

SHAHJAHANPUR: FACT FINDING COMMITTEE REPORT

Chain of incidents and constitution of the Committee:

Press Council of India constituted a three-member committee to probe into the facts relating to death of journalist Jagendra Singh of Shahjahanpur district of Uttar Pradesh due to burning under mysterious circumstances. After burn injury, journalist Jagendra Singh alleged in his statement to media that he wrote against the minister and exposed him (Shahjahanpur Samachar). Therefore, Police and supporters of the minister as a reprisal measure poured Petrol on him and set him on fire.

After his death, this statement can be seen in video in which Jagendra Singh, admitted in the hospital said, "At the instance of the minister, Police and supporters of the minister poured Petrol on me and set me on fire." After eight days of allegations (June 8, 2015), the Hon'ble Chairman, Press Council of India Mr. Justice Chandramauli Kr. Prasad (Retired Judge of Supreme Court), taking suo motu action declared constituting a Fact Finding Team in Dehradun to probe into the facts of the matter after the death of Jagendra Singh. A three-member Fact Finding Team was constituted on 10.6.2015 vide PCI order regarding case no 13/52/2015-16. Team consisting of Shri Prakash Dubey, S. N. Sinha and Dr. Suman Gupta was assigned the responsibility to collect information from State Government as well as all the parties including Govt. after conducting on the spot inquiry. (Copy of Order enclosed)

Inquiry Procedure:

1. First of all, meeting with the family members of the journalist in paternal town Khutar. Listening to the views of local people.
2. Meeting with the residents after going to district headquarter Shahjahanpur. Listening to their views. Before that, collecting information from journalists regarding the whole incident and discussions held regarding their arguments, facts & evidences. Opinion and allegations of representatives of trade union of Shahjahanpur about the incident. Knowing facts about the incident from Shahjahanpur district administration and obtaining official intimation regarding action taken till the evening of that day i.e. June 16.
3. How seriously State Administration took this incident and which actions were taken? Inquiry from Chief Secretary and other officers to know the facts.
4. Discussion, if possible, with CM regarding steps being taken by administration, so as to understand that to what extent administration, especially Police, performed its responsibilities.
5. Was there any obstacle or hindrance created while conducting investigation of the deceased?

Fact Finding Team investigated in Shahjahanpur and Lucknow on 16.6.2015 and 17.6.2015 by meeting concerned people. On 16.6.2015, members of the team went to the paternal house of Jagendra Singh in Mohalla Kot of town Khutar in Shahjahanpur which is almost 200 kilometers away from Lucknow and met father Sumer Singh, wife Suman Singh, sons Rajendra Singh, Rahul Singh, daughter Deeksha Singh and his sister Lovely. Turn-by-turn obtained separate information from everyone regarding the incident.

All the three members of Fact Finding Committee started their journey from Lucknow to Khutar of Shahjahanpur district on June 16 2015 at 10:00 a.m. Few people including father Sumer Singh, wife Suman, two sons and a daughter of deceased Jagendra Singh were sitting on Dharna outside the house. Khutar is more than 200 Kilometers away from Lucknow. Our prime object was to listen to the family of deceased first. The team reached the paternal house of Jagendra. The family members sitting on Dharna were surrounded by media persons of Print and Electronic Media. Therefore, the team took the family members inside their house and shared information. Meanwhile, Media persons were not allowed to interfere. The family members apprised them that Jagendra was threatened many a times before this incident. Once he had to face scuffle also. Jagendra's son Raghavendra filed FIR on his behalf. Father and sons of the deceased intimated that Jagendra received phone calls on May 31st night. He was called at Shahjahanpur. So he left for Shahjahanpur. On 1st June, Police reached at Jagendra's house in Shahjahanpur on the pretext of conducting inquiry. According to his son, Police tried to burn his body after pouring some inflammable element on him. His neighbours reached there when he blowed the guns. His neighbours and Police took him to the hospital. Father of Jagendra talked to Media including Electronic Media and pointed out Minister of State. Due to critical condition of Jagendra, he was sent to Lucknow. Family members could not tell the name of the person, who called him a night before this incident. Even the Police did not pay heed to it.

