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The P.C.I. Review

A QUARTERLY JOURNAL
July 2019

Press Council of India

New Delhi

The P.C.I. Review
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About the Press Council of India

The Press Council of India was first set up in the year 1966 on the recommendations of the First Press Commission with twin object of “preserving the freedom of the press” and of “maintaining the standards of the newspapers and the news agencies in India”. The Council is a quasi-judicial body which exercises over the authority's jurisdiction as well the press. It adjudicates the complaints against and by the Press for violation of ethics and for violation of the freedom of the press respectively.

The Press Council is headed by a Chairman, who has by convention, been a retired judge of the Supreme Court of India. The Council consists of 28 other members of whom 20 represent the press, five are from the two Houses of Parliament and three are from the cultural, literary and legal fields and are nominated by the University Grants Commission, the Sahitya Akademi and the Bar Council of India respectively. The term of the Chairman and the members is three years.

The Council fund comes from the fee levied on newspapers/news agencies/periodicals in the country on the basis of their circulation. No fee is levied on newspapers/news agencies/periodicals having circulation less than 25000 copies. The deficit is made good by way of grant-in-aid from Central Government.

Procedure for filing the complaint

Complaints against the Press

It is open to any person to lodge a complaint with the Press Council against newspapers/news agencies/periodicals for breach of the recognized ethical canons of journalistic propriety and taste. The complainant need not necessarily be the person aggrieved or directly involved. The breach may be in the publications or non-publication of a news-item or statement, or other material, like cartoons, pictures, photographs, strips or advertisements which are published in a newspaper/periodical. Cases can also be initiated by any member of the public against any professional misconduct by an editor, working journalist, staff of a newspaper or engaged in freelance work. There can also be a complaint against any matter transmitted by a news agency by any means whatsoever.

By virtue of the Press Council (Procedure for Inquiry) Regulations, 1979, complaint shall be lodged with the Council within the following periods.

- (i) Dailies, News agencies and weeklies..... within two months.
- (ii) In other cases within four months.

Provided that a relevant publication of an earlier date may be referred to in the complaint.

Write to the Editor First

It is requirement of the Inquiry Regulations that the complainant should initially write to the editor of the newspapers/news agencies/periodicals drawing his attention to what the complainant considers to be a breach of journalistic ethics or against public taste. Such prior reference to the editor affords him an opportunity to deal with the matter in the first instance and thus allows the respondent to take such remedial action as he might consider appropriate before the complaint is lodged with the Council. This rule is necessary because it acquaints the editor with identity of his accuser and details of the complaint. It is conceivable that in some instances, the complainant has been wrongly informed or has misinterpreted the facts. In others, it may be a case of inadvertent error which the editor is only too ready to admit and correct. If the would-be-complainant is satisfied, that would be the end of the matter.

Where, after reference to the newspapers/news agencies/periodicals the person desires to proceed with the complaint, he should enclose with his complaint copies of correspondence with the editor, if no reply has been received from the editor, the fact should be mentioned in the complaint.

The complainant has to give the name and address of the newspapers/news agencies/periodicals editor or journalist against whom the complaint is directed. A clipping of the matter or news-items complained of, in original or self-attested copy (English translation, if the news item(s) is in Indian language) should accompany the complaint. The complainant has to state in what manner the passage or news-items or the material complained of is objectionable. He should also supply other relevant particulars, if any.

In the case of a complaint against non-publication of material the complainant will, of course, say how that constitutes a breach of journalistic ethics.

The Council cannot deal with any matter which is sub-judice in the law court. The complainant has to declare that “to the best of his knowledge and belief he has placed all the relevant facts before the Council and that no proceedings are pending in any court of law in respect of any matter alleged in

the complaint.” A declaration that “he shall notify the Council forthwith if during the pendency of the inquiry before the Council any matter alleged in the complaint becomes subject matter of any proceedings in a court of law” is also necessary.

Complaints regarding oppression to Press Freedom

Newspapers/news agencies/periodicals, a journalist or any institution or individual can complain against Central or State Government or any organization or person for interference with free functioning of the press or encroachment on the freedom of the press. Such complaints should contain full particulars of the alleged infringement whereupon the Council shall follow the procedure of inquiry set out herein above so far as may be.

The opinion expressed by the Council sub serves two useful purposes, namely (i) that any abuse of press freedom does not pass without anybody noticing it or raising a finger or protest, and (ii) that the press should not in its own interest indulge in scurrilous or other objectionable writings considered below the level of recognized standards of journalistic ethics by a fair minded jury like the Council constituted of the press itself, for it would lead to degradation of the much prized freedom of the press.

Address Your Complaints or Enquiries to :

The Secretary,
Press Council of India
Soochna Bhawan, 8, C.G.O. Complex,
Lodhi Road, New Delhi - 110 003.
Phone : 91 (011) 24366403/24366745 (Extn. 319 & 320)
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Email : secy-pci@nic.in, pcibppcomplaint@gmail.com;
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Website : www.presscouncil.nic.in

The Annual Reports and the Quarterly Reviews of the Council provide information on activities of the Council. Current issues of these are available free of cost from the above address and also in the aforementioned website.

Press Council of India

Soochna Bhawan, 8, CGO Complex, Lodhi Road, New Delhi- 110 003

Chairman: Mr. Justice Chandramauli Kumar Prasad

XIII Term

NAME	ORGANISATION NOMINATED BY	NEWSPAPERS
Editors of Indian Languages Newspapers (Clause (a) of Sub-Section (3) of Section 5)		
Shri Chandramani Raghuvanshi	Hindi Samachar Patra Sammelan and 'All India Newspaper Editors' Conference	Editor, Bijnor Times Hindi Daily, Uttar Pradesh
Shri Uttam Chandra Sharma	Hindi Samachar Patra Sammelan and All India Newspaper Editors' Conference	Editor, Muzzaffarnagar Bulletin, Hindi Daily, Uttar Pradesh
Shri Pradeep Kumar Jain	Hindi Samachar Patra Sammelan and All India Newspaper Editors' Conference	Editor, Vishwa Pariwar, Hindi Daily, Raipur, Chattisgarh Madhya Pradesh
Shri Om Parkash Khemkarni	Hindi Samachar Patra Sammelan and All India Newspaper Editors' Conference	Editor, Mehnat , Punjabi Daily, Punjab
Shri Sayed Razza Husain Rizvi	Hindi Samachar Patra Sammelan and All India Newspaper Editors' Conference	Editor, Trigut, Hindi Daily Uttar Pradesh
Dr. Baldev Raj Gupta	Hindi Samachar Patra Sammelan and All India Newspaper Editors' Conference	Group Editor, Express News, Hindi Daily, Madhya Pradesh.
Working Journalists other than Editors (Clause (a) of Sub-Section (3) of Section 5)		
Shri Amar Devulapalli	Indian Journalists Union, Press Association and Working News Cameramen's Association,	Correspondent, Sakshi Telugu Daily, Hyderabad
Shri Balwinder Singh Jammu	Indian Journalists Union, and Press Association	Principal Correspondent, Punjabi Tribune Punjabi Daily, Chandigarh
Shri Pravat Kumar Dash	Indian Journalists Union, Press Association and Working News Cameramen's Association,	Special Correspondent Pratidin, Oriya Daily, Odisha

NAME	ORGANISATION NOMINATED BY	NEWSPAPERS
Shri M A Majid	Indian Journalists Union and Working News Cameramen's Association	Working Journalist, Aadab Telangana Urdu Daily, Hyderabad
Shri Kamal Nain Narang	Indian Journalists Union and Working News Cameramen's Association	Photo Journalist, The Hindu Business Line English Daily, New Delhi
Shri Chhayakanta Nayak	Indian Journalists Union, Press Association and Working News Cameramen's Association	Correspondent, The Shillong Times, English Daily, Shillong
Shri Jai Shankar Gupta	Indian Journalists Union, Press Association and Working News Cameramen's Association	Correspondent, Deshbandhu, Hindi Daily, New Delhi

**Owners and Managers of Big, Medium and Small Newspapers
(Clause (b) of Sub-Section (3) of Section 5)**

Vacant*

Shri Rakesh Sharma	Indian Newspaper Society	Rashtradoot, Hindi Daily, Jaipur
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Vacant**

Vacant**

Shri Shayam Singh Panwar	Indian Newspaper Society, All India Small and Medium Newspapers Federation and Association of Small and Medium Newspapers of India,	Jansamna Hindi Daily, Uttar Pradesh
Shri Keshav Dutt Chandola	Association of Small and Medium Newspapers of India, Indian Newspaper Society and All India Small and Medium Newspapers Federation	Rajput Maryada, Hindi Weekly, Uttar Pradesh

* Due to demise of Late Shri Vijay Kumar Chopra, Member, Press Council of India.

** Stay order dated 3.4.2018 granted by the Hon'ble High Court of Delhi in the category of Owners and Managers of Medium Newspaper category.

NAME	ORGANISATION NOMINATED BY	NEWSPAPERS
Manager of News Agencies (Clause (c) of Sub-Section (3) of Section 5)		
Shri Ashok Upadhyay	United News of India (UNI)	Editor, United News of India (UNI) New Delhi

**Nominees of University Grants Commission, Bar Council of India and Sahitya Akademi
(Clause (d) of Sub-Section(3) of Section 5)**

Prof. (Ms.) Sushma Yadav	University Grants Commission
Vacant**	Bar Council of India
Dr. K. Sreenivasarao	Sahitya Akademi

**Members of Parliament Nominated by Speaker, Lok Sabha and Chairman, Rajya Sabha
(Clause (e) of Sub-Section (3) of Section 5)**

Vacant**	(Lok Sabha)
Vacant*	(Lok Sabha)
Vacant**	(Lok Sabha)
Vacant**	(Rajya Sabha)
Shri Swapan Dasgupta, M.P.	(Rajya Sabha)

Secretary: Anupama Bhatnagar

* Mrs. Meenakshi Lekhi, M.P., Lok Sabha membership ceased as per Section 6(3) of the Press Council Act, 1978

** In Council meeting dated 15.2.2019 membership of four members ceased as per section 6 (4) of the Press Council Act, 1978

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Foreword

The PCI Review, a Quarterly Journal, encapsulates the events and activities pursued by the Council in carrying out its mandate to preserve the freedom of Press and improve the standards of Press in India. The Report is a reflection of the quasi judicial and advisory activities being pursued to pave the road for future endeavours and improvements in the media functioning.

In pursuance of its mandate under section 13 (2) (b), (c) & (d) of the Press Council Act, 1978, the Council conducted its first internship as the “Summer Internship Programme (SIP) 2019” which commenced from June 3rd, 2019 till July 2nd, 2019 for ten Journalism Students from different parts of the country. The Council also observed International Yoga Day.

During the quarter, the Council had adjudicated 70 matters and issued Press Releases on inserting Rule 170 regarding “Prohibition of Advertisements of Ayurvedic, Siddha or Unani Drugs” and resolved to adopt it in Norms of Journalistic Conduct, Media was advised not to violate Section 126 A of Representation of Peoples Act to ensure free and transparent elections and also drew attention of Election Commission of India over non-cooperation of State Election vis-a-vis Media Certification and Monitoring Committee's Meeting. It took suo-motu cognizance in 7 matters of inroad into press freedom. Details of these can be accessed on the website of the Press Council of India.

