspaper w.e.f. 17.1.2014 by seeking permission from the Deputy Commissioner with due intimation to RNI. The respondent further stated that as soon as they came to know that it is not right to publish newspaper without the permission of Press Council of India, he stopped publication of his newspaper. He has stated that now they are not publishing Media Maahiti Evening newspaper and planning to restart their Media Maahiti as weekly newspaper only. The respondent further stated that for the evening newspaper they have applied for a new Title by name Mysore Beats. The respondent also requested the Council to apologize him for the mistake happened from his side.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the

names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that merely because a particular news item appeared 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 candidates 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in

this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

The Committee on consideration of the records and from the written statement filed by the respondent, it is evident that the newspaper is not registered with the Registrar of Newspapers for India. The respondent has further stated that they are not publishing the Media Maahiti newspaper. The Inquiry Committee is of the opinion that the publication of a newspaper without registration is impracticable and the appropriate authority shall take action as admissible in law.

When Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and manner of presentation of impugned news items, it is not inclined to accept the conclusion that this is paid news. It accordingly recommends to the Council for dismissal of the complaint with the aforesaid observations.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters afresh as it will involve unnecessary harassment to a large number of respondent newspapers, many of whom come from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

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 aforesaid observations.

Press Council of India

S.No. 86

F.No.14/787/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against SrinathPatrike, Mysore (Karnataka) for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication

Dated:17.3.2017

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide his letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. It has stated that the newspaper 'SrinathPatrike', Weekly, Mysore (Karnataka) in its issue dated May 1-15, 2013 published news items/advertisements in favour of Shri H.V. Rajeev-KJP candidate of Legislative Assembly Election under the caption "K R Constituency: Ramdas to go to third place this time; Tug between Rajeev and Somashekhar" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, 'SrinathPatrike', Mysore (Karnataka) on 11.4.2014 followed by a Time Bound Reminder dated 16.10.2014 for filing his written statement in the matter but no reply is received from him.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the

order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No.87

F.No.14/788/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against Praja Prabhutva, Mysore (Karnataka) for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

Adjudication

Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide his letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. It has stated that the newspaper 'PrajaPrabhutva', Mysore (Karnataka) published news items/advertisements in favour of Shri A J Rajaneesh – IND independent candidate of Karnataka Legislative Assembly Election under the caption " 'Anna Bond' of KR constituency Rajneesh " which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, 'PrajaPrabhutva, Mysore (Karnataka) on 3.04.2014 through District Magistrate, Mysore (Karnataka) and Time Bound Reminder sent to the Respondent on 16.10.2014 for filing his written statement in the matter but no reply is received.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the

order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No.88

F.No.14/789/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'The Greater Mysore' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news.

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'The Greater Mysore' in its issue dated April 1-15, 2013 published news items/advertisement in favour of Shri Vasu-INC candidate of Karnataka Legislative Assembly under the caption "Vasu on path towards victory in Chamaraja constituency" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, The Greater Mysore on 22.4.2014 through D.M. Mysore. The DC&DM, Mysore vide his letter dated 8.7.2014 forwarded a copy of the written statement of the respondent.

Written Statement:

The respondent editor, The Greater Mysore, Kannada Fortnightly in his undated written statement stated that in the summary of the report, it was mentioned that the previous MLA of the Constituency Sri H.S. Shankarlingegowda was far away from the public and was winning only with the party waves from 20 years rather than he has not made any achievements, local people residing in some extension areas are still homeless and continued as the residents of penthouses without any land records & without fixation of the land revenues and are in trouble. The respondent further stated that Considering this facts, voters of the different races have stand up with the Congress Candidate Shri Vas. Hence this time Victory will be definite for Sri Vasu from the Chamaraja Constituency. With this intention that Vasu will do better for the people of the Constituency, the news was reported but this was not done for any payment. The respondent has concluding by saying that they have not published the paid news and whatever, published was impartially without any desire or lure. The respondent assured that in future he will be more careful and responsible while publishing the news.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the

meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th& 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 89

F.No.14/790/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Sidila Mari' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper Sidila Mari in its issue published news items/advertisement in favour of Shri C. Ramesh-BJP candidate of Karnataka Legislative Assembly under the caption "T. Narasipur Assembly constituency: BJP in triangle competition; Shunt out the old, bring in the new" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Sidila Mari, Mysore, Karnataka on 3.4.2014 followed by Time Bound Reminders dated 17.10.2014 and 5.2.2015 but no written statement was filed.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the

order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. However, the Inquiry Committee is certainly of the view that the impugned news item is a piece of bad journalism and, therefore, the newspaper has to be careful in future. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 90

F.No.14/792/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Prajayoga' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication
Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper Prajayoga, Tumkur, Karnataka in its issue dated 21.4.2013 published news items/advertisement in favour of Shri Gowrishankar – JDS candidate of Karnataka Legislative Assembly under the caption "This time Gowrishankar wins definitely" (clipping not received) which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Prajayoga, Tumkur, Karnataka on 3.4.2014 followed by Time Bound Reminders dated 16.10.2014 but no written statement was filed.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as

was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S.No. 91

F.No.14/793/13-14-PCI

Reference received from Shri Pankaj Kumar Pandey, O.S.D. (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka, Bangalore against 'Deccan Herald' for publication of alleged 'Paid News' during General Election of Karnataka Legislative Assembly -2013 in the garb of news

Adjudication

Dated:17.3.2016

Shri Pankaj Kumar Pandey, OSD (Exp. Monitoring) Office of the Chief Electoral Officer, Karnataka Bangalore vide letter dated 20.9.2013 had forwarded statement of paid news cases reported during General Election of Karnataka Legislative Assembly - 2013 in the garb of news. These reports are based on the proceedings of the meeting of Media Certification and Monitoring Committee (MCMC) dated 10.4.2013. It stated that the newspaper 'Deccan Herald' in its issue dated 29.4.2013 published news items/advertisement in favour of C.M. Manjula independent candidate of Karnataka Legislative Assembly under the caption "Woman candidate in CN Halli confident of victory" which is an alleged case of paid news.