His father Sumer Singh primarily placed four demands- 1. Minister of State (U.P), Rammurty Verma was behind this deadly attack. Hence, he should be removed from the cabinet. 2. Seeking CBI inquiry of the whole case but before that, Shri Verma has to be arrested. 3. Our financial condition is not good. Our family was dependant on Jagendra's earnings. Government may provide monetary help. 4. At least one son of Jagendra should be offered govt job for survival of his family.

Members of fact finding committee talked to local residents and knew their views. Members, in a humble manner, told representatives of Print and Electronic Media, who were eagerly waiting to know the reaction of PCI, that 'we are not here to give bites or to make observations. Report of PCI will be issued after completion of inquiry.'

Suman Singh Wife, of the deceased Jagendra Singh told that "he (Jagendra Singh) came home on May 30th. He was at home in Khutar on May 31st and someone called him up in the

evening. He apprised him that nephew of Rammurthy had asked him to meet. Thereafter, he went to Shahjahanpur. The very next day they got the news of this incident. He told me in the hospital that the people who set him on fire said 'burn his hands in such a way that he could not write in future.'" He was recovering. He used to go to washroom on his own. Suddenly on 8th June, his condition became critical. Doctors told that his lungs had stopped working. Now he was required to send to PGI (Sanjay Gandhi Post Graduate Medical Institute). Preparations were going on but he died in the hospital on 8th June.

Team of Press Council got information from Jagendra Singh's mobile phone call record (Mob no. 8090120320) of May 31st that he received a call at 9:24 p.m. As far as his family knew, 9651957712 was the number of minister's nephew Anil Verma. After attending to this call, he left. This phone call lasts for 49 seconds only. According to the numbers feed in Jagendra Singh's mobile, on May 31st 2015 he received a call from Pramod Shahi at 7 p.m., three calls from Kunwar Jeetendra till 7:36 p.m., a call from Dhanpal at 7:37 p.m. and then a call received on 9:24 pm from 9651957712 lasts for 49 seconds only. During discussion on next day, Inspector General of Police (Law and Order) told Fact Finding committee that investigation was still going on, therefore, information could not be shared.

Jagendra's father Sumer Singh who was weeping, intimated that his son got a threat earlier too and minister's supporters had beaten him so much that they broke his leg. In this regard, they even reported to Police but Police took no action as they were influenced by the minister. His eldest son Raghavendra told that after the death of his father, FIR given on their behalf could not be registered after passing of three hours. It was done only when they refused to set the dead body on fire. His dead body was set on fire after registration of their FIR.' Raghavendra Singh showed the identity cards to the committee which were issued by the newspapers to his father, included IDs of Swatantra Bharat from 1.3.2005 to 31.12.2005, Jansandesh Times from 1.4.2014 to 31.4.2014, SGP-5 ID of ETV from 1.1.2012 to 30.6.2012 and UP working Journalist Card for 2013.

Raghavendra (son) told that District Officer and SP came home on June 15 but gave no information about any action being taken against Rammurthy Verma, Minister of state.

The team reached Shahjahanpur via khutar. More than 100 journalists including the supporters of Jagendra Singh were there in 'Vikas Bhawan'. Thirteen of them gave their statements in which their main concern was that there have been so many cases of attacks and brutality with the journalists but Police administration did not bother. Jagendra's case was also pending from last three months. Police administration ignored it. Some organizations and journalists gave memorandums to the team.

Few people were giving their opinion on the issues such as whether the deceased was a journalist, whether he was a fake journalist, blackmailing on the pretext of Journalism etc., Traders union alleged that deceased used to blackmail them and administration. The journalists alleged that Police had not investigated properly as they were influenced by a leader of district and a member of state council of ministers, Mr. Rammurthy Verma.

First question arises whether Jagendra Singh lost his life due to writing news item?

Everybody present there admitted that Mr. Jagendra Singh lost his life due to the publication and dissemination of news.

Thereafter, meeting was scheduled to be held with district administration. The members, suddenly changing their programme, decided to conduct on the spot inquiry i.e. Jagendra's house situated at Sadar. All the three members decided that they would inquire into the incident in separate groups of people residing there. Dr. Suman Gupta inquired from the ladies of the locality. Other two members tried to know the facts by doing door to door survey & talking to the people present there. Jagendra's house was in poor condition as compared to other houses situated nearby. Few people stated that Police was least bothered because of the influence of higher authorities.