Hereby, the quarterly journal is presented to the readers as an informative reference record to further the objectives of establishment of the Press Council of India.

Indian Democracy and Elections

***By Justice Chandramauli Kumar Prasad**

It gives me immense pleasure to be a part of this August gathering and to share the stage with experts and prominent senior journalists and reputed media personalities of our country. I have been asked to share my views on the topic "Indian Democracy and Elections" I find the topic to be very relevant and intriguing specially at this time when the 17th Lok Sabha General Elections are being held nationwide. How the elections are to be made more transparent? How the general public can become certain that the candidate they wish to vote is their well-doer and not merely luring them with ornate party manifesto? And most importantly, how the media can play an effective role in guiding the public to make an informed decision. Issues are many and thus a deliberation on the chosen topic is needed and appreciated.

I congratulate Telangana State Union Working Journalists Association for selecting such a relevant and significant topic mainly at this juncture when the entire nation is queuing up to see a developed, more tolerant and accommodating India.

The term democracy has been derived from the Greek word *demokratia* where *Demos* stand for 'the people' and *Kratos* for 'the rule'. Thus democracy denotes 'rule of the people'. Indians by very nature are fascinated by their past. We believe that our forefathers had everything in ancient times which the modern world possesses today. Right from aircraft to the missile, even live telecasts, organ transplant. I do not exactly know the truthfulness of these claims; it may be true or may not be, do not brand me anti-nationals if I say so. But there is evidence that shows the democratic State existed in India during 6th Century B.C. until the 4th century. Diodorus, a Greek Historian, wrote two centuries after the invasion of India by Alexander that States in India were administered by the democratic process in Vaishali and Kushinagar. Likewise, Mahakavi Kalidasa in his penned Epic *Abhigyan*

*Speech Delivered by the Hon'ble Chairman, Press Council of India at the Seminar organised by Telangana State Union Working Journalists Association on 29th April 2019, Hyderabad.

Shakuntalam talks about the conversation Gautami, a mother of the seven months expecting Shakuntala, with the palace guard at midnight. Gautami asked the palace guard if she can meet the king. In reply, the palace guard said – “अभिभ्रमोयम लोकतंत्राश्य सर्वाधिकार” which means in democracy, the citizen has the right to meet the King anytime. There are plenty of materials which suggest that democratic form of government was first set up in the city of Athens.

In a democracy, the real power lies with all; hence democracy means the rule of everybody and still nobody. The birth of democracy in any society or state has always been complex and difficult. Each uncertain step towards democracy is the response to a period of disorder and tyranny. In India also, the step toward democracy was not very smooth. The history of the Republic of India begins on 26th January 1950. The country became an independent nation within the British Commonwealth on 15th August 1947. The new Constitution of India made it a democratic country. However, our long struggle for independence did come at a huge cost. The partition of India and large scale communal riots immediately preceded and followed the independence; this created a genuine doubt in the minds of the people whether a parliamentary democracy would be the ideal one suited for India. However, as Dr Ambedkar said in his speech while moving the draft Constitution in the Constituent Assembly on 4th November 1948, the choice before the framers of the Constitution was whether India to opt for a system which could give more stability but less responsibility or one which could give more responsibility but with less stability. After due deliberations on the options open to India, the founding fathers of our Republic firmly decided in favour of the Parliamentary democracy in India, a system of government that was recognised as one of the most difficult forms of democracy as very few countries which made a success of the parliamentary system were Britain, Canada, Australia and New Zealand that comprised of the population which if put together constituted only 1/10th that of India's. Further, all these countries had the advantage of having crossed the threshold of economic development and had homogeneous populations with a high level of education and consciousness of rights and duties which India lacked completely. The Parliamentary Democracy that the framers of the Indian Constitution opted

was based on their conviction that continuing accountability of the executive to the people was necessary for ensuring political stability in India. The stability was given paramount importance during the starting days, as the framers of our Constitution felt, taking into account the diversities in the levels of development and complexities arising out of wide disparities in social and economic status, continuing accountability was necessary to preserve the true spirit of democracy in the country.

The widespread illiteracy and low level of education among the people at the time of independence also raised some serious doubts against the survival of parliamentary democracy in India. A reasonable level of literacy and education was indispensable for the development of the consciousness of the rights and duties of the citizens. Hence, there was a genuine fear that universal adult franchise and an executive responsible to the legislature in a country where the overwhelming majority of the people were illiterate might lead to distortion of the political system by the interested individuals and groups and eventually destroy democracy itself. However such doubts got evaded as the electorate in India though were predominantly illiterate at the time of independence, did not lack political consciousness, which was possible because of the effort of Gandhiji who succeeded in involving more women and backward class masses of India in the freedom movement that helped the masses to inculcate the sense of high degree of political consciousness.

When Gandhiji arrived on the political scene in India in 1915, he instantly realised that raising consciousness about the rights and duties amongst the ordinary people in India is the only way to liberate India from foreign rule as well as to pave the way towards the adoption of a democratic system of Government. His continuous effort in engaging the ordinary masses in the freedom struggle equipped the ordinary masses with the wealth of knowledge about their rights and duties towards the nation and to each other. This transformed the struggle for Indian independence from an elitist class movement to a mass movement.

Irrespective of several adverse factors that India faced in its initial days, today the parliamentary system in India has reached approximately 69

years of its successful functioning. Many nations that had adopted the Parliamentary democracy at the same time as India could hardly survive in its genuine form. In several countries in Asia and Africa, the parliamentary system has been distorted by military takeovers or disguised dictatorship. However, India still stands as the world largest democracy today.

The basic requirement for the success of any parliamentary type of democracy lies with the existence of a sound party system. The existence of a sound party system definitely assures a healthy atmosphere for exercising the right to vote by the electorate. The formation of the first political party in India dates back to 1885. The main objective backed the formation of the political party then was to cater to the social welfare of the people by working towards social reforms and strengthening the Indian struggle for independence. The resentment against injustices of the British rule led to the formation of several associations. However, after independence, the initial objectives that led to the formation of the political party(s) got diverted and distorted in the hands of the political parties that intended to hold onto power and position.

The general perceptions now seem to be that what counts for success in politics is cleverness or smartness and not character or commitment to service.

As per Election Commission of India 2018 data, 7 National political parties and 59 State political parties and above 2000 registered but unrecognised political parties are existing in India. Hence, choosing the right political party to the centre is quite a difficult task for the electorate in India. Although these do not make the electorates confused what confuse the electorate most is the ornamental manifestos of each party that are brought out before the elections to persuade their votes. Here the media plays an invigorative role in influencing the popular decision through their news presentation and comments. A free media is essential to any democracy, and a democratic election is impossible without media. A free and fair election is not only about the freedom to vote and the knowledge of how to cast a vote, but also about a participatory process where voters engage in public debate and have adequate information about parties, policies, candidates and the election process itself in order to make informed choices. Furthermore, the media acts as a crucial watchdog to democratic elections, safeguarding the

transparency of the process. Indeed, a democratic election with no media freedom, or stifled media freedom, would be a contradiction.

However, most, unfortunately, these days, the news media are seldom run by the journalists. Unlike many democracies, where political and corporate entities are supposed to be prohibited from entering into newsrooms through owning media outlets and holding news media broadcasting and publishing rights, in India, media outlets are openly owned and controlled by political and business conglomerates which definitely are causing an undesirable impact on the quality and content of news shared. Paid news and advertorials have entered in newspaper columns and worse is during elections the media houses often come out with 'rate cards', to publish favourable news in favor of political parties. The surge of paid news and advertorials is eating into the vitals of journalism and thus undermining the essence of parliamentary democracy.

Irrespective of the guidelines laid by the Model Code of Conduct of the Election Commission of India, political parties are regularly found to be violating the guidelines though their speeches broadcasted or reported in the media.

The majority of the journalists across the country do wish to work professionally but their passion has become a casualty in the political and corporate web. And in the absence of financial independence for the journalists, they even lack any decision making power. The kind of media ownership has a direct effect on media's important watchdog role during elections which unfortunately is deciding the biasness in the information shared; nowadays, I find particular news channels are acting as the mouthpiece of political parties. Media has freedom, but it has the duty too to share information most objectively and judiciously to create awareness and not confusion. In order to fulfil their roles, the media need to maintain a high level of professionalism, accuracy and impartiality in their coverage.

During the freedom struggle Mahatma Gandhi once said and I quote "freedom of speech and civil liberty are the very roots of Swaraj, without this the foundation of Swaraj will remain weak", If the fourth pillar of democracy is weakened than the whole edifice of democracy and rule of law, the lifeline of democracy will be rendered fragile and susceptible to undesirable influence.

Freedom of Expression – The Constitution

***By Justice Chandramauli Kumar Prasad**

It is a matter of honour and pride to be part of this August gathering and sharing the stage with the Hon'ble Chief Justice of the High Court of Karnataka, Former Secretary-General, Lok Sabha, awardees prominent senior journalists and reputed media personalities of our country. Ladies and Gentlemen, a very good evening.

I congratulate All India Conference of Intellectuals for its extensive developmental works championing the cause of Humanism and nationalism. I also congratulate the organization for holding today's conference on a very important and relevant topic, Freedom of Expression and the Constitution; the term freedom is subjective and its percept varies from person to person. The ideas of freedom to a teenager or to the youth or to the elderly are very different. An individual's free will may guide him/her to do anything they wish to, but as human beings, we are devoid to act according to our conscience for this reason my right to freedom ends where your nose begins. Therefore, absolute freedom, at any given point may not be feasible.

The concept of human rights is based on the theory of Natural Law which states anything that detracts from man's human qualities or prevents a man from achieving his full potential, violates the law of Nature. None of the human rights such as the right to faith, right to life or liberty would have made much sense in the absence of the Right to Freedom of Expression, which is resonated in the words of Mahatma Gandhi - "I want freedom for the full expression of my personality".

The right to freedom of expression is a significant fundamental right that the citizens of India are entitled by the Constitution. It allows every citizen to express their views, opinions, and ideas through art, speech, writings, using signs, and symbols, transmitted through the medium of television, print, radio or digital media. Expressing self-thoughts or ideas

* Speech delivered by Hon'ble Chairman, Press Council of India at the conference of All Indian Conference of Intellectuals at Bangalore, on 12th April 2019.

help individuals to have a sense of self-fulfilment which is an essential aspect of the growth of any individual as well as the State. In a nutshell, freedom of expression is fuel to the democracy that makes it function with peoples' active participation.

Freedom of expression has been recognized by several international conventions and statutes like the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, European Convention on Human Rights and Fundamental Freedoms. In India, our Constitution makers characterized Freedom of Speech and Expression as the very life of civil liberties and the Supreme Court of India expounded it as the Ark of the Covenant of Democracy. The Constitution of India though does not mention freedom of press or media separately but, the scope of freedom of speech and expression has been expanded by the Indian Courts to include the freedom of the press. However, this fundamental right is also subjected to reasonable restrictions under Article 19 (2) of the Constitution of India, in the interests of the nation and its people.