Show Cause Notice was issued to the respondent Editor, Deccan Herald, Bangalore on 25.4.2014.

Written Statement:

Shri K. Subramanya, Associate Editor, Deccan Herald vide his written statement dated 11.3.2015 stated that Deccan Herald have a reputation of accurate reporting and the news dailies also carry the confidence of general public as upholding the journalistic spirit through the decades. The allegations made in the complaint are highly defamatory in nature. The Officer has been completely misguided in filing the present complaint. The respondent further stated that the allegations that the article is a paid article are wholly untenable and baseless. The news daily reserves right to initiate independent action in this regard as against the complainant.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri V. Raghavendra, KAS, Deputy Chief Electoral Officer, Office of Chief Electoral Officer, Karnataka, Bangalore appeared for the Election Commission of India. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI. The proceeding was initiated on the basis of the letter dated 20.9.2013 written by Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure and Monitoring). The Committee have been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of Officer on Special Duty (Expenditure and Monitoring) is the report of MCMC, the Committee deemed it fit that the Chief Electoral Officer, Karnataka furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the

Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the Chief Electoral Officer, Karnataka prayed for four weeks' time to furnish all the documents which was allowed but no response was filed till the time of hearing despite reminder to the Election Commission of India.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 20.9.2013 of Shri Pankaj Kumar Pandey, Officer on Special Duty (Expenditure & Monitoring) giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in

this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion. In this case, by its order dated 11.3.2015, the Inquiry Committee directed the Chief Electoral Officer, Karnataka to furnish to the Council reports of the MCMC as also names and designations of members of the District and State level MCMCs. This order was passed in the presence of the Deputy Chief Electoral Officer, Karnataka and copies of the order were also forwarded to the Election Commission of India and the Chief Electoral Officer, Karnataka.

The Inquiry Committee notes with regret that neither the Election Commission of India nor the Chief Electoral Officer, Karnataka have given due attention to the issue as was expected of them. It seems they are under a belief that their duty is over by giving information to the Council. The Inquiry Committee is left with no option but to evaluate the news item by itself.

From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council for **dismissal** of the complaint.

Decision of the Council

The Council noted that Karnataka State Election Authority have since filed reports/documents sought by the Inquiry Committee after the conclusion of the hearing on 16th & 17th February, 2016. The Council bestowed its consideration on the matter and is of the opinion that two course of actions are open before it:

1. To postpone the decision and direct for rehearing of the matter by the Inquiry Committee; or
2. Base its opinion on the material already on record.

The Council is not inclined to direct for rehearing of the matters as it involves unnecessary harassment to a large number of respondent newspapers, many of whom comes from the small and medium category of newspapers, as also for the reason that the matters are old and hanging fire since 2013.

Held

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

Press Council of India

S. No 92-95

F.No.14/178-181/14-15-PCI

Reference received from Shri Lokesh Kumar, D.S., I.A.S. District Collector & District Election Officer, Ananthapuram against 'Sakshi Jyoti', 'Sakshi', 'Andhra Jyoti' and 'Surya' newspapers for publication of alleged 'Paid News' during General Election of Lok Sabha, 2014 in the garb of news.

Adjudication

Dated:17.3.2016

Shri Lokesh Kumar, D.S., I.A.S. District Collector & District Election Officer, Ananthapuram vide his letter dated 8.5.2014 had forwarded the report purportedly of confirmed cases of paid news. These particular complaints had been filed against four newspapers for publication of alleged paid news by the above said newspapers. The name of the newspaper date of publication and caption are as follow:

S. No.	Name of Newspaper	Dated	Caption
1	Sakshi Jyothi	15.4.2014	YSRCP Abyrthiga Thopudurthi Prakash Reddy
2	Sakshi	15.4.2014	Prancharmlo Dusukupothuna YSRCP
3	Andhra Jyothi	15.4.2014	Purm Nundi Rajakeeya Arangetram Chesthunna Bajaiah
4	Surya	20.4.2014	Rajakeeyalu seva Karykramale kapu Gelupuku sopanalu-parthi nithayamu prajalatho mamekamu thanadaina saililo dusukupothuna Y. Ka Pa abayarthi Kapu
5	Andhra Jyothi	30.4.2014	Dharmavaram suri vijaya sopanam:- party caderlo patu..badugulatho balkopetham. Intinti paracharamto dhusukelthunna gonu guntla
6	Andhra Jyothi	30.4.2014	T.D.P. ki kanchukota durgam:-peddayanna unnamku aduadugunna adharna. Padellapatu jilla adhyakshudiga party abivrudhiki krushi. Puriti nopulatho Y.C.P...Kalisirni senior nayakulu.
7	Andhra Jyothi	30.4.2014	Kandi kunta ku kadiri anda:-jalapradhath janadharana - samistiga T.D.P. srenulu pracharam. Kandi kunta nayakathvam paina prajala mogu
8	Andhra Jyothi	2.5.2014	Kethi Reddy Joru
9	Andhra Jyothi	2.5.2014	B.C. abarthi kaluvaku boledu
10	Andhra Jyothi	2.5.2014	Kanchukotalo dusukelthunna yamini
11	Andhra Jyothi	5.5.2014	Dharmavaramlo Cycle Speed
12	Andhra Jyothi	5.5.2014	Abhivrudhiki manthrame kethireddy ayudham
13	Andhra Jyothi	5.5.2014	Janame Kandikuntaku Balam
14	Andhra Jyothi	5.5.2014	Gelupu Batalo chowdari parugulu
15	Andhra Jyothi	5.5.2014	J.C. Sodharula Venante minorities

The District Level MCMC, Ananthapuramu convened a meeting and taken up cases. It decided that the above said news item are Paid News as per the guidelines of Election Commission of India regarding Paid News.

A show cause notice was issued to all the respondent Editors, 'Sakshijyoti', 'Sakshi', 'Andhra Jyoti' and 'Surya' on 26.6.2014.