Meanwhile, we wished to know details of inquiry conducted by SP(city), who had already reached on the spot. According to CSP, Police reached Jagendra's house after 2 p.m. They knocked the door. Why did they go there? They went there not to probe the threat given to Jagendra for killing him but to arrest Jagendra for the case registered on May 12, 2015 against him for blackmailing. According to the statement given by SP's subordinates to SP and SP to members of the committee- Jagendra did not open the door. In fact, flames of fire were coming from inside the house. Constable was asked to go inside by jumping the wall. He saw that Jagendra had set himself on fire. Police took him to local hospital. SP city was also informed that Jagendra was not alone. A lady named Shalini was present in the house. Inspector Shri Prakash Rai, registered a case of suicide against Mr. Jagendra and Ms. Shalini Rastogi. Mr. Jagendra was admitted to Pandit Ram Prasad Bilsmit Hospital. Later he was admitted to Civil Hospital in Lucknow.

When the members came back from site of the incident, they had a late night conversation with District Officer Ms. Shubhra Saxena and SP(District), Bablu Kumar. Both of them admitted that they had not considered it necessary to meet the family of deceased till eight days after the incident. They pleaded that they would not get any help by meeting the family members who were sitting on Dharna after the attack & death of the victim. Administration and District head of police could not tell exactly whether inquiry into the matter was conducted from any of the names mentioned in the complaint of Jagendra Singh. Both of

them, directly or indirectly reiterated that Dying declaration, Dying statement and statement before death was taken. His treatment was their priority.

District administration claimed that a lady named Shalini was present in the house at the time of incident. She has been found. There was delay in recording her statement. The lady in her first statement said that Jagendra was set on fire. Later she changed her statement and this was published in newspapers.

Few months back, another journalist named Narendra Yadav of Shahjahanpur became victim of an attack. Similarly, Police could not complete the trial. When SP was giving reply, another Police Officer whispered in ears of member (Prakash Dubey) that this was a separate issue. The journalist, himself, who became victim of attack is not telling the name.

It is absolutely false. Journalist Yadav shared his own experiences in Vikas Bhawan in the presence of everyone. Gave memorandum. Member of the fact finding committee asked promptly- what is the justification for not mentioning in the probe that the journalist is not telling the name.

The officer, who was nervous, kept mum.

At 10:00 am on June 17 2015, Fact Finding Committee had a discussion in the room (Secretariat Annexy) of Chief Secretary of U.P, Mr. Alok Ranjan. The committee in first question to Chief Secretary (home), Chief Secretary (information and public relation), Additional Director General of Police (Law and Order) and Inspector General of Police (Law and Order) pointed out that, this incident took place on June 1st. Mr. Jagendra Singh died on June 8th. Meeting held on June 17th. Till then police could not make out from the concerned people? Completion of probe is far off. We were apprised of the number of policemen who were suspended. Inspector General of Police (Law and Order) tried to divert us in law & order, inquiry procedure & legal provisions. We clarified again & again.

1. Members of the committee don't want to go in depth whether deceased was a fake journalist or genuine? Whether he used to blackmail? Even after a fortnight, Police could not collect evidences that deceased set himself on fire or the policemen arrived there for investigation set him on fire? On the other side, on June 1st, the person having burn injury was talking to media and police. That statement is repeatedly called 'statement before death' by police and administration. Whether the administration, on the very first day, came to the conclusion that Mr. Jagendra would not survive. The representatives of administration argued that it was a statement taken before the death of Jagendra Singh. We wanted to know whether Police and administration knew that Jagendra used to go to washroom which was outside the ward, on his own? He outrightly refused to use bedpan? If the administration states that the medical officers asked the Police not to take the statements or investigate later, who was that

medical officer? Has he recorded the reasons in writing to stop them from taking the statements?