In addition to the Constitution of India and judicial pronouncements, there are several enactments and statutory provisions in India that ensures that freedom of the press remains unfettered. In 1978, the Press Council Act led to the establishment of Press Council of India. I must say that the importance of the existence of the Press Council for the Indian press cannot be overemphasized. The Council is charged with the twin tasks of preserving the freedom of the press and maintaining and improving the standards of newspapers and news agencies in India. Being represented by the members of the journalistic fraternity, the decisions taken by the Council are always unbiased and in the best interest of the press. To enable it to carry out its role, the Council is empowered to initiate, hear, and adjudicate complaints by the press and against the press, to draft and amend norms of journalistic conduct to guard the press and maintain its standards and ensure that public faith in news media remains intact.

With the evolution of the digital age, application of the freedom of speech has become pretty controversial. The line between real and fake news has blurred. Earlier there used to be good news or bad news, and now we have

fake and paid news too. Undoubtedly, the challenges before the media with incoming digital era have multiplied, as also the change in the political and social atmosphere in the nation has adversely affected the functioning of the press in India. In this situation, the journalists' as gatekeepers of information, need to act judiciously and never jump to a premature conclusion; maintaining composure and sense of objectivity even during most difficult times is vital in journalism. However, sometimes to expect the moon from the journalists when their basic rights are unmet is certainly unfair. One of the horrors of the horror of my life as the Chairman of the Press Council is when I learnt that reporters are not paid by the newspapers or by the channels they work for, but they are to feed themselves by whatever means they deem feasible. Many a time that way turns out to be mischievous. The journalists cannot live on the glory of their profession alone. They need wages to live decent lives so they can truly function as a crusader of truth. Keeping this in mind, the Press Council of India has made several recommendations to the Government regarding the extension of financial support to the journalists to ensure more freedom to them. We have also adopted policies that support equitable distribution of advertisements amongst the small and big newspapers in India so that no newspaper suffers from financial woe and maintain individual sovereignty. Once a digital media person was walking down the road swinging his umbrella when another person asked him to stop doing so.

"Is not this a free country?" asked, the digital media person.

"Yes Sir", said the other.

"Have I not the right to swing my umbrella", asked the media person.

"Yes", said the other, "the way you like, but, your right ends where my nose begins".

The absolute freedom which media persons demand and the efforts of the State to balance are well explained in the above lines and it is a never-ending debate. One should always remember the wise words of Pandit Nehru, who in the context said, there is no such thing as absolute freedom, freedom is always accompanied by responsibility.



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PRESS RELEASE

PR/1/19-20-PCI

Dated : 1.4.2019

Inserting Rule 170 regarding "Prohibition of Advertisements of Ayurvedic, Siddha or Unani drugs"

The Press Council while adopting the amendment in the Gazette Notification GSR No.1230(E) dated 21.12.2018 regarding inserting Rule 170 in the Drugs & Cosmetics Rules, 1945 from Ministry of AYUSH resolved that all media houses may take precaution while publishing the advertisement regarding Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy, the application for advertisement shall be rejected if:

1. The manufacturer or his agent, of Ayurvedic, Siddha or Unani drugs, shall not participate in the publication of any advertisement relating to any drug for the use of diagnosis, cure, mitigation, treatment or prevention of any disease, disorder, syndrome or condition.
4. The application for advertisement shall be rejected if,
 - (I) it is incomplete; or
 - (ii) the intended advertisement does not contain the contact details of the manufacturer; or
 - (iii) the contents of the advertisement directly or indirectly tantamount to vulgarity or obscenity; or
 - (iv) it refers to any Ayurvedic, Siddha or Unani drug in terms which suggest or calculated to lead to the use of that drug or medicine for the enhancement of height and dimensions or capacity of performance of male or female sexual organs; or
 - (v) it depicts photographs or testimonials of celebrities or government officials; or
 - (vi) it refers to any Government or Autonomous organization of the Government; or
 - (vii) it gives a false impression about the true character of Ayurvedic, Siddha or Unani drug; or
 - (viii) it makes a misleading or exaggerated claim about the effectiveness of the said drug.

All the media houses are hereby advised to adhere the above mentioned amendments while accepting the advertisements regarding Ayurvedic, Siddha or Unani drugs to avoid any complaint.





सूचना भवन, 8 सी.जी.ओ. कॉम्प्लेक्स, लोदी रोड, नई दिल्ली - 110 003
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E-mail : pcibppeditorial@gmail.com Website : www.presscouncil.nic.in

PRESS RELEASE

PR/3/19-20-PCI

Dated : 10.4.2019

Press Council advises media not to violate Section 126A of RP Act, 1951

The Press Council of India while considering the communication received from Election Commission of India advises the print media to refrain from publishing programmes which in any way whatsoever predict the results of the elections during the prohibited period under 126A to ensure free, fair and transparent election.

The Council is of the view that prediction of results of elections in any form or manner by way of predictions etc. by Astrologers, Tarot Readers, Political Analysts or by any persons during the prohibited period is violation of the spirit of Section 126A which aims to prevent the electors of constituencies still going to polls from being influenced in their voting by such predictions about the prospects of the various political parties.

The print media is hereby advised not to publish/publicize any such article/programme of results, during the prohibited period i.e. between 7.00 AM on 11.4.2019 and upto 6.30 PM on 19.5.2019 in the current General Election to the Lok Sabha and State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha & Sikkim, 2019 and the Assembly bye-elections being held in several states to ensure free and fair elections.

All the newspapers/news agencies are hereby advised to adhere the above mentioned time frame before publishing the article of results etc.





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PRESS RELEASE

PR/4/19-20-PCI

Dated : 15.4.2019

Suo-motu cognizance by the Press Council of India on the alleged sacking of journalist for Adverse Writing

New Delhi April 15, 2019: The attention of the Press Council of India Chairman, Justice Shri Chandramauli Kumar Prasad has been drawn towards alleged forced resignation of Pilibhit correspondent of Hindustan, Shri Sandeep Singh for adverse writing.

Taking note of the alleged sacking which amounts to direct attack on the freedom of press, Hon'ble Chairman has taken suo-motu cognizance and has directed the Group Editor, Hindustan and Local Editor, Hindustan, Bareilly Edition to file their reply in the matter.





नव्यमेव जयते



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PRESS RELEASE

PR/5/19-20-PCI

Dated : 22.4.2019

Press Council of India writes to the Election Commission of India over Non-Cooperation of State Election Authorities vis-à-vis Media Certification and Monitoring Committee's meeting

New Delhi April 22, 2019 : It has come to the notice of the Press Council of India that PCI's members nominated to the State Level Media Certification and Monitoring Committees are not getting appropriate assistance from the State Election Authorities to carry out their mandate in the States and they are being not invited for the meetings of the State Level MCMCs.

Taking serious view on this, the Council draws the attention of the Election Commission of India in the matter with a request to take up the Council's concern with the State Election Authorities and issue necessary advisory/directions to them so that the Members of the Council can suitably extend their expertise to the State Election Authorities.





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PRESS RELEASE

PR/6/19-20-PCI

Dated : 22.4.2019

The Press Council of India takes Suo-motu cognizance and issue Show Cause to the Hindustan for publishing classified advertisements in contravention of Rule 170(3) & 170(4)(iv) of the Drugs & Cosmetics Rules(Amendment)

New Delhi April 22, 2019 : Taking note of the fact that the newspaper 'Hindustan' has published a large number of advertisements violating Rule 170(3) and 170(4)(iv) of the Drugs and Cosmetics Rules, as amended by Drugs and Cosmetics(Eleventh Amendment) Rules that interalia, provide for:

- (i) application of Unique Identification Number by the manufacturers of Ayurvedic medicine for advertisements and rejection of;
- (ii) application for advertisement of Ayurvedic drugs which suggest enhancement of height and dimensions or capacity of performance of male or female sexual organ.

The newspaper Hindustan has also violated "Norm 17- Obscenity and Vulgarity" of the Norms of the Journalistic Conduct edition, 2018:-

17(i) Newspapers/journalists shall not publish anything which is obscene, vulgar or offensive to public good taste.

(ii) Newspapers shall not display advertisements which are vulgar or which, through depiction of a woman in nude or lewd posture, provoke lecherous attention of males as if she herself was a commercial commodity for sale.

The Council takes suo-motu cognizance of the matter and has issued Show Cause Notice to the Editor, Hindustan, New Delhi.





Press Council of India
Soochna Bhawan, 8-CGO Complex, Lodhi Road, New Delhi –
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Dated : 30.06.2019

Notice
Inviting Entries for
National Awards for Excellence in Journalism
Last Date : 30th August, 2019

The Press Council of India, mandated by an Act of Parliament to improve standards of journalism and maintain Press Freedom has instituted “National Awards” to honor the journalists on the occasion of National Press Day, November 16 for excelling in the fields of print journalism in the categories mentioned below. Award contains a citation and cash money. Entries are invited by 30th August 2019 from all journalists/freelancers/photojournalists of Indian Nationality for National Awards in the following categories in print journalism. The Awards carry:

S.No.	Category	Cash Prize
1.	Raja Ram Mohan Roy National Award for Excellence in Journalism.*	Rs.1,00,000/-
2.	Rural Journalism	Rs. 50,000/-
3.	Developmental Reporting	Rs. 50,000/-
4.	Photo Journalism: (i) Single News Picture (ii) Photo Feature	Rs. 50,000/- Rs. 50,000/-
5.	Best Newspapers Art : Covering cartoons, caricatures and illustrations	Rs. 50,000/-
6.	Sports Reporting/Sports Photo Feature	Rs. 50,000/-
7.	Financial Reporting	Rs. 50,000/-
8.	Gender Issue Reporting	Rs. 50,000/-

*Note: *In this category, the nomination/entries are not invited. The Jury Committee itself will decide the nomination for this category.*

Other details of Procedure, Eligibility, Criteria, Entry form, Declaration form and Rules can be seen and downloaded from the Press Council of India's website www.presscouncil.nic.in.

All entries addressed to the Secretary, Press Council of India, Soochna Bhawan, 8-C.G.O. Complex, Lodhi Road, New Delhi-110 003 in sealed envelope marked "CONFIDENTIAL" should reach on or before 5:00 p.m. on 30th August, 2019. Advance soft copies can be e-mailed at secy-pci@nic.in.

Anupama
(Anupama Bhatnagar)
Secretary
Anupama Bhatnagar
Secretary
Press Council of India
New Delhi-110003

REPORT ON INTERNATIONAL YOGA DAY

International Yoga Day is observed on 21st June every year. On the occasion, Yoga Day was observed from 19 June, 2019 to 21 June, 2019 in the Secretariat of the Council. Press Council prepared an Action Plan which is as follows:

19.06.2019: Essay Writing Competition

On 19.06.2019, an essay writing competition on the topic “Importance of Yoga in Daily Life” was organized in the Secretariat of the Council. The employees of the Council participated in the essay writing competition and cash prizes of Rs.1,500/- to the 1st Winner, Rs. 1,000/- to the Second Winner and Rs.700/- to the 3rd Winner were announced by the Secretary of the Press Council of India. The names of the winners are as follows:

- 1st Prize - Shri Jaswant Kumar, Junior Secretariat Assistant
- 2nd Prize - Shri Sahil Bhardwaj, MTS
- 3rd Prize - Ms. Priya, Junior Secretariat Assistant.