Written Statement of Andhra Jyothi

In response to Council's show cause notice Shri K. Srinivas, Editor, Andhra Jyothi in his written statement dated 7.11.2014 denied that the news-item in question was a paid news. He stated that the complainant in his complaint do not attract the provisions of paid news as alleged by him. The tenor of the above news items state with regard to the manner in which the campaign was undertaken by the respective leaders in order to project the enthusiasm among their cadre and the strength and weakness of themselves and their opponents. The respondent reiterated his stand that the articles published in his newspaper do not fall in the category of paid news. He prayed to the Council to dismiss the complaint with costs and pass such other order as deem fit in the circumstances of the case.

Written Statement of Sakshi

Sh.V. Murali, Editor, Sakshi in his written statement dt. 9.3.2015 denied all the allegations in relation to two news articles published in 'Sakshi' on 15.4.2014. The articles have been published in the ordinary course of its activity and in the public domain. He submitted that reporting of these articles have been carried out without any bias. The information has been collected after an enquiry conducted by the reporters of the respondent with the local people in whose areas the works were carried out by the candidates. Terming the said articles as paid news is untenable. The articles have been reported after carrying out field research and upon consideration of various aspects. None of ingredients of paid news are fulfilled in this case.

The second news item is nothing but a statement of facts gathered during the campaign process of the concerned candidate. The contents of the articles have only stated the facts and nothing else in the form of bio data of the candidate as a means of dissemination of news to the public. The information published is correct and in regular course of its activity and does not amount to paid news.

No Written Statement

The other three newspapers namely 'Sakshijyothi, Sakshi Telugu Daily & Surya have not filed their written statement in the matter despite a Time Bound Reminder dated 16.10.14.

The Council issued a letter to the respondents 'Sakshijyothi', Sakshi, Andhra Jyothi and Surya on 17.9.2015 forwarding therewith a copy of the letter dated 22.8.2015 received from the Collector, Ananthapuramu for information/comments, if any but received no response.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Nobody has been appeared from the ECI. Shri K. Muraidhar Reddy and Shri K. Channa Reddy, Advocates appeared for the Andhra Jyoti and Sakshi. The Inquiry Committee passed the following orders:

"The proceeding was initiated on the basis of the letter dated 5.5.2014 written by Shri Lokesh Kumar, D.S. District Collector & District Election Officer, Ananthapuramu. The attention of the Inquiry Committee has been drawn to letter No.491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State Level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the crux of the letter of District Collector and District Election Officer is the report of MCMC, the Committee deemed it fit that the District Collector and

District Election Officer, Ananthapuram (A.P.) furnish to the Council the report of the MCMC as also the names of Members of District & State Level MMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The Inquiry Committee granted four weeks' time to the District Collector and District Election Officer, Ananthapuram to furnish all the documents.

Response from District Collector and District Election Officer, Ananthapuram

In response to the Council's letter dated 23.6.2015, Shri P.H. Hemsagar, for Collector, Ananthapuramu vide his letter dated 22.8.2015 has furnished the requisite documents. He has furnished the following documents:

1. Record pertaining to the constitution of MCMC of the region
2. Names of the members who participated in MCMCs.
3. Proceedings/Minutes of the recording the reasons for holding them to be paid news.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. There was no appearance either from the complainant side or the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 8.5.2014 of Shri Lokesh Kumar, District Collector & District Election Officer, Ananthapuram giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The Inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion.

Despite directions to the Chief Electoral Officer, he has not furnished to the Inquiry Committee the translations of the news items which in their opinion are suspected to be paid news. There is none to assess.

When the Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and presentation of the news item,, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council 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 reasons findings and adopts the report of the Committee and decided to **dismiss** the complaint.

Press Council of India

S. No. 96

F.No.14/237/14-15-PCI

Reference received from Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level Media Certification and Monitoring Committee, O/o the Collector/Returning Officer, Puducherry against 'Pudhuvai Bhoomi' Tamil Fortnightly, Puducherry for publication of alleged 'Paid News' during General Election of Lok Sabha, 2014 in the garb of news.

Adjudication
Dated:17.3.2016

Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level MCMC vide letter dated 4.4.2014 had forwarded the report of confirmed case of paid news. *This* particular complaint has been filed against the newspaper, 'Pudhuvai Bhoomi' Tamil Fortnightly, Puducherry for publication of alleged paid news in its fortnightly issue dated March 4-20, 2014 in favour of Thiru. G.R. Raghu@Munusamy, Chairman, Marketing Committee, a member of All India NR Congress, Puducherry, regarding his birthday celebration and becoming a primary member of All India NR Congress, Puducherry, a function to display of a signboard and opening of a party office in the Villianur Constituency and the achievements as the Chairman of Marketing Committee in the Constituency. The District Level MCMC, Puducherry convened a meeting of its members on 21st March, 2014 and took up the case and declared the above said news item as a Paid News as per the guidelines of Election Commission of India regarding Paid News.

A Show Cause Notice was issued to the respondent Editor, 'Pudhuvai Bhoomi' Tamil Fortnightly, Puducherry on 26.6.2014.

Written Statement:

The respondent editor, 'Pudhuvai Bhoomi' in his written statement dated 6.8.2014 submitted that the said newspaper was issued before the date of declaration of the Elections and the said news was not paid news. He further submitted that the said advertisement was a paid one which was published before the date of declaration of election date and the bill was submitted on 4.3.2014. The respondent stated that the copy of the bill is attached for reference but was not found with this written statement. He further stated that they have not published any advertisement of any candidate contesting Lok Sabha Election 2014. The respondent also submitted that the complaint is totally baseless and without material evidence and it amounts to crushing the freedom of press.

The respondent vide his letter 10.3.2015 submitted that this newspaper is issued only on 4.3.2014 and not on subsequent days. The Election Commission of India declared the election date on 5th March 2014 at 11:00 am. The said newspaper is issued before the date of declaration of the Election. Meanwhile the said news is not a 'Paid News'. He denied the order issued by the Dr. S.B. Deepak Kumar IAS, District Election Officer-cum Chairperson of District Level MCMC.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri A. Sivasankaran, Tahsildar, Puducherry appeared from the complainant side and Shri B. Rajendra Kumar, Legal Advisor appeared for the respondent. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI as well as the representative of Respondent No. 4. The proceeding was initiated on the basis of the letter dated 4.4.2014 written by Shri S.B. Deepak Kumar, IAS, District Election Officer

cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry. The Committee has been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of District Election Officer cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry is the report of MCMC, the Committee deemed it fit that the District Election Officer cum Chairperson, District Level MCMC, Pudducherry furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The Inquiry Committee while granting four weeks' time to the representative of District Election Officer adjourns the matter."