2. Whether they have investigated the people who were pointed out by Jagendra or who were eye witnesses of the incident? Statements were recorded or not? If not, why? What is the reason for this delay? The Chief Secretary stated that on June 24th, administration would defend itself in the court. Till then inquiry will be completed. They and Chief Secretary (public relation) assured to provide information. The administration affirmed of impartial inquiry. They are not being pressurized and they will not let anyone to pressurize them. The attitude & behaviour of the officers was bonafide but they were not satisfied with the replies relating to delay in investigation and ignorance of many facts. Knowing this, even the officers were not appearing to be comfortable.

Meeting with CM- Meeting with CM took place at a govt. accommodation in Lucknow. Mr. Akhilesh Yadav asked the members of the committee that what did they want from him? Tell me, what are your demands? He asked. The members said- we have no demands. We just want to know that why the inquiry conducted into the death of deceased Jagendra could not come to a conclusion in 17 days? People whom the deceased hold guilty and those who were eye witnesses could not be put on trial. Police, on the pretext of providing medical facility to the deceased, stopped the investigation. The deceased received phone calls just before the incident. In this connection, before investigation conducted by the committee, neither police had any information nor they bothered to pay any attention. The Chief Minister, while expressing grief over the incident said "thorough & fair inquiry would be conducted. Guilty will not be spared. Trust me. Till now, I was not aware of certain facts which you have brought to my notice. I will inquire into the matter." The Minister Mr. Rajendra Choudhary and Chief Secretary (information and public relation) were also present during the discussion. The Chief Secretary stated that the action taken report was to be produced in the court on June 24th. Till then inquiry would be completed. CM stated on his own that he wanted to help the family of deceased. He was informed that none of the representatives of state administration met the family of deceased till the news of visit to be conducted by the committee made public. Matter to console them is far off. CM was informed about the four demands raised by the family of deceased. CM immediately said "we will meet his family members." He gave indication that Rs. 25 to 30 lakhs would be given as compensation. He promised to give govt. jobs to at least one son, or if possible to both of them.

Attention of CM was drawn towards the accident of Dheeraj Pandey, journalist of Amar Ujala, Basti, met with the car of former MLA and no action was taken by Police. Dheeraj Pandey died during his treatment. CM has declared a compensation of Rs. 20 lakhs to the family of deceased.

The members, in view of observing status of inquiry conducted within 16 days, told CM outrightly that, at present, administration and particularly U.P Police fall under suspicion. If investigation is not conducted in an unbiased manner, credibility of U.P police will be in danger. We are least concerned whether somebody continued or removed as the minister of state. But administration, under the influence of power, had not investigated the matter despite the statement of victim. It has become a practice. How dare an inspector inquire a minister of state? Not only minister of state, who had been named, even other persons could not be put on trial.

In 1982, UP Govt. constituted a district level standing committee in every district with the purpose of making cordial relationships between journalists and district administration at district level. Under the chairmanship of district officer, SP and two accredited journalists of the district were ex-officio members and district information and public relation officer was ex-officio secretary. It was mandatory to have a meeting every month. Its main purpose was to look into the matters of harassment of the journalists. In 1993, a member of rural journalist association was also included in this committee. In this regard, a govt. order was being issued on Chief Secretary level. The then Chief Secretary Javed Usmani primarily issued govt. order 1278/19-1-2013-09/1983 including the last 9 govt. orders. He, including four accredited journalists in it, also mentioned that the meetings of district level committees are not being conducted every two months on regular basis in the Janpads. The Govt. took cognizance of incidents of beating and harassment of journalists in certain Janpads.

The journalists of Shahjahanpur apprised the existence of such type of committee but meetings were not being conducted. The journalist could not provide information about its members.

Chain of incidents-

1. On June 1st 2015, in the presence of police Jagendra Singh was admitted to Ram Prasad Bismil Joint District Hospital of Shahjahanpur in half-burned condition by the police from his house situated in housing development colony of Shahjahanpur.
2. According to SP, Shahjahanpur, Bablu Kumar, on June 1st 2015, Police went to arrest Jagendra at 2:35 p.m. in case filed U/S 363/307/323/504/506 of IPC on May 12th against him. Jagendra Singh set himself on fire in order to escape from arrest. In order to arrest him for setting himself on fire, a case U/S 309/353/120 B of IPC was filed against Jagendra and Shalini Rastogi by police station in-charge Mr. Prakash Rai.
3. According to SP, when Police reached there to arrest him, the door, which was locked from inside, was tried to open. In the meantime, Police also tried to break the door as they saw the smoke coming outside. The policeman entered inside by jumping the wall.