20.06.2019: Training Sessions under expert supervision

On 20.06.2019, a training session on Yoga exercises was organized on 11:00 am in the Conference Hall. A Yoga instructor from Morarji Desai National Institute of Yoga delivered a speech about the origin of Yoga and emphasized on the importance of Yoga and conducted session on basic yoga exercises.



21.06.2019: Yoga sessions

On 21.06.2019, the employees of the Council performed the yoga exercises and meditation in two sessions:

- 10:00 am to 11:00 am
- 04:00 pm to 05:00 pm



All the employees of the Council took part in the Yoga session. Yoga logo T-Shirts were given to all the employees to be put on while performing Yoga. Besides T-Shirts, Yoga Mats were also given to the employees.

State of the Press

Government and the Press

Govt Cherishes Press Freedom: Javadekar

Prakash Javadekar, who took over as information and broadcasting minister on Friday, said the Bharatiya Janata Party (BJP)-led government cherished press freedom and the party's pioneers were at the forefront of the struggle against emergency rule in 1975-77, when the press was gagged.

“Press freedom is the essence of democracy and we not only recognize it, we cherish it”, Javadekar told journalists after taking charge.

“In the history of free India, only once this freedom of press was curtailed, and that was in 1975 during emergency brought by the then Congress government”, he added.

He termed the emergency period that lasted 21 months a “black period” for the media, when there was everyday censorship and complete curtailment of press freedom.

“We fought against it under the leadership of Jayaprakash Narayan, Atal Bihari Vajpayee, (Lal Krishna) Advani ji”, Javadekar said.

The 68-year-old, minister who has also been given charge of the environment, forest and climate change ministry, was information and broadcasting minister for six months when the Narendra Modi government came to power in 2014.

He, asked the media to balance freedom with responsibility. “With freedom comes responsibility, and I am confident that the media will understand that”, the minister said.

(The Hindustan Times. 1st June 2019, New Delhi)

Beating of journo: PCI forms panel for probe

The Press Council of India has, taking suo motu cognizance, set up a two member fact-finding committee and sought a reply from the Uttar Pradesh government after an incident in which a journalist was allegedly beaten up by police in the state's Shamli district. The two member fact-finding

committee, comprising Jaishankar Gupta and Uttam Chandra Sharma, Members, Press Council of India, will visit Shamli on Saturday to ascertain the details of the incident.

The Press Council of India has taken suo motu cognizance of the alleged attack on Amit Sharma of News 24 channel, at Shamli, a PCI statement said.

It has sought reply from the chief secretary, director general of police, the Uttar Pradesh government, and the Senior Superintendent of Police, GRP, Shamli.

The council expresses concern over such incident, which tends to undermine the freedom of press, the statement said.

In a purported video of the incident, which went viral on social media, the accused Government Railway Police personnel, dressed in plain clothes, can be seen repeatedly slapping and punching television journalist Sharma. Subsequently, the scribe was detained by railway policemen.

(The Asian Age, 15th June 2019, New Delhi)

NHRC notice to police over assault on scribe

The National Human Rights Commission on Friday issued a notice to the Uttar Pradesh Police over reports of a Government Railway Police station house officer assaulting a television journalist in Shamli district on Tuesday.

Taking suo-motu cognizance of media reports, the NHRC said, if true, the reports pointed towards gross violation of the victim's rights.

The scribe was brutally attacked by a SHO of the GRP when he had gone to report on a train derailment in the area, along with other reporters.

“An argument took place between the journalists and the police personnel. The victim was then thrashed and dragged to the local GRP police station where he was locked up. The victim has claimed that he was stripped and the SHO urinated in his mouth”, the NHRC said.

Calling for a report within four weeks from the DGP, the NHRC said. “Going by the reported allegations, this kind of cruel and uncivilized act by a public servant is highly disgraceful and cannot be tolerated in a civilized society. Stern action should be taken against the police personnel, if found

guilty, so that such barbaric act is not repeated by any public servant, in future”.

After video of the incident went viral on social media, the SHO and a constable were booked and suspended.

(The Hindu, 15th June 2019, New Delhi)

'Fake news': MEA dismisses media reports on India-Pak dialogue

Challenging Reports in some sections of Pakistan's media that India was ready to hold a dialogue with the neighbouring country, the Ministry of External Affairs (MEA) called it “fake news”. The ministry said that Prime Minister Narendra Modi had written a letter to his Pakistani counterpart Imran Khan as a response to his congratulatory message.

An official spokesperson for MEA said that “as per the established diplomatic practice”, Modi and External Affairs Minister S Jaishankar “have responded to the congratulatory messages received from their counterparts in Pakistan”. In their messages, MEA said, “they have highlighted that India seeks normal and co-operative relations with all neighbours, including Pakistan”.

“For this”, Prime Minister Modi said in his message to Khan that “it is important to build an environment of trust free of terror, violence and hostility”, the spokesperson said.

Jaishankar too “emphasized the need” for an “atmosphere free from the shadow of terror and violence”, MEA stated.

The MEA spokesperson said that there is no change in India's position and Pakistan needs to first take “verifiable” and “irreversible” action against terrorism, and India will not be fooled by mere “cosmetic” action, but “concrete” steps need to be taken before talks can resume. There cannot be any talks “unless we are convinced that action has been taken on the ground and not temporary action which we have seen several times in the past”, MEA said.

Regarding the reports in Pakistani media, the MEA spokesperson said that there was “no reference to talks in that letter” and “these efforts to peddle fake news continue from the Pakistani side”.

(The Indian Express, 21st June 2019, New Delhi)

'Ensure only certified ads are played in media'

Delhi CEO Ranbir Singh, on Thursday directed government officials and media outlets to ensure only content certified by Media Certification and Monitoring Committee (MCMC) is played on various media.

The direction was issued during a meeting of officers of Information & Broadcasting Ministry, All India Radio, Cellular Operators Association of India and representatives of various FM radio channels.

While Singh did not respond to calls and texts by The Indian Express, an official said that the meeting was called to “sensitize” these mediums about the content being broadcasted.

“In the meeting, the officials were basically told that any kind of political advertisements be it ads on radio, TV or bulk SMSes that are sent need to be precertified by the MCMC”, the official said. “We even shared a sample copy of certification with them so they know how it looks like”, he said.

The meeting comes after various cases of content being played, allegedly without precertification, came to the fore.

The Delhi CEO's office had earlier written to the Election Commission, which had pointed out that content being played on NaMo TV was not certified by the MCMC. Similarly, a video by the BJP depicting Army in operation also faced the axe of the Delhi CEO who issued a notice to the party, saying they were sharing the clip on social media without removing the edited portion.

East Delhi Returning Officer K Mahesh has also issued show- cause notices to makers of the film PM Narendra Modi, cricketer turned BJP East Delhi candidate Gautam Gambhir, Chief Minister Arvind Kejriwal and DMRC with regard to MCMC certification.

The Election Commission had made it mandatory for political parties and candidates to take MCMC certification for political advertisements on social and electronic media platforms.

(The Indian Express, 4th May 2019, New Delhi)

PCI complains to EC as scribes not invited to state meetings

The Press Council of India (PCI), a quasi-judicial body, has complained to the Election Commission (EC) that the journalists nominated by it to the state-level Media Certification and Monitoring Committees (MCMC) are not being invited to their meetings.

The PCI watchdog nominates journalists to the district and state-level MCMCs that are constituted to ensure that there are no cases of paid news in print, electronic and digital media. These committees also monitor all political advertisements in electronic and print media to check if the content and the ads are being published with the consent of the candidate in whose expense account the advertisement will be added.

“..It has come to the notice of the Press Council of India that PCI's members nominated to the State Level Media Certification and Monitoring Committees are not getting appropriate assistance from the State Election Authorities to carry out their mandate in the States and they are being not invited for the meetings of the State Level MCMCs”, the print media watchdog wrote in a letter to the Election Commission. HT has seen a copy of the letter dated April 22.

At the end of the second phase of elections on April 18, the poll watchdog had identified 51 cases of paid news.

According to CK Nayak, member PCI, the chief electoral officers of many states and union territories have not even intimated the PCI nominees about the state- level MCMCs even though it is mandatory as per EC's guide lines. The Council also urged the EC to ask state election authorities to take necessary remedial steps. “Interestingly, this time many PCI members who were nominated to SLMCMC have not been intimated to attend its meetings as per ECI guidelines, even though polls will be over in many states with the third phase ending tomorrow”, said Nayak.

For the ongoing Lok Sabha polls, the PCI chairman nominated 15 members for SLMCMCs in 15 states/UTs before the first phase of elections started.

“We have often heard in our Council meetings that the State ECs taking up the nominated member of the PCI casually, inviting him/her at the

11th hour.", the letter signed by many members to the PCI chairman read. An EC official said the commission will follow due process to take a view on the matter.

(Hindustan Times, 23rd April 2019, New Delhi)

Cong Seeking to curb media freedom: FM

Finance minister Arun Jaitley said Congress's poll promise of curbing monopolies in media and ending cross-ownership of media segments was “anachronic” and aimed at restricting free journalism.

In its election manifesto, Congress has promised to pass a law to curb monopolies in the media, cross-ownership of different segments and control of the media by other business organizations. It also said if it came to power, it would enact a legislation to preserve the freedom of the internet and prevent its arbitrary and frequent shut downs.

Jaitley's remarks came after BJP chief Amit Shah said in a poll rally that the Congress move was tantamount to putting restrictions on the media and reminded of the curbs the party had imposed during Emergency

“Congress, which had put a seal on media houses, is trying to bring back Emergency like situation again. However, BJP will not allow it to happen and I urge Rahul Gandhi to introspect on the provision made in his party’s manifesto”, Shah said.

Recalling the Emergency days, Jaitley said it must be borne in mind that the then PM Indira Gandhi had revoked the Press Council Act and abolished the Press Council by an ordinance.

“The media chapter (of the Congress manifesto) contains suggestions, each one of which will regulate and restrict free journalism and otherwise multiplicity of Indian media. It is anachronic”, he said in a blog post on Thursday.

The FM said it was not in tune with the times. On the proposal regarding the internet, Jaitley said the internet was shut down when operations against terrorism and insurgency were in progress. “They have to be exercised instantaneously. Restricting such power during anti-insurgency operations or where caste or communal violence is on will hinder national

interest. In some situations of either insurgent violence or massive social tensions, frenzies can be created on social media. The mischief makers want to achieve that”, he said.

Jaitley said Congress wanted the power of the security forces to be regulated. He argued that with the advent of satellite communication, every citizen had access to hundreds of channels, newspapers and digital media.

“Cross-holding concept is an obsolete idea in India. There is no 'real and imminent' danger of a monopoly”, Jaitley, who heads BJP's publicity division for the general election, said.

(The Times of India, 5th April 2019, New Delhi)

PCI urges media to do objective reporting on polls

With the electoral process for the 2019 Lok Sabha polls in full swing, the Press Council of India asked the media to give objective reports about the election and cautioned it against the phenomenon of paid news.