Response from Shri S.Sandirakumaran, Revenue Officer, Office of the District Election Officer, Puducherry

In response to the Council's letter dated 23.4.2015, Shri S.Sandirakumaran, Revenue Officer, Office of the District Election Officer, Puducherry vide his letter dated 26.5.2015 has furnished particulars/documents called for by the Inquiry Committee has already been furnished vide their letter dated 21.4.2015 in another paid news case no. 14/239-242/14-15. He further furnished the details of the names of the members of the District Level/State Level-Media Certification and Media Monitoring Committee.

The particulars which are available in this case are as follows:

1. Record pertaining to the constitution of District Level-MCMC and State Level-MCMC which contains the details of the members, functions and powers of DL-MCMC & SL-MCMC and other details.
2. Copy of the order for appointment of Sub Collector (Revenue) and Assistant Professor, Community College as Member of DL-MCMC.
3. Details of the Members of the District Level/State Level – Media Certification and Media Monitoring Committee

The particulars which are not furnished by the DEO are as follows:

1. Proceedings/Minutes of the meetings recording the reasons for holding the news to be paid news,
2. News clipping as well as its English translation.

Response of the Respondent

In response to the Council's letter dated 22.6.2015 forwarding therewith a copy of the detailed MCMC report, the respondent editor, Pudhuvai Bhoomi vide his letter dated 6.7.2015 submitted his reply and stated that the news item was issued on 4.3.2014 while the ECI declared the election date on 5.3.2014 and thus it was not said to be paid news. He further submitted that since it is fortnightly newspaper, issued only on the date of publishing not subsequently, this news paper does not contain the news and advertisement belongs to candidate of the Lok Sabha Election, 2014. He also submitted

that the said advertisements and news belongs to Pudukkottai Marketing Committee Corporation's 1st year achievement and Chairman's birthday celebration, the news and advertisement never declare the name of the candidate of the Lok Sabha Election 2014 and it is not paid news. Moreover the candidate declared by the All India NR Congress was after 10 days from the date of declaration of election date, even though Ragu @ Munusami is not a candidate of Lok Sabha Election, 2014. He further stated that the declaration of proposal of issuing sarees, dhoties, lungis and food packets on the occasion of the Ragu @ Munusami birthday was cancelled by him after declaration of the date of Lok Sabha Election, 2014. He submitted that the newspaper has regularly following the ethics of Journalism and Model Code of Conduct without violation during the past. He further submitted that the instant complaint is baseless. This kind of activity without any basic evidence and material evidence amounts to crushing the Freedom of Press.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. Shri Sivasankaran, Tahsildar, Puducherry appeared before the Committee and there was no appearance from the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 4.4.2014 of Shri Deepak Kumar, District Election Officer-cum-Chairperson, District Level MCMC giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The Inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion.

When the Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and presentation of the news item, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council 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 reasons findings and adopts the report of the Committee and decided to **dismiss** the complaint.

Press Council of India

S. No. 97

F.No.14/238/14-15-PCI

Reference received from Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level Media Certification and Monitoring Committee, O/o the Collector/Returning Officer, Puducherry against 'NamadhuManasatchi', weekly, Puducherry for publication of alleged 'Paid News' during General Election of Lok Sabha, 2014 in the garb of news.

Adjudication
Dated:17.3.2016

Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level MCMC vide letter dated 4.4.2014 had forwarded the report of confirmed case of paid news. The particular complaint has been filed against the newspaper, 'Namadhu Manasatchi', weekly, Puducherry for publication of alleged paid news in its weekly issue dated from 12-18 March, 2014 at page 18 in favour of Thiru. A. John Kumar, Pradesh Congress Committee, Puducherry. The news item in question published was regarding the stoppage and the distribution of various articles and households utensils freely to the public in Nellithope Assembly Constituency, Puducherry is a form of bribing the voters after the Model Code of Conduct is revoked which indirectly inducing the public that they may get the freebies after the elections are over. The District Level MCMC, Puducherry convened a meeting of its members on 27th March, 2014 and took up the case and declared the above said news item as a Paid News as per the guidelines of Election Commission of India regarding Paid News.

A Show Cause Notice was issued to the respondent Editor, 'Namadhu Manasatchi' on 27.7.2014.

Written Statement:

The respondent editor, 'NamadhuManasatchi' in his written statement dated 31.7.2014 has denied allegations of paid news. The respondent submitted that there is no specific guideline for the paid news and public news and the said news is only public interest oriented news and not paid news. The respondent further submitted that the allegations mentioned in the alleged complaint are baseless' with ulterior motives and against the freedom of speech and expression. The respondent has requested the Council to dismiss the complaint with cost.

Further letter from Respondent:

The respondent in his letter dated 12.3.2015 submitted that in pursuance of notice dated 21.3.2014 and order dated 4.4.2014 of the Sub-Divisional Magistrate-cum-Member, District Level MC & MC Puducherry and DEO respectively he tendered his suitable reply and denial in the matter of alleged paid news. The respondent further stated that the news contained in the particular issue is not a paid news. There is no specific guideline for the paid news and public news and the alleged news is only a Public Interest Oriented news as not a paid news.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri A. Sivasankaran, Tahsildar, Puducherry appeared from the complainant side and Shri D. Anando Sam Sankar appeared for the respondent. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI as well as the representative of Respondent No. 4. The proceeding was initiated on the basis of the

letter dated 4.4.2014 written by Shri S.B. Deepak Kumar, IAS, District Election Officer cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry. The Committee has been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of District Election Officer cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry is the report of MCMC, the Committee deemed it fit that the District Election Officer cum Chairperson, District Level MCMC, Pudducherry furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The Inquiry Committee while granting four weeks' time to the representative of District Election Officer adjourns the matter."