4. Shalini, against whom Police filed case along with Jagendra, works in a Aaganvadi and lives in Kansiram colony of the same city. Shalini had given an application in court to file a case against minister of state Rammurthy Verma and his supporters for rape in which date of June 4th had been fixed. Various newspapers and Jagendra also published this news. According to police, Shalini did not go to her Aaganvadi centre since May 30th. When Police kept on monitoring her house after jagendra's death, then she came forward.

5. On the site of incident, members of the Press Council noticed that one iron strip of the door was not there. It seems that someone tried to break the door outside the house. The door was locked. Surprisingly, all the houses built in housing development colony, in which Jagendra's house is situated, are attached to each other and has two-three floors and nobody had seen this incident, which took place in the afternoon raises doubts. When members of the team tried to talk to people of the colony, nobody was prepared to give any statement. The residents of colony avoided them on the pretext that they were not at home at the time of occurrence of the incident.

Points of inquiry:

The following main points in this case emerged before Fact finding committee -

1. Whether the said incident took place due to news item written by Jagendra Singh.
2. Whether this incident took place in the presence of Police?
3. Which action was taken on behalf of Police and administration?
4. Which action was taken on the part of Government?

The committee also discussed the matter with Chief Secretary and other Police & administrative officers. In Chief Secretary's room, information obtained from Chief Secretary, Home Secretary, IG (law and order) and ADG (law and order) about the action being taken in this case by IG (law and order). It has already been mentioned earlier. ADG (law and order) stated that on the basis of FIR filed on behalf of son of Jagendra Singh in this case, Police Station in-charge, Shahjahanpur Mr. Prakash Rai and policemen Krantiveer Singh, Subhashchandra Yadav, Mansoor Khan, Udayveer Singh have already been suspended. The names of minister of State Mr. Rammurthy Verma and others were also mentioned in the FIR but on the question of conducting inquiry from them, they stated 'we have already applied in court for obtaining copy of statement given by deceased before his death.' The statement given by Jagendra before his death in the presence of Magistrate is available in court. Here, it is worth mentioning that police got his statement recorded in the presence of Magistrate on June 1st immediately after admitting him to the hospital. Jagendra died in Shyamaprasad Mukherjee

Civil Hospital of Lucknow, after passing of seven days. However, in the meantime, Jagendra alleged minister in his statement to media but police had not considered it necessary to take any statement even though full time inspector was deputed in the hospital for Jagendra. Police officers kept on reiterating the 'dying declaration' of Jagendra. The officers stated that they would have to produce action taken report in the court on June 24th.

Chief Secretary Alok Ranjan assured the committee that the action would be taken. In this connection, the team discussed the matter with CM Akhilesh Yadav at 11:00 a.m. at his govt. accommodation, 5 Kalidas Marg. CM met father and son of Jagendra Singh in Lucknow and informed them about financial aid of Rs. 30 lakh. He gave assurance that job would be given to both of his sons. The district administration gave a cheque of Rs. 30 lakh to the family of Jagendra Singh as declared by the CM. Due to administration, family got possession of the plot again. Administration also asked to add the name of wife of the deceased Suman Singh in the list of beneficiaries of Samajwadi Pension of state. Communique of UP Govt. enclosed.

Facts and Findings: Police neither gave security to deceased journalist Jagendra before his death nor showed any interest in investigation after his death. They kept mum on the incidents of brutality with other journalists. They only completed documentary formalities.

2. It is to be noted that instead of taking statement of Jagendra Singh, policemen approached his residence with the intention to arrest him for conducting inquiry in the case filed against him.

3. Jagendra Singh was called up and asked to come from khutar. A call was made from mobile no. 9651957712 at 9:24 p.m. A person named Anil Verma made a call for 49 seconds. We got this information from the mobile record of deceased in Khutar. Policemen did not pay heed to it while conducting inquiry. One MLA also called up the mobile of the deceased. The aforesaid team was not interested in knowing the name of MLA and the reason for calling.