The Press Council Of India (PCI) said newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate or party during the elections.

“It will be the duty of the press to give objective reports about the election and the candidates”, the PCI said issuing guidelines for the media. While reporting on the actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent, it said.

The print media watchdog also cautioned the press to eschew reports which tend to promote feelings or enmity or hatred between people on the grounds of region, religion, race, caste, community or language.

The press should refrain from publishing false or critical statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate or candidature, to prejudice the prospects of that candidate in the elections, it said.

The PCI also cautioned against publishing unverified allegations against any candidate or party. The council said whenever the newspapers

publish pre-poll surveys, they should take care to preface them conspicuously by indicating the institutions which have carried on such surveys, the individuals and organizations which have commissioned them, the size and nature of sample selected and the method of selection of the sample for the findings.

The PCI asked the media to guard against paid news which it defined as “any news or analysis appearing in any media for a price in cash or kind as consideration”.

(The Asian Age, 10th April 2019, New Delhi)

Attack on Media

Editors Guild flays attack on journalists

The Editors Guild of India has condemned the attacks on journalists in West Bengal on May 6 during the fifth phase of polling. At least three incidents were reported when teams of news channels News X, ABP Ananda and Zee News were allegedly attacked by Trinamool Congress workers.

“Physical attacks against journalists are always reprehensible, but particularly so during elections as they undermine fair media scrutiny of an election”, the Editors Guild said in a statement here.

The Guild has urged the Election Commission of India to initiate action against the culprits.

(The Hindu, 8th May 2019, New Delhi)

FIR against scribe: K'taka govt faces flak

The city police has registered an FIR against the editor of a Kannada daily for publishing an article about an alleged conversation between Nikhil, son of chief minister, H D Kumaraswamy, and his grandfather and former Prime Minister, Deve Gowda.

The FIR followed a complaint by a JDS leader following the publication of the article.

According to Vishweshwar Bhat, editor of Vishwavani, the complaint came even after he had carried the clarification given by Kumaraswamy the next day.

The development does not come as a surprise considering that, of late, Kumaraswamy has been unhappy with the media.

He has been repeatedly refusing to interact with journalists; even taking offence at a satire that was aired on a local channel recently leading to his outburst against the electronic media.

Besides, barely two months ago, Hemant, a journalist who writes for some New Delhi based publications, was taken into custody for allegedly using a fake letter purportedly written by home minister, M B Patil, to the Congress high command on the controversy relating to the Lingayat community.

It is reliably learnt that Kumaraswamy is extremely upset with the media for its reporting on the recent Parliamentary elections, the embarrassing loss that Nikhil suffered in Mandya in the recent Lok Sabha polls where he was defeated by Mrs Sumalatha, an independent.

Above all, he has been exercised over the recent defeat of the JDS candidates in the Lok Sabha elections where the party won just one seat, that of Hassan.

The seat was bagged by Prajwal, son of HD Revanna, PWD minister and brother of the chief minister.

What made matters worse was that his father and former Prime Minister, Deve Gowda too lost from Tumkur this time, adding to the rout that the ruling JDS-Congress combine suffered in the recent polls, besides denting the image of the Gowda family as a whole.

While the BJP stormed the state winning 25 of the 28 Lok Sabha seats this time, the JDS and Congress accounted for just one constituency each, with Sumalatha, the independent candidate backed by the BJP bagging the remaining one.

If this was not enough the ruling combine has been extremely upset by the daily reporting of the possibility of the government's collapse following the growing rift in the coalition.

(The Statesman, 28th May 2019, New Delhi)

2 Journalists attacked, Assam CM orders probe

Assam Chief Minister Sarbananda Sonowal instructed DGP Kuladhar Saikia to ensure prompt and stern action against the miscreants who assaulted two journalists 540 km apart on Thursday night.

Miscreants wielding sharp weapons attacked Rajen Deka, a correspondent of Assamese daily *Dainik Asom* in western Assam's Mukalmua, while a group of inebriated youth assaulted News18 TV reporter Upasana Barua Goswami along with her husband at an eatery in Tinsukia.

A bleeding Mr. Deka was admitted to the Guwahati Medical College Hospital where his condition is said to be stable.

One of Mr. Deka's neighbours, who is absconding, is suspected to have orchestrated the attack over his Lok Sabha election-related reporting. In the Tinsukia case, the youth assaulted Mrs. Goswami and her husband after they asked them not to be boisterous and disturb others in the restaurant. The police in Tinsukia said they have arrested the four people in the case.

Condemning the attacks, the National Union of Journalists India and Journalists' Association of Assam expressed serious concern over the rise of crime against media persons in the State and demanded the introduction of the Journalist Protection Act.

(The Hindu , 27th April 2019, New Delhi)

Press and the People

Journalist, social activists express concern over 'fake' NRC objections

A group of people in Assam on Wednesday expressed concern over “false” objections raised by persons with “vested interests” to “harass genuine Indian citizens”, whose names have appeared in the draft NRC.

Complaints have been raised by persons and groups with “vested interests” against “genuine” citizens who have established lineage dating back to early 19th century, claimed journalist and convenor of rights body, Centre for Justice and Peace, Zamsher Ali.

Objections have been filed against Ali's seven-year old daughter and the "entire family, tracing its lineage to the same legacy data, has to be present at the NRC Seva Kendra to prove her citizenship", he said.

The complainants do not even appear before the authorities during the time of hearing of their pleas, the journalist alleged.

"It is a concerted effort to ensure that names of genuine Indian citizens are deleted from the final NRC, scheduled to be released on July 31", he said.

The National Register of Citizens (NRC) aims to separate "genuine" citizens from "illegal immigrants". The complete draft of the register, published in July, 2018, had excluded 40.07 lakh names out of the 3.29 crore applicants.

A window ending December 31, 2018, was provided for those who wanted to file claims for re-inclusion.

Within this same period, people who suspected that foreigners have made their way to the list were also allowed to file their objections.

The final list is slated to be released by July 31.

Objections have also been filed against the inclusion of the name of Hara Kumar Goswami, a social activist of Rampur village in Barpeta district.

"There is no history of migration in our village but objections have been filed against five persons, including me, mainly because we highlight the problems being faced by people struggling to establish their citizenship, and also those who have been declared as D- voters", Goswami said.

Echoing similar sentiment, researcher and social activist, Syeda Mehjabeeri Rahman, said, "Objections are filed randomly and in my case, it has been filed against me and my uncle."

She also alleged that authorities of the NRC Seva Kendras were "in league" with the complainants providing them with the Application Receipt Number (ARN) of the applicants.

"It is mandatory for a complainant to mention the Application Receipt Number (ARN) of the person, against whom the objection is being filed.

“But the ARN is known only to the applicants and the authorities at the Seva Kendras”, Rahman said.

Student leader and writer Ashraful Hussain, whose five-year-old niece has been served with an objection notice, said, “The entire NRC exercise is being conducted under the supervision of the Supreme Court, but the guidelines of the apex court are being flouted at the ground level.

“We are not against the NRC but we want an inclusive list, in which the names of all genuine Indian citizens are included.”

The Opposition Congress in the state had claimed in a memorandum, submitted to the District Registrar of Citizens Registration in Korajhar, that “fictitious” persons with ulterior motive were raising

Complaints and objections, based on which the authorities were issuing notices to “genuine” citizens.

(The Pioneer, 23rd May 2019, New Delhi)

Social Media

Minister warns social media firms against terrorism

IT Minister Ravi Shankar Prasad on Monday asked social media firms to maintain constitutional sanctity and remain vigilant against any misuse of their platforms for acts of terrorism, communalism and breaking the country

The Minister, who took charge here, told reporters that “platforms should not be allowed to be used for terrorism, extremism and communalism. These are well-known issues. We all respect freedom of speech and expression that is sacrosanct for us and part of the constitutional guarantee, but that is also subject to reasonable restriction.”

(The Deccan Herald, 4th June 2019, Bengaluru)

EC letter to Facebook over ads violating silent period

In a fresh reminder on Saturday, the Election Commission (EC) asked social media platform Facebook to take down any political advertisements during the 48 hours of silence period ahead of polls to avoid any violation.

The letter to Facebook, comes after Congress complained to EC about 600 active BJP Facebook ads during the silence period in the fourth election phase. Facebook responded to the EC notice on Sunday asking for specific violating advertisements, so the company can take action.

The missive stated that the EC has learnt of “numerous political advertisements” active on Facebook during the silence period on April 29 and that the company must “avoid any further violation”.

On April 30, Congress Legal Coordinator Varun Chopra sent a notice to EC with an annexed sheet of the Facebook public archive details of one advertisement by the BJP's official Facebook page, that began running on April 28 and was seen by one to two lakh Facebook users. This ad, and others, according to the Congress complaint, were shown in West Bengal, Maharashtra, Madhya Pradesh and Rajasthan. On April 29, 71 seats went to polling, over half of which were in these four states. The Congress complaint included a copy of an April 29 Quint article outlining the same.

The EC also sent a response to Mr. Chopra on Saturday informing him that EC has instructed Facebook to take down political advertisements posted during the prohibited period as well as a chart of the number of EC notices to four social media companies and the number of takedowns.

EC sent Facebook 603 takedown notices of which 601 were implemented, according to the letter. EC notified Google/YouTube of five cases, Twitter of 49 and WhatsApp of 3. All of these three companies complied with all EC notices, the chart shows.

Facebook declined to respond to questions from *the Indian Express*.

(The Indian Express, 5th May 2019, New Delhi)

Report: Social media plays key role in influencing first-time voters

A survey conducted by a digital marketing company has claimed that nearly one- third of first-time voters were influenced by political messages on social media platforms in the ongoing general elections.

As many as half of around 15-crore first-time voters received political messages through various social media platforms, said the report based on an online survey of around 25 Lakh participants.

Political movement on social media was higher in 2019 Lok Sabha elections than in 2014, the report by ADG Online said. “30 per cent of 150 million first-time voters are engaged and influenced through social media platforms, political messages have reached out to 50 per cent of first-time voters through Social media and rest 20 per cent are aware of the developments in the country”, the report said.

Social media messages have a greater influence on youths, the report said, adding that more than 50 per cent voters influenced by social media are less than 25 years of age.

As per the survey report, around 40 per cent of youths (18-24 years) kept themselves updated about the political developments through at least one of the five social media platforms - Facebook, Instagram, Share Chat, Whatsapp and Twitter.

The very nature of social media helped in amplifying engagement through comments, on line interactions, trolls, posts, pictures showing support, it said.

Anuj Sayal, Group Chairman, ADG Online, said, “Political parties have used big data analytics techniques for increasing mass outreach and conveying their key messages for the general elections.

(The Pioneer, 13th May 2019, New Delhi)

Court vis-a-vis Media

HC stays case against Tamil magazine editor

The Madras High Court on Tuesday stayed proceedings in a lower court against a Tamil magazine editor in a case filed against him for publishing articles allegedly disparaging Tamil Nadu Governor Banwarilal Purohit.