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. Shri Sivasankaran, Tahsildar, Puducherry appeared before the Committee and there was no appearance from the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 4.4.2014 of Shri Deepak Kumar, District Election Officer-cum-Chairperson, District Level MCMC giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The Inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion.

When the Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and presentation of the news item, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council 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 reasons findings and adopts the report of the Committee and decided to **dismiss** the complaint.

Press Council of India

S.No 98-101

F.No.14/239-242/14-15-PCI

Reference received from Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level Media Certification and Monitoring Committee, O/o the Collector/Returning Officer, Puducherry against (1) 'Dinakaran' Daily, (2) 'Dinamani' Daily, (3) 'TamizhMurasu' Daily and (4) 'Namathu Murasu' Daily, Puducherry for publication of alleged 'Paid News' during General Election of Lok Sabha, 2014 in the garb of news

Adjudication
Dated:17.3.2016

Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level MCMC vide letter dated 4.4.2014 had forwarded the report of confirmed cases of paid news. These particular complaints have been filed against four newspapers namely (1) 'Dinakaran' Daily, (2) 'Dinamani' Daily, (3) 'TamizhMurasu' Daily and (4) 'NamathuMurasu' Daily, Puducherry for publication of alleged paid news in their issues dated 20.3.2014 regarding the working committee meeting of DravidaMunnetraKazhagam, Puducherry party carders. The District Level MCMC, Puducherry convened a meeting of its members on 27th March, 2014 and took up the case and declared the above said news item as a Paid News as per the guidelines of Election Commission of India regarding Paid News.

A Show Cause Notice was issued to the respondent Editors, (1) 'Dinakaran' Daily, (2) 'Dinamani' Daily, (3) 'TamizhMurasu' Daily and (4) 'NamathuMurasu' Daily, Puducherry on 26.6.2014.

Written Statement (NamathuMurasu):

The respondent editor, 'NamathuMurasu', Puducherry in his written statement dated 9.7.2014 denied all the allegations mentioned in the complaint. The respondent submitted that the news item published in their newspaper on 20.3.2014 was only routine press reporting and there is absolutely no room to suspect that it was a 'paid news' and in this connection an explanation had already been submitted to the Sub-Divisional Magistrate-cum-Members, District Level MCMC, Puducherry. The respondent further submitted that they follow the ethics of journalism and model code of conduct without any violation and the complaint is baseless. The respondent has requested the Council to withdraw the Show Cause Notice.

Written Statement (Dinakaran):

The respondent editor, 'Dinakaran' in his written statement dated 21.7.2014 also denied all the allegations levelled in the complaint. The respondent stated that the news coverage was a routine coverage of happenings in various political parties during election time. The respondent has alleged that if covering a news of happenings in a political party is termed as paid news then it is nothing but interfering with the freedom of press for which the Press Council Act, 1978 stands to protect it. Misusing the Act to curtail the freedom of fourth estate is very unbecoming in nature. He further submitted that not only his newspaper but also several other newspapers published such news item. The respondent also stated that it was not a paid news but purely news coverage. The respondent has requested the Council to drop further proceedings in the matter.

No Written Statement

The respondents, 'Dinamani' and 'TamizhMurasu' have not filed their written statement in response to the Show Cause Notice issued on 26.6.2014 so far. However, the

respondent 'TamizhMurasu' vide his letter dated 9.3.2015 has stated that they are in the process of collecting documents to substantiate their stand but till date no reply has been filed.

Further reply from NamathuMurasu

The respondent editor, NamathuMurasu vide his letter dated 12.3.2015 has stated that the complaint is totally untenable. He has further stated that the news item is not related to the Working Committee meeting of DMK as reported by the DEO. It was a meeting of Party Workers addressed by the Party leaders. A reading of the news item would clarify the position. He submitted that the meeting was an indoor meeting and no press people were allowed to go inside. The organisers told the press persons that a press note along with photograph will be distributed to the print media after the meeting. Accordingly their officer received a press note along with a photo through e-mail which was published as normal routine news. He further submitted that they did not know that other papers have also received the same news and photograph and published the same. He further submitted that if it is conceded as suspicion then mere suspicion does not establish a fact and any complaint without a fact is simply baseless and no complaint can be sustained on the basis of baseless suspicion. He also submitted that the news item has just informed the people of the conduct of a workers meeting on a particular day and the names of leaders who addressed the meeting. The news item was not for the purpose of promoting or prejudicing the election of the DMK or other candidates. He has stated that the news item published by their daily does not come under any definition of Paid News or any illustration of the Election Commission of India. It is neither an article nor favouring any candidate and no one has given any consideration in cash or kind to the newspaper. He has requested that the complaint of DEO may be summarily dismissed as baseless, ill-conceived and contrary to the definition of paid news. The respondent also wish to record that such immature decisions meddles with the freedom of press guaranteed to them and causes mental agony and fitters away their time and energy from their normal constructive work.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri A. Sivasankaran, Tahsildar, Pudukcherry appeared from the complainant and Shri T. UdayaNarayana, Journalist (The NamathuMurasu) appeared for the respondent. The Inquiry Committee passed the following orders:

"The Inquiry Committee has heard the representative of the ECI as well as the representative of Respondent No. 4. The proceeding was initiated on the basis of the letter dated 4.4.2014 written by Shri S.B. Deepak Kumar, IAS, District Election Officer cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry. The Committee has been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of District Election Officer cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry is the report of MCMC, the Committee deemed it fit that the District Election Officer cum Chairperson, District Level MCMC, Pudducherry furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the District Election Officer, Pudducherry prayed for four weeks' time to furnish all the documents.

The Inquiry Committee while granting four weeks' time to the representative of District Election Officer adjourns the matter."