4. To maintain amicable relations with the journalists in UP and to intact the freedom of Press, standing committees were constituted at district level twenty years ago. The then Chief secretary Javed Usmani directed to convene a meeting every two months in year 2013. Similarly, a committee has been constituted in Shahjahanpur also but its meeting has not been conducted from so many months. Even the members could not inform us properly in this regard.

5. The representatives of district trade union of Shahjahanpur alleged that Jagendra blackmailed certain members of the board. The administration had not taken any action. Many memorandums were given. Why did the administration not take any action? The chairman of trade union stated that he was also blackmailed. Does it mean that the main reason of

blackmailing in journalism or yellow journalism is to protect unfair intention of committing misdeeds at the instance of certain selfish businessmen and bureaucrats?

6. In Uttar Pradesh, district public relation officer has been assigned the responsibility to check regular publication of newspapers. Chief Secretary (information and public relation) submitted that advertisements have been issued on the basis of regularity of publication. On the contrary, journalist associations and the journalists alleged that the newspapers, being published occasionally get advertisements under the patronage of Political parties. Whenever administration is in problem, it gives such type of excuses with the intention to defame newspapers and journalists. Such type of complaint has never been filed before any forum including Press Council of India by the State Government. Facts were not produced.

7. Instead of conducting prompt fair inquiry in complaints against deceased Jagendra or other journalists, local administration and other beneficiaries use such means as political pressure.

8. Incidents of using names of women for character assassination of journalists and to pressurize them are increasing day by day. Police repeatedly mentioned the presence of Aaganvadi worker Shalini in Jagendra's house but they did not care to find her and take her statement. Position of journalist Narendra Yadav's inquiry was also the same.

9. The administrative officers are taking the incidents of attacks on journalists lightly. District administration of Shahjahanpur didn't spare time to meet deceased or his family members picketing there. Meeting with journalist or his inquiry was not conducted by District administration in Basti. They could not succeed in finding the alleged driver or his relatives. Collector of Balaghat district in Madhya Pradesh declined to accept the memorandums of journalists regarding deceased Sandeep Kothari's inquiry. He stated that deceased was a blackmailer, raising two questions- A. the administration finds it improper to go to the house of deceased to collect information regarding the incident. Even after the death of a dacoit, administration attempts to know facts. There is no similarity between a journalist and a dacoit. B. There is a separate system of penalizing criminals including journalists. To avoid conducting inquiry on time, to declare a person, criminal even before taking any decision, to publicize it and tendency to write favouring himself and against the opposition encourages misdeeds.

Recommendations of Fact Finding Committee:

1. Police and administration had neither taken this incident seriously nor took cognizance of the statement given by deceased Jagendra. As a result, situation became out of control. It is absolutely clear.

2. It has been noticed that the incidents of filing cases by Jagendra Singh and his rivals, against each other were taking place, even then police did not take cognizance of the case in an unbiased manner.

Hence,

In view of seriousness and delay in investigation of the case, Government of UP should get this case thoroughly investigated from an impartial agency.

3. Whosoever commits crime, there should be system of penalizing him or her according to prevalent law. Simultaneously, State Government should always keep this in mind and devise such system that nobody could misuse his or her power to influence the investigation. First step that should be taken in this direction is to treat all the persons equally, whose names are mentioned in the FIR.

4. CM of UP assured the members of Fact Finding Team that the family members of the deceased would be given financial assistance. His sons could be offered jobs. The Govt. has declared compensation of Rs. 30 lakhs to the family and jobs to both of his sons.

5. Standing committees should be made active for having dialogue with journalists and for reviewing complaints of harassment in UP.

6. Govt. of UP should study measures taken in other states to curb harassment of journalists and to protect freedom of speech. Independent review should be undertaken at least on Superintendent of Police level before filing a complaint against a journalist or arresting him.

S. N. Sinha

Dr. Suman Gupta

Prakash Dubey

Documents enclosed- communication from the Chairman, PCI 2. Report of the hospital regarding Jagendra Singh's burn injuries 3. Declaration of compensation by UP Govt. 4. Order issued by UP Govt. regarding standing committee.