Granting interim relief to R Gopal, the editor of 'Nakkheeran', Justice N Anand Venkatesh observed it was the first case after the country's independence where the court has been called upon to consider whether a publication by itself will have the effect of overruling a Governor so as to prevent him from exercising his lawful powers and duties.

However, he had walked free within hours after a court rejected the police's plea for his remand and released him on a personal bond.

(The Deccan Herald, 5th June 2019, Bengaluru)

Right to liberty not negotiable, release journalist, Supreme Court tells UP Govt.

Underlining that “fundamental rights guaranteed under the Constitution of India and in particular Articles 19 and 21...are non-negotiable”, the Supreme Court Tuesday ordered the immediate release on bail of freelance journalist Prashant Kanojia, arrested by UP Police for alleged objectionable comments on Twitter against Chief Minister Yogi Adityanath along with a video in which a woman is heard making claims.

A vacation bench of justices Indira Banerjee and Ajay Rastogi called Kanojia's arrest as “excessive” but made clear that its order for his release on bail should not be read as approval of his social media posts.

Ruling on Kanojia's wife Jagisha Arora's petition for writ of habeas corpus, the bench said: “We direct that the petitioner's husband be immediately released on bail on conditions to the satisfaction of the jurisdictional Chief Judicial Magistrate. It is made clear that this order is not to be construed as an approval of the posts/tweets in the social media. This order is passed in view of the excessiveness of the action taken.” It said the State of Uttar Pradesh was free to proceed against Kanojia “in accordance with law”.

“We need not comment on the nature of the posts/tweets for which the action has been taken. The question is whether the petitioner's husband, Prashant Kanojia, ought to have been deprived of his liberty for the offence alleged. The answer to that question is prima facie in the negative”, the bench said.

Appearing for UP, Additional Solicitor General Vikramjit Banerjee said the petitioner should have first approached the High Court for relief instead of coming straight to the Supreme Court with a petition under Article 32.

But the bench did not agree: “As a matter of self-imposed discipline and considering the pressure of mounting cases on this Court, it has become the practice of this Court to ordinarily direct that the High Court first be ap-

proached even in cases of violation of fundamental rights. However, Article 32, which is itself a fundamental right, cannot be rendered nugatory in a glaring case of deprivation of liberty as in the instant case, where the jurisdictional Magistrate has passed an order of remand till 22.06.2019 which means that the petitioner's husband, Prashant Kanojia, would be in custody for about 13/14 days for putting up posts/tweets on social media. We are not inclined to sit back on technical grounds. In exercise of power under Article 142 of the Constitution of India, this Court can mould the reliefs to do complete justice.”

During the hearing, Justice Banerjee told the ASG “we do not appreciate the tweets, but the question is can you put him behind bars”. The judges said their concern was about deprivation of liberty. “Sometimes we suffer the brunt of social media sometimes it is just and sometimes unjust. Question is only deprivation of liberty.”

Asking the UP police to show magnanimity, the bench noted that not everything put on social media is correct and the state could proceed with the trial even after bail. The ASG said the order should not be not seen as an endorsement of Kanojia's tweets.

Justice Banerjee said it will be treated as an endorsement of his right to personal liberty. She also remarked that “people are educated” and it will be wrong to think that they will lap up whatever is uploaded on social media.

When the ASG questioned the petitioner not moving the High Court, Justice Banerjee said “the right to liberty of a citizen has been infringed.... These sort of tweets should not be made, but arrest?.. Court does not ordinarily entertain Article 32 petition. But when something is so glaring, can court fold its hands and say go to High Court.

(The Indian Express, 12th June 2019, New Delhi)

SC says media report on NRC procedure disturbing

In the backdrop of reports that a decorated former army officer has been declared a foreigner by a tribunal in Assam, the Supreme Court on Thursday asked the NRC state coordinator to ensure that fair procedure is adopted in dealing with the claims and objections on inclusion of citizens in the draft National Register of Citizens (NRC).

A vacation bench comprising Chief Justice Ranjan Gogoi and Justice Aniruddha Bose, without referring to any specific matter, said “disturbing” reports have emerged in the media regarding procedure to deal with claims and objections.

According to Assam police, Mohammad Sanaullah, a former army officer who had won a President's medal, was apprehended on Wednesday and sent to a detention camp in after a foreigners' tribunal declared him a 'foreigner'.

Family members of Sanaullah have said they will approach the Gauhati High Court against the tribunal's order.

“There are very disturbing reports in the media. The media is not always correct but sometimes media is right also”, the apex court bench told state NRC coordinator Prateek Hajela.

The apex court observed this while hearing the Assam NRC matter. A case was registered in 2008 after Sanaullah's name was listed as a 'D' (doubtful) voter in the voters list, according to Kamrup district Additional Superintendent of Police Sanjib Saikia. After the verdict of the tribunal, Saikia said police according to laid down procedure, picked up Sanaullah and took him to the detention camp in Goalpara district to be lodged there.

(The Statesman, 31st May 2019, New Delhi)

**Index of Adjudications
Rendered During the Quarter
Date of Adjudication: May 29, 2019**

SI. No.	Parties	Decision of the Council
Harassment of Newsmen		
1	Complaint of Shri Vishnu Dev, Press Reporter, Satyagrah Weekly, Ludhiana, Punjab against Shri Deepak Kumar, Employee of Toll Plaza, Laddhowal. (13/164/17-18)	Dismissed
2	Complaint of Shri Amanulla, Journalist, Distt. Gutambudh Nagar, UP against Shri Vaaris Ali and others. (13/64/18-19)	Dismissed
3	Complaint of Shri Manoj Kumar Aligarhi, Independent Photo Journalist, Aligarh, Uttar Pradesh against Anti-Social Elements. (13/40/18-19)	Disposed of with direction
4	Complaint of Shri Satish Beri, Sriganaganagar against police authorities and anti-social elements. (13/29/18-19)	Dismissed
5	Complaint of Shri Gauri Shankar Saini, Jaipur, Rajasthan against Police Authorities. (13/102/18-19)	Disposed of being sub-judice
6	Complaint of Dr. M. Furquan, Media Report, Sach Bilkul Sach, New Delhi against unknown persons.(13/11/2018-19)	Disposed of being withdrawn
7	Complaint of Shri Anshu Gupta, Reporter, Bundelkhand Live and U.P News box, Banda, Uttar Pradesh against the Police Authorities and Anti-social elements. (13/53/18-19)	Disposed of

Sl.No.	Parties	Decision of the Council
8	Complaint of Sh. Mahindra Singh, Publisher/Printer/Editor, Kisholi Times, Bulandshahar, U.P. against Anti-Social elements and Police authorities. (13/76/18-19)	Dismissed
9	Complaint of Shri Harender Malik, Correspondent, Dainik Shah Times, Jhijnjhana, against Shri Raj Kumar Sharma, SHO, Jhijnjhana, Ghaziabad, Uttar Pradesh. (13/92/2018-19)	Disposed of
10	Complaint of Shri Umakant Mishra, Chief Editor, Seema Rekha, Deoria, Uttar Pradesh against Police Authorities. (13/77/18-19)	Dismissed
11	Complaint of Shri Ankit Rai, Bureau Chief, Gaon-Gaon Ki Khabar, Sultanpur, Uttar Pradesh against District Information Officer, Sultanpur, Uttar Pradesh. (13/20/2018-19)	Dismissed
12	Complaint of Shri Ramesh Yadav, Sub-Editor, Sunami Lehar, Farrukhabad, Uttar Pradesh against the Anti-Social elements. (13/24/18-19)	Disposed of
13	Complaint of Shri Kallimullah, Senior Journalist, Siddharthnagar, Uttar Pradesh against Shri Harendra Pathak, Sub-Inspector, Naugarh Chauki, Siddharthnagar, Uttar Pradesh. (13/43/2018-19)	Dismissed
Facilities to the Press		
14	Complaint of Dr. Satish Kumar Verma, Veer Yodha, Aligarh, UP against Shri Akeel Ahmad, Assistant Director, Information Department, Department of Public Relation, Aligarh. (13/84/18-19)	Dismissed

Sl.No.	Parties	Decision of the Council
Suo Motu Cognizance		
15	Suo-motu cognizance w.r.t. arrest of Sh. Kunal Shankar, Reporter, Frontline and restrictions on media in the Hyderabad Central University. (13/213/16-17)	Dropped
16	Suo-motu cognizance w.r.t. murder of Ms. Gauri Lankesh, Sr. Journalist/Editor, Gauri Lankesh Patrika by unknown assailants. (13/76/17-18)	Dropped
17	Suo-motu cognizance with regard to registering of false case against journalist by the Project Officer of Integrated Tribal Development Authority at Seethampeta in Srikakulam District. (13/97/18-19)	Dropped
18	Suo-motu cognizance with regard to summoned Shri Auqib Javeed, Reporter, Kashmir Observer by the National Investigation Agency (NIA). (13/62/18-19)	Disposed of with observation
19	Suo-motu cognizance w.r.t. restriction on media from entering in Punjab Police Headquarter. (13/96/18-19)	Dropped
20	Suo-motu cognizance with regard to arrest of Shri Kishorechandra Wangkhem, Journalist under National Security Act. (13/137/18-19)	Dropped
Curtailment		
21	Complaint of Dr. Jasim Mohammad, Bureau Chief, Aligarh (U.P.) against Shri Nadeem Ansari, Former AMU Students Union Vice President & Others. (13/56/18-19)	Disposed of with observation

SI.No.	Parties	Decision of the Council
22	Complaint of Shri Santosh Kumar, Journalist, N.L.N. Media (News Live Now), Mandi, Himachal Pradesh against Police Authorities. (13/12/18-19)	Disposed of
23	Complaint of Shri Ravindra Kumar, Editor & Managing Director, The Statesman Kolkata against the Kolkata Police. (13/91/18-19)	Disposed of with observation
24	Complaint of Shri Aasif Shafi, Freelance Photo-Journalist against CRPF and Police Personnel of J&K. (13/100/17-18)	Dismissed
25	Complaint of Shri Balram Yadav, Correspondent, Buddh Shanti Jan Sandesh, Kushinagar, Uttar Pradesh against Shri Ghanshyam Shukla, Kushinagar. (13/93/18-19)	Disposed of
26	Complaint of Smt. Shruti Chaddha, Mandal Bureau 24 Hours Today News, Jhansi and Nishakant Gupta, Editor, Jhansi Varta, Jhansi against Police Authorities, Jhansi Circle. (13/95/18-19)	Disposed of being sub-judice
Principles and Publication		
27	Complaint of Shri Rasananda Mohanthy, Cuttack, Odisha against the Editor, The Samaj. (14/455/16-17)	Dismissed
28	Complaint of Shri K.S. Srinivasan, Chennai against the Editor, Deccan Chronicle, Chennai. (14/551/16-17)	Withdrawn
29	Complaint of Shri Tanvir Ahmad, Deputy Director (Estate-I), New Delhi Municipal Council, Palika Kendra, New Delhi against the Editor, Navbharat. (14/241/18-19)	Dismissed