Response from Shri M. Kandasamy, Special Officer, Office of the District Election Officer, Puducherry

In response to the Council's letter dated 29.4.2015, Shri M. Kandasamy, Special Officer, Office of the District Election Officer, Puducherry vide his letter dated 21.4.2015 has furnished the requisite documents. He has furnished the following documents:

1. Record pertaining to the constitution of District Level-MCMC and State Level-MCMC which contains the details of the members, functions and powers of DL-MCMC & SL-MCMC and other details.
2. Copy of the order for appointment of Sub Collector (Revenue) and Assistant Professor, Community College as Member of DL-MCMC.
3. Show Cause Notice issued to the editors of the newspapers by the Member of SL-MCMC
4. Minutes of the Meeting of the DL-MCMC.
5. Translated version of the news items appeared in the newspapers.

All the documents desired by the Inquiry Committee are on record.

A copy of the same was forwarded to the respondents on 22.6.2015 for their responses.

Response from Respondent No. 1 (Dinakaran)

In response to the Council's letter dated 22.6.2015 forwarding therewith a copy of the detailed MCMC report, the respondent Dinakaran vide its letter dated 29.6.2015 has submitted that the news item published in the newspaper is not a paid news as it is a routine coverage of happenings of various political parties during election time. He further stated that it is not campaigning or canvassing news of any particular political party. He also stated that covering the election process and keeping people aware of the ongoing in each and every political party is the duty of the press and publishing the same does not come under the purview of offending the standards of journalistic ethics or public taste or any professional misconduct. He alleged that if carrying news of happenings in a political party is termed as paid news then it is nothing but interfering with the freedom of press. He has prayed that the Council drop the proceeding and renders justice. In the event of otherwise, he has requested the Council to grant him the opportunity of personal hearing before passing any order.

Response from Respondent No. 3 (The TamizhMurasu)

In response to the Council's letter dated 22.6.2015 forwarding therewith a copy of the detailed MCMC report, the respondent, TamizhMurasu vide its letter dated 29.6.2015 has submitted his response and stated that the news item published in the newspaper is not a paid news as it is a routine coverage of happenings of various political parties during election time. He further stated that it is not campaigning or canvassing news of any particular political party. He also stated that covering the election process and keeping people aware of the ongoing in each and every political party is the duty of the press and publishing the same does not come under the purview of offending the standards of journalistic ethics or public taste or any professional misconduct. He alleged that if carrying news of happenings in a political party is termed as paid news then it is

nothing but interfering with the freedom of press. He has prayed that the Council drop the proceeding and renders justice. In the event of otherwise, he has requested the Council to grant him the opportunity of personal hearing before passing any order.

Response from Respondent No. 4 (NamathuMurasu)

In response to the Council's letter dated 22.6.2015 forwarding therewith a copy of the detailed MCMC report, the respondent, NamathuMurasu vide its letter dated 3.8.2015 while apologizing in delay in filing his reply, has submitted his response in which he totally deny the allegations levelled by the Election Department of Puducherry and stated that the news published by his newspaper is not a paid news. He further stated that he had already filed his detailed reply in this regard earlier.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. Shri Sivasankaran, Tahsildar, Puducherry appeared before the Committee and there was no appearance from the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 4.4.2014 of Shri Deepak Kumar, District Election Officer-cum-Chairperson, District Level MCMC giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The Inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion.

From the tenor and presentation of the news item and bearing in mind the principle aforesaid, when the Inquiry Committee examined the facts of the present case, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council 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 reasons findings and adopts the report of the Committee and decided to **dismiss** the complaint.

Press Council of India

S.No. 102-103

F.No.14/243 & 862/14-15-PCI

Reference received from Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level Media Certification and Monitoring Committee, O/o the Collector/Returning Officer, Puducherry against 1.) 'Dinamalar', Tamil Daily, Puducherry and 2) 'Dinathanthi', Tamil Daily, Puducherry for publication of alleged 'Paid News' during General Election of Lok Sabha, 2014 in the garb of news.

Adjudication

Dated:17.3.2016

Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level MCMC, Puducherry vide letter dated 16.4.2014 had referred to the Council the report of confirmed case of paid news. The two cases have that been represented against the newspaper, 1.) 'Dinamalar', Tamil Daily, Puducherry and 2) 'Dinathanthi', Tamil Daily, Puducherry for alleging publication of alleged paid news in their issue dated 24.3.2014 and 25.3.2014, respectively regarding the achievements and developments of Thiru. V. Narayanasamy, then Central Minister without the bye-line of the reports. The District Level MCMC, Puducherry convened a meeting of its members on 11th April, 2014 and took up the case and declared the above said news items as a Paid News as per the guidelines of Election Commission of India regarding Paid News which states that *in its illustration for Paid News, the publication of news item without by-line and much reporting with photograph showing huge followers extending their support marginalizing the other contestants may be considered and treated as a Paid News.*

A Show Cause Notice was issued to the respondent Editors, 'Dinamalar' and 'Dinathanthi' on 20.6.2014.

Written Statement (Dinamalar):

The respondent editor, 'Dinamalar' in his written statement dated 4.7.2014 denied the allegations levelled in the complaint. The respondent submitted that the news item published in their newspaper on 24.3.2014 was based on the statement made by the Congress Party and the same was published in good faith and in public interest. The respondent further submitted that they have not been in the practice of publishing the news item with by line and their newspaper is one of the reputed ones in Tamil Nadu. He further stated that they have not published any paid news and it is the duty of the newspaper to publish news items which touches upon the interest of public.

Written Statement(Dinathanthi):

The respondent editor, 'Dinathanthi' in his written statement dated 6.8.2014 denied the allegations levelled in the complaint. The respondent submitted that the news item published in their newspaper on 25.3.2014 was based on the statement made by the then Central Minister and the same was published in good faith and in public interest. The respondent further submitted that they have not been in the practice of publishing the news item with by line and their newspaper is one of the reputed ones in Tamil Nadu. He further stated that they have not published any paid news and it is the duty of the newspaper to publish news items which touches upon the interest of public.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri A. Sivasankaran, Tahsildar, Puducherry appeared from the complainant and Shri V. Sanjeevi, Shri K. Muthukumarasamy, Advocates and Smt. S. Deepika, Advocate appeared for the respondent respectively. The Inquiry Committee passed the following orders:

“The Inquiry Committee has heard the representative of the ECI as well as both the counsels of the respondents. The Inquiry Committee notes that it is a common ground that the instant reference of the Paid News has laid down by the District Election Officer-cum-Chairperson, District Level MCMC, Puducherry on the basis of the conclusion arrived at in the District Level MCMC. The Committee further notes that against the Order of District Level MCMC, an appeal has been preferred in the State Level MCMC and the judgment is awaited. The Inquiry Committee therefore decided to await for the decision of the State Level MCMC.

The matter stands adjourned.”

Response from ShriS.Sandirakumaran, Revenue Officer, Office of the District Election Officer, Puducherry

In response to the Council’s letter dated 23.4.2015, ShriS.Sandirkumaran, Revenue Officer, Office of the District Election Officer, Puducherry vide his letter dated 26.5.2015 has furnished particulars/documents called for by the Inquiry Committee has already been furnished vide their letter dated 21.4.2015 in another paid news case no. 14/239-242/14-15. He further furnished the details of the names of the members of the District Level/State Level- Media Certification and Media Monitoring Committee.

Hence, the particulars which are available in this case are as follows:

1. Record pertaining to the constitution of District Level-MCMC and State Level-MCMC which contains the details of the members, functions and powers of DL-MCMC & SL-MCMC and other details.
2. Copy of the order for appointment of Sub-Collector (Revenue) and Assistant Professor, Community College as Member of DL- MCMC.
3. Details of the members of the District Level-Media Certification and Media Monitoring Committee.

The following particulars were however not furnished:

1. Proceedings/Minutes of the meetings recording the reasons for holding the news to be paid news,
2. News clipping as well as its English translation.

The newspapers were provided these documents for their response but all respondent papers failed to file any rejoinder.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. Shri A Sivasankarn, Tahsildar, Puducherry appeared before the Committee along with relevant documents. There was no appearance from either side. However, an adjournment request of the Dinathanthi was declined by the Inquiry Committee.

The Inquiry Committee heard the representative of the Puducherry Election Authority and took note of the record of the MCMC proceedings observed that the assessment of the impugned articles being ‘paid news’ was based on the premise that “political news was published in competing newspapers viz. Dinamalar and Dinathanthi, Tamil Dailies of Puducherry edition with similar news contents was suspected to be of paid news item.” It is also to be noted that the candidate in question i.e. Shri V. Narayanasamy of the Congress Party had denied his averments before the MCMC asserting that the impugned reports were based on press conference, organized by the local unit Tamil Congress Party on 23.3.2014 and the pamphlets issued highlighting the achievements of the candidate.

On the basis of the material on record and on examination of the manner of presentation of the impugned reports as well as their contents in the respondent newspaper, the Committee is satisfied with the assessment of the Election Authority. The Inquiry Committee, therefore, recommends to the Council to uphold the charges of paid news against Dinamalar and Dinathanthi.

Held

The Press Council on consideration of the case and the report of the Inquiry Committee accepts the reasons and findings of the Inquiry Committee and decides to uphold Dinamalar and Dinathanthi, guilty of indulging in paid news during the General Election 2014 by way of articles covering the Congress candidate, Thiru V Narayanasamy.

Press Council of India

S. No. 104

F.No.14/250/14-15-PCI

Reference received from Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level Media Certification and Monitoring Committee, O/o the Collector/Returning Officer, Puducherry against 'Dinamalar', Tamil Daily, Chennai for publication of alleged 'Paid News' during General Election of Lok Sabha, 2014 in the garb of news.

Adjudication

Dated:17.3.2016

Shri Deepak Kumar, IAS, District Election Officer-cum-Chairperson, District Level MCMC vide letter dated 24.4.2014 had forwarded the report of confirmed case of paid news. This particular complaint has been filed against the newspaper, 'Dinamalar', Tamil Daily for publication of alleged paid news in its issue dated 17.4.2014 in favour of Thiru. M. V. Omalingam, candidate, All India Anna Deavida Munnetra Kazhagam, Puducherry published with photograph without any by-line. The District Level MCMC, Puducherry constituted pursuant to the guidelines of the ECI communicated through its letter dated 27.8.2012 convened a meeting on 21st April, 2014 and took up the case and declared the above said news item as a Paid News as per the guidelines of Election Commission of India regarding Paid News which states that *in its illustration for Paid News, the publication of news item without by-line and much reporting with photograph showing huge followers extending their support marginalizing the other contestants may be considered and treated as a Paid News.*

A Show Cause Notice was issued to the respondent Editor, 'Dinamalar' on 20.6.2014.

Written Statement:

The respondent editor, 'Dinamalar' in his written statement dated 4.7.2014 denied all the allegations contained in the complaint. The respondent submitted that the news item published in the newspaper on 14.4.2014 was based on the information collected by their reporter and the same was published in good faith for public good and without malice. The respondent further submitted that there is no practice of publishing the news item with by line and this newspaper is one of the reputed ones in Tamil Nadu. He further stated that he had not published any paid news and it is the general practice of their newspaper to publish photographs of any happenings, if the same is available. He also stated that the said news item was published for public good and it is the duty of the newspaper to publish news items which touches upon the interest of public.

First Hearing dated 12.3.2015

The matter is placed before the Inquiry Committee for hearing on 12.3.2015 at Tirupati. Shri A. Sivasankaran, Tahsildar, Puducherry appeared from the complainant and Smt. S. Deepika, Advocate for the respondent.

“The Inquiry Committee has heard the representative of the ECI as well as the advocate of the respondent. The proceeding was initiated on the basis of the letter dated 24.4.2014 written by Shri S.B. Deepak Kumar, IAS, District Election Officer cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry. The Committee has been told that this has been sent on the basis of the report of Media Certification and Monitoring Committee (MCMC).