Sl.No.	Parties	Decision of the Council
30	Complaint of Shri Girdhari Lal Sharma, Mathura, UP against the Editor, Hindustan. (14/75/18-19)	Disposed of
31	Complaint of Smt. Seema Devi, Karnal, Haryana against the editors 1) Punjab Kesari, 2) Dainik Bhaskar, 3) Dainik Jagran, 4) Amar Ujala, 5) Dainik Savera, 6) Dainik Jag Marg. (14/222-227/18-19)	Dismissed
32	Complaint of Ms. Shobha Aggarwal, Member, AIDS Bhedbhav Virodhi Andolan, New Delhi against the Editor, The Hindu. (14/324/18-19)	Censured
33	Complaint of Sh. Ajay Gautam, New Delhi against Hindustan. (14/93/17-18)	Censured
34	Complaint of Sh. Rajinder Singh, IPS, former DGP, Pb. (Retd.), Mohali against The Tribune. (14/225/17-18)	Dismissed
35	Complaint of Shri Harminder Arora, Moga, Punjab against the Editor, Dainik Savera. (14/157/18-19)	Dismissed
36	Complaint of Shri V. Sagar, Secretary, The Institute of Chartered Accountants of India, New Delhi against the Editor, DLA, Agra. (14/185/18-19)	Disposed of being withdrawn
37	Complaint of Smt. Makhmali Devi, Rurki, Uttarakhand against the Editor, Dainik Jagran, Meerut, U.P. (14/4/18-19)	Disposed of

SI.No.	Parties	Decision of the Council
38	Complaint of Shri Mahaveer Singh against the Editor, Amar Ujala, Noida, Gautambudh Nagar, Uttar Pradesh. (14/98/18-19)	Dismissed
39	Complaint of Shri Kamal Sharma, Lucknow, Uttar Pradesh against the Editor, The Hindustan Times. (14/199/2018-19)	Disposed of with direction
40	Reference from Ministry of Home Affair forwarding therewith communication of Director General of Police, Jammu & Kashmir Police against Early Times (Received through MIB). (14/172/18-19)	Censured
41	Complaint of Shri M. Siraj Anwar, Professor & Head, Publication Division, NCERT, New Delhi against the Editor, The Times of India, New Delhi. (14/93/18-19)	Censured
42	Complaint of Shri N. Sankara Menon, USA against the Editor, Times of India, Chennai, Tamil Nadu. (14/245/18-19)	Censured
43	Complaint of Shri Dibya Kant Shukla, Secretary, U.P. Secondary Education Service Selection Board, Allahabad, U.P. against the Editor, Dainik Jagran, Kanpur, Uttar Pradesh. (14/398/18-19)	Disposed of with direction
44	Complaint of Shri Akshay Pathak, Mumbai against the Editor, Loksatta, Mumbai. (14/323/18-19)	Censured
45	Complaint of Shri Akshay Pathak, Mumbai against the Editor, Indian Express. (14/473/18-19)	Censured

Sl.No.	Parties	Decision of the Council
Press and Defamation		
46	Complaint of Dr. Protim Sharma, Assam against the Editor, Asomiya Khabar, Assam. (14/383/16-17)	Disposed of being sub-judice
47	Complaint of Dr. Protim Sharma, Assam against the Editor, Niyomiya Barta. (14/485/16-17)	Disposed of being sub-judice
48	Complaint of Shri Safal Kr. Khound, President Jorhat Assam against the Editor, Asomiya Pratidin. (14/506/16-17)	Disposed of
49	Complaint of Dr. Sangram K. Mohapatra, Managing Director, SSB Hospital, Orissa against the Editor, The Seva Shree. (14/542/16-17)	Dismissed
50	Complaint of Smt. Jyoti Singh, Sonipat, Haryana against Editor, Amar Ujala and Punjab Kesari. (14/177-178/18-19)	Dismissed
51	Complaint of Shri V. Sagar, Secretary, The Institute of Chartered Accountants of India, New Delhi against the Editor, Rajasthan Patrika. (14/215/18-19)	Censured
52	Complaint of Shri V. Sagar, Secretary, The Institute of Chartered Accountants of India, New Delhi against the Editor, The Economic Times. (14/243/18-19)	Disposed of with direction
53	Complaint of the Senior Medical Superintendent, Deen Dayal Upadhyay Zonal Hospital, Shimla against the Editor, Amar Ujala. (14/127/18-19)	Dismissed

SI.No.	Parties	Decision of the Council
54	Complaint of Principal, Dr. R.P. Govt. Medical College, Kangra at Tanda, HP against the Editor, Dainik Jagran, Himachal Pradesh. (14/221/18-19)	Dismissed
55	Complaint of Shri Subham Aggarwal, Bijnore, Uttar Pradesh against the Editors, 1) Amar Ujala & 2) Dainik Jagran. (14/106-107/18-19)	Disposed of
56	Complaint of Shri Ahmed Mohamad, New Delhi against the Editor, The Hindustan Times.(14/386/17-18)	Disposed of with Assurance
57	Complaint of Shri Dolraj Gaire, Bhopal Madhya Pradesh against the Editor, Pradesh Today, Bhopal, Madhya Pradesh. (14/309/17-18)	Censured
58	Complaint of Shri Suresh Harchandani and others, Directors of Navjeevan Co-op. Bank, Ulhasnagar against the Editors, Kalyan Clean Times, Ulhasnagar. (14/322/17-18)	Disposed of
59	Complaint of Shri Ajeet Shankarlal Bhatia, Thane, Maharashtra against the Editors, Kalyan Clean Times, Ulhasnagar. (14/471/17-18)	Disposed of
60	Complaint of Shri Lalit Jain, Jyoti Flames, (Bharat Gas Agency), Bulandshahar, Uttar Pradesh against the Editor, Amar Ujala, Meerut, Uttar Pradesh. (14/149/18-19)	Censured
61	Complaint of Shri Mohammad Sameer, Jaipur, Rajasthan against Hindustan, New Delhi. (14/191/18-19)	Disposed of with direction

SI.No.	Parties	Decision of the Council
62	Complaint of Shri Venugopal Darbha, Coding Officer, Government Opium & Alkaloid, Neemuch, Madhya Pradesh against the Editor, Dainik Bhaskar, Ratlam, Madhya Pradesh. (14/175/18-19)	Dismissed
63	Complaint of Dr. Thakur Mukesh Singh Chauhan, Hazipur, Bihar against the Editor, Dainik Bhaskar, Patna.(14/78/18-19)	Dismissed
64	Complaint of Shri Ashok Kumar Rastogi, Meerut, Uttar Pradesh against the Editor, Dainik Jagarn, Meerut, Uttar Pradesh. (14/183/18-19)	Dismissed
65	Complaint of Authorized Signatory, Patanjali Yogpeeth Maharishi Dayanand Gram, Haridwar against the Editor, Pharmacist Times, Nagpur, Maharashtra. (14/525/17-18)	Disposed of with direction
66	Complaint of Shri Jata Shankar, President, Sri Kashi Jivdaya Vistarni Gaushala against the Editor, Gunj Uthi Ranbhari, Hindi Weekly, Varanasi, Uttar Pradesh. (14/290/18-19)	Disposed of being sub-judice
67	Complaint of Sh Bhanu Prakash Mishra, Gorakhpur, Uttar Pradesh against the Editor, Amar Ujala, Gorakhpur, Uttar Pradesh. (14/250/18-19)	Disposed of with Assurance
68	Complaint of Shri Hari Ram Mahroliya, Chief Commercial Inspector, Kota Junction, Kota, Rajasthan against the Editor Chambal Sandesh. (14/276/18-19)	Dismissed

SI.No.	Parties	Decision of the Council
Paid News		
69	Complaint of Shri Surender Kumar Jain, Bhopal, MP against the Editor, Dainik Jagran, Bhopal, MP. (14/328/16-17)	Dropped
Communal, Casteist, Anti National and Anti-Religious Writings		
70	Complaint of Shri Prem Kumar Singh, Delhi against the Editor, The Indian Express. (14/418/17-18)	Disposed of with direction

Adjudication of the Council

Harassment of Newsmen

Adjudication
Dated 29.5.2019

- 1) Shri Vishnu Dev,
Press Reporter,
Satyagrah,
Ludhiana (Punjab).
- Vs. The Director,
National Highway
Authority of India,
Ministry of Road
Transport & Highways,
Jalandhar (Punjab).

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

Facts

This complaint dated 4.12.2017 has been filed by Shri Vishnu Dev, Press Reporter, Satyagrah, Ludhiana (Punjab) against Shri Deepak Kumar, Employee of Toll Plaza, Laddhowal for allegedly misbehaving and forcibly issuing toll ticket. The complainant has informed that on 1.12.2017, he was going in his car to Hoshiarpur for some official work i.e. for news gathering purpose. When he reached Laddhowal Toll Plaza, he was asked to pay fee-charge. The complainant showed his Press Card saying that the Press is exempted from the charge of toll but the concerned official-Shri Deepak Kumar did not agree and started using unparliamentary language. The complainant has also informed that to avoid the conflict, he paid the toll Rs.180/- (to and fro) and on request the respondent-Shri Deepak Kumar wrote on the toll slip that no such exemption will be given on this Press Card ID No.17/IDh/39. The complainant has alleged that Shri Deepak Kumar

used derogatory words against the Press. According to the complainant, as per NHAI Toll Plaza Rules, only 3 minutes are given for waiting to Toll Plaza Authority otherwise free entry/no toll charges but he also waited for more than 20 minutes. He has requested the Council to take strong action against the respondent.

No Reply

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

Reply received from Project Implementation unit, NHAI

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

Report of the Inquiry Committee

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

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

Held

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

Adjudication

Dated 29.5.2019

- 2) Shri Amanulla,
Journalist,
Gautam Budh Nagar,
(U.P.)
- Vs. The Chief Secretary,
Government of U.P.,
Lucknow.
- The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow.
- The Director General of
Police, U.P. Police,
Lucknow.
- The Sr. Superintendent
of Police,
Gautambudhnagar, (U.P.).

Facts

This undated complaint, received in the Secretariat of the Council on 5.7.2018, has been filed by Shri Amanulla, Journalist, Gautam Budh Nagar (U.P.) against the anti-social elements for allegedly harassing and filing false case due to publication of critical writings. According to the complainant, some criminal natured persons forcefully encroached graveyard, which belongs to the Wakf Board, on the basis of forged documents. In this regard,

some persons of Muslim community gave him documents for publication. On the basis of these documents, he published news items in “Shah Times” and put on social media. Annoyed with this, one Shri Waris Ali filed a false case against him through Hon’ble Court under Section 156(3) in Jewar Police Station Case No.304/18 on 13.4.2018 under Section 384 IPC and Section 67 IT Act. The complainant has further informed that the anti-social elements are now pressurising the Investigating Officer for filing the charge-sheet. The complainant has alleged that Shri Waris Ali is criminal natured person and also a land-mafia and he is continuously threatening him and his family. While apprehending danger to him and his family life, the complainant has requested the Council to take necessary action in the matter.

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

Written Statement

The Sr. Superintendent of Police, Gautam Budh Nagar vide his written statement dated 6.10.2018 has informed that the matter was investigated by the Circle Officer, Jewar, Gautam Budh Nagar, who in his report dated 5.10.2018 stated that one Shri Waris filed a case against the complainant through Hon’ble Court under Section 156(3) in Jewar Police Station Case No. 304/18 on 13.4.2018 under Section 384 IPC and Section 67 IT Act. During the investigation, it has been found that Shri Waris tried to encroach the land of graveyard and the complainant published few news items in this regard. Annoyed with this, with a view to pressurise the complainant, Shri Waris registered this case. Due to non-availability of any evidence in the case, the investigation has been closed by submitting Final Report No.175/18 dated 16.8.2018.

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

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri Amanulla, complainant/journalist along with

Shri A.Q. Khan, Counsel appeared in person. Shri Prahalad Singh, Inspector represented the Police Authority.

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

Held

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

Adjudication

Dated 29.5.2019

- 3) Shri Manoj Kumar Aligarhi, Vs. The Chief Secretary,
Freelance Photojournalist, Government of U.P.,
Aligarh, Lucknow.
(U.P.).
- The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow.
- The Director General of
Police, U.P. Police,
Lucknow.
- The Sr. Superintendent
of Police, Aligarh, (U.P.).

Facts

This complaint dated 30.5.2018 has been filed by Shri Manoj Kumar Aligarhi, freelance photojournalist, Aligarh (U.P.) against the anti-social elements alleging deadly attack on him due to publication of critical photographs. The complainant has informed that photographs relating to

damaging of government property, attacking of police personnel and indulgence in anti-national activities by few persons associated with Muslim University have been often published by him in various newspapers. Annoyed with this, these persons had brutally attacked him on 4.5.2018 leading to serious injuries. The police saved him and his medical treatment is still going on.

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

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

Reply of Sr. S.P., Aligarh

Shri Ajay Kumar Sahani, Sr. Superintendent of Police, Aligarh vide his reply dated 4.10.2018 has informed that the matter was investigated by Shri Atul Kumar Srivastava, Superintendent of Police City, Aligarh, who in his investigation report dated 26.9.2018 stated that the application of the complainant regarding providing security on his personal expenses was considered by the District Security Committee in its meeting held on 9.6.2018 and unanimously decided not to provide security to the complainant. The respondent has further stated that no further action is required on the complainant's application.

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

Communication received from the complainant

The complainant, Shri Manoj Kumar, Journalist vide letter dated 14.2.2019 has submitted that all the relevant papers related to the matter have

already been submitted to the Council. He has further submitted that despite repeated requests, he has not received protection from the Police authorities. He has submitted that on 12.2.2019, cameras of many reporters were broken and their mobiles were also snatched in the premises of AMU. He has requested the Council to take strict action against the guilty.

Report received from S.P., Aligarh

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

Report of the Inquiry Committee

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

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

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

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

Held

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

Adjudication

Dated 29.5.2019

- 4) Shri Satish Beri,
Editor,
Sandhya Deep,
Sriganganagar,
Rajasthan.
- Vs. The Chief Secretary,
Government of Rajasthan,
Jaipur (Rajasthan).
- The Secretary,
Home (Police) Department,
Government of Rajasthan,
Jaipur (Rajasthan).
- The Director General of
Police,
Rajasthan Police,
Jaipur (Rajasthan).
- The District Magistrate,
District Sriganganagar,
Rajasthan.
- The Superintendent of Police,
District Sriganganagar,
Rajasthan.

Facts

This complaint dated 18.5.2018 has been filed by Shri Satish Beri, Editor/Journalist, Sandhya Deep, Sriganganagar (Rajasthan) against anti-social elements for alleged attack on him due to publication of critical writing and inaction of the police. According to the complainant, he published a news item against a local Satta-Mafia, Shri Rakesh Narang. Annoyed with this, Shri Narang along with his associates attacked him on 1.5.2018. The complainant has submitted that he has written letter dated

1.5.2018 to the Superintendent of Police, Sriganganagar but no action was taken by the police in the matter. While apprehending danger to his life, the complainant has requested the Council to take necessary action in the matter.

A report on facts of the case was called for from the Government of Rajasthan on 25.5.2018.

Reply from Superintendent of Police, Sriganganagar

The Superintendent of Police, Sriganganagar vide his reply dated 5.7.2018 has informed that the matter was investigated and a report in the matter was received from the Deputy Superintendent of Police, Circle City, Sriganganagar. As per report, a case No.144/2018 under Section 323/341/34 IPC in Police Station-Haja was filed by the complainant against two-three unknown persons regarding assault on 1.5.2018. The Investigating Officer, Shri Dilbagh Singh, ASI, recorded the statements of the complainant and witnesses and after receiving the Medical Report, Sections 325/308 were added in the said case. In a statement recorded under section 161 of CrPC, the complainant has accused Shri Lucky Pahalwan and his associates for the attack. It has been further reported that during the investigation, the complainant filed an agreement on Stamp Paper of Rs.100/- dated 12.6.2018 stating that he does not want any action against the Shri Lucky Pahalwan in Case No.144/2018 as the matter has been settled between them.

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

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

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

Report of the Inquiry Committee

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

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

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

Held

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

Adjudication

Dated 29.5.2019

- 5) Shri Gauri Shankar Saini, Vs. Shri Kailash Chandra,
Journalist, Assistant Sub-Inspector,
Upbhokta Adhikar, Police Station-Phulera,
Jaipur (Rajasthan). Jaipur (Rajasthan).

Facts

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

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

Comments

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

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

Counter Comments

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

Police, has started giving threatening calls to kill him over mobile No. 9773559099 on April 7 to 10, 2018 asking to withdraw the complaint. He has requested the Council to take necessary action against the said person.

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

Reply

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

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

Report of the Inquiry Committee

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

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

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

Held

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

Adjudication

Dated 29.5.2019

- 7) Shri Anshu Gupta,
Reporter,
Bundelkhand Live and
U.P. News Box,
Banda (U.P.)
- Vs. The Chief Secretary,
Government of U.P.,
Lucknow.
- The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow.
- The Director General of Police,
U.P. Police,
Lucknow.
- The Superintendent of Police,
Banda, (U.P.).
- Shri Rajeev Pratap Singh,
Circle Officer, Baberu,
Banda (U.P.)
- Shri Harishchandra Sharma,
Sub-Inspector,
Police Station Jaspura,
Banda (U.P.).

Facts

This complaint dated 13.6.2018 has been filed by Shri Anshu Gupta, Reporter, Bundelkhand Live and U.P. News Box, Jaspura, Banda (U.P.) against anti-social elements for allegedly manhandling and implicating him

in false case with the connivance of the police due to publication of critical writings. According to the complainant, he covered a news story when the SDM, Pailani raided the house of Shri Sonu Gupta on 31.7.2017 and seized 165 quintal illegal grain and rice. He published another news item when the Sub-Divisional Magistrate, Pailani on 5.10.2017 stopped illegal loading of grain and rice. Annoyed with this, on 5.10.2017, Shri Sonu Gupta along with his supporters attacked his house and physically assaulted his parents. The complainant has stated that he gave written complaint to the police in this regard but no action was taken. On the contrary, Shri Sonu Gupta registered a false case against him through his tractor driver, Shri Rajkishore Verma under SC/ST Act with the connivance of Police Station incharge, Shri Harishchandra Sharma. The complainant has further stated he had also telecasted news highlighting the facts that the Jaspura Grain Centre instead of purchasing farmers' grain, is buying 300 quintal of grain from Shri Sonu Gupta without any number. Annoyed with this, Shri Sonu Gupta in connivance with the Circle Officer, Sadar, Shri Rajeev Pratap Singh, carried out an attack on his house at night of 31.5.2018/1.6.2018 and physically assaulted him and his family. They forcefully took him to the police station and registered a false case under Section 376/506 IPC through one Ms. Radha who works with Shri Sonu Gupta. The complainant has submitted that he drew the attention of the higher authorities in this regard but no action has been taken. He has requested the Council to take necessary action against the respondents.

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

Reply of Circle Officer, Sadar, Banda

The Respondent-Shri Rajeev Pratap Singh, Circle Officer, Sadar, Banda (presently Circle Officer, Baberu, Banda) vide his reply dated 29.7.2018 while denying the allegations has stated that the allegation levelled

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

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

Counter Comments of the complainant

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

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

Reply of Superintendent of Police, Banda

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

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

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

Counter Comments

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

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

Report of the Inquiry Committee

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

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

Held

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

Adjudication

Dated 29.5.2019

- 8) Shri Mahinder Singh Vs. The Superintendent of Police,
Editor/Publisher/ Bulandshahar,
Printer/Owner, Uttar Pradesh.
Kishali Times,
District Bulandshahar,
Uttar Pradesh.

Facts

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

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

Comments

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

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

Report of the Inquiry Committee

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

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

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

Held

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

Adjudication

Dated 29.5.2019

- 9) Shri Harendra Malik, Vs. The Superintendent of Police,
Correspondent, Shamli,
Dainik Shah Times, (U.P.).
Jhinhana,
Shamli (U.P.) .
Shri Rajkumar Sharma,
Station House Officer,
Police Station-Jhinhana,
Shamli (U.P.).

Facts

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

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

Reply filed by the S.P., Shamli

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

Later, on the direction of Dy. Inspector General of Police, who directed to produce point-wise conclusion of the investigation, the Circle Officer, Kairana produced the Report stating that they enquired from the victim, Ms. Aarti and his father as to whether the complainant’s camera was broken by Shri Rajkumar, Inspector while he was covering the story of victim. They denied any such incident had taken place in their presence. Hence, the allegation levelled by the complainant could not be confirmed. The Superintendent of Police has requested the Council to close the proceeding of the matter.

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

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

Report of the Inquiry Committee

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

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

Held

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

Adjudication

Dated 29.5.2019

- 10) Shri Umakant Mishra, Vs. The Chief Secretary,
Chief Editor, Government of Uttar Pradesh,
Dainik Seema Rekha, Lucknow.
Deoria, Uttar Pradesh.
- The Secretary,
Home (Police) Department,
Government of Uttar Pradesh
Lucknow.
- The Director General of Police,
Uttar Pradesh,
Lucknow.
- The Superintendent of Police
Deoria, Uttar Pradesh.

Shri Atma Ram Jaiswal,
Deoria, Uttar Pradesh.

Smt. Rambha Devi
W/o Late Shri Gyaneshwar Mishra,
Deoria, Uttar Pradesh.

Shri Rajesh Mani Tripathi,
S/o Shri Ramgopal Mani Tripathi,
Deoria, Uttar Pradesh.

Facts

This complaint dated 14.07.2018 has been filed by Shri Umakant Mishra, Chief Editor, Dainik Seema Rekha, Deoria, Uttar Pradesh against the police authorities alleging negligence in the case of his son's murder with the connivance of the accused. According to the complainant, his son Shri Gyaneshwar was killed on 04.12.2017. In this regard he has registered case No. 0956/2017 under Section 302/IPC on 27.12.2018 in the Kotwali, Deoria, U.P. The complainant has alleged that despite orders of the Higher Officers, Shri Sita Ram, the Circle officer and Shri Satinder Pandey, Inspector Incharge of Kotwali, have filed final report in the matter without taking any statement of the witness and call details. The complainant has pointed out that if the police collected/