The attention of the Inquiry Committee has also been drawn to letter No. 491/Paid News/2012/Media dated 27.8.2012 of the Election Commission of India which has provided for constitution of MCMC at District and State Level. The Inquiry Committee is not aware as to who were the members of District level and the State level MCMC. The

Inquiry Committee is also not aware as to who were the members who participated in the meeting of MCMC. As the foundation of the letter of District Election Officer cum Chairperson, District Level Media Certification and Monitoring Committee, Pudducherry is the report of MCMC, the Committee deemed it fit that the District Election Officer cum Chairperson, District Level, MCMC furnish to the Council the report of the MCMC as also the names of members of District & State Level MCMC and the instruction issued by the Election Commission of India with regard to Paid News. After the report of the MCMC is furnished, that may also be made available to the respondent.

The representative of the District Election Officer, Pudducherry prayed for four weeks' time to furnish all the documents.

The Inquiry Committee while granting four weeks' time to the representative of District Election Officer adjourns the matter.

Response from ShriS.Sandirakumaran, Revenue Officer, Office of the District Election Officer, Puducherry

In response to the Council's letter dated 28.4.2015, ShriS.Sandirkumaran, Revenue Officer, Office of the District Election Officer, Puducherry vide his letter dated 26.5.2015 furnished the following requisite details :

1. Record pertaining to the constitution of District Level-MCMC and State Level-MCMC which contains the details of the members, functions and powers of DL-MCMC & SL-MCMC and other details.
2. Copy of the order for appointment of Sub Collector (Revenue) and Assistant Professor, Community College as Member of DL-MCMC.
3. Details of the Members of the District Level/State Level – Media Certification and Media Monitoring Committee

The particulars which are not furnished by the DEO are as follows:

1. Proceedings/Minutes of the meetings recording the reasons for holding the news to be paid news,
2. News clipping as well as its English translation.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. Shri Sivasankaran, Tahsildar, Puducherry appeared before the Committee and there was no appearance from the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 4.4.2014 of Shri Deepak Kumar, District Election Officer-cum-Chairperson, District Level MCMC giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The Inquiry Committee is of the opinion that the Election Commission of India and its authorities deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion.

When the Inquiry Committee examines the facts of the present case bearing in mind the principles aforesaid as also the tenor and presentation of the news item, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council 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 reasons findings and adopts the report of the Committee and decided to **dismiss** the complaint.

PRESS COUNCIL OF INDIA

S. No.105

F.No.14/235/14-15-PCI

Reference received from ShriDr. S.B. Deepak Kumar, IAS District Election Officer cum Chairperson District Level Media Certification and Monitoring Committee, Puducherry Pandey, against 'Malar Weekly' Puducherry publication of alleged 'Paid News' during General Election of Lok Sabha 2014 in Puducherry

Adjudication
Dated:17.3.2016

Dr. S.B. Deepak Kumar, IAS District Election Officer cum Chairperson District Level Media Certification and Monitoring Committee, Puducherry vide letter dated 4.4.2014 had forwarded report reference against 'Malar Weekly' Puducherry publication of alleged 'Paid News' during General Election of Lok Sabha 2014 in Puducherry. **While no detail of impugned news item has been sent by the District Election Officer cum Chairperson, a copy of order dated 4.4.2014 of MCMC stated that a Political News item with photographs in the name of Thiru. N.G. Panneerselvam, in the capacity Minister, a member of All India NR Congress, Puducherry published in page no.2 of NR Malar Weekly from 7th March to 13th March 2014 after announcement of General Election to Lok Sabha 2014 is suspected as a Paid news. The newspaper published a news item with photographs of Thiru N.G. Panneerselvam.**

A Show Cause Notice was issued to the respondent Editor, Udayavani on 4.4.2014.

Written Statement:

The respondent editor, Malar Weekly in his written statement dated 4.8.2014 stated that the publication of photographs were taken prior to the announced of General Election and the news item has published as a routine manner along with other events. The respondent further submitted that the published news item was not a paid news and he or the reporter of the news item was not influenced by any means to publish the news item. He also stated that the editor was not provided any opportunity by the District Level Media Certification and Monitoring Committee, Puducherry to register his views.

It is pertinent to mention here that the Inquiry Committee of Council while hearing the paid news cases references by the ECI at Tirupati on March 11-12, 2015 observed that to ascertain the paid news cases under themandat of the PCI. The ECI needs to provide complete details of (i) Constitution of MCMC's of the region (ii) Names of Members who participated in MCMCs and (iii) Proceedings/Minutes of Meeting recording the reasons for holding them to be aid news and (iv) English translation of the publications, if any. Accordingly, Secretariat of the Council wrote to the ECI on 28.4.2015 for providing the aforesaid requisite details to consider paid news reference. No response was received.

Report of the Inquiry Committee:

The matter came up for hearing before the Inquiry Committee on 17.2.2016 at Belgaum. Shri Sivasankaran, Tahsildar, Puducherry appeared before the Committee and there was no appearance from the respondent side.

The Inquiry Committee notes that this proceeding was initiated on the basis of a letter dated 4.4.2014 of Shri Deepak Kumar, District Election Officer-cum-Chairperson, District Level MCMC giving a list of newspapers which were alleged to have published paid news. This communication appears to have been based on the report of the Media Certification & Monitoring Committee (MCMC). It seems that the MCMC had assessed the value of these news items as if they were paid news, calculated an amount likely to be paid for this space and added it to the expenditure incurred by a candidate. The Inquiry Committee is of the opinion that the Election Commission of India and its authorities

deserved to be given great respect and has examined the facts of the case bearing this in mind.

The Inquiry Committee is of the view that 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, The Inquiry Committee is conscious of the fact that paid news 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 is placed on MCMCs and election authorities 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. However, the Inquiry Committee is generally of the view that 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.

The Inquiry Committee is of the view that the 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. From the material placed before us in this case, it is clear that the state electoral authorities have failed and damaged the credibility of the newspaper without proper justification.

In the opinion of the Inquiry Committee the MCMC before holding any article/news as paid news would be well advised to assign brief reason for its conclusion.

*From the tenor and presentation of the news item, the Inquiry Committee is unable to conclude that it is paid news. When examines the facts of the present case having in mind the principles aforesaid, it is not inclined to accept the conclusion that this is paid news. It accordingly *recommends* to the Council 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 reasons findings and adopts the report of the Committee and decided to **dismiss** the complaint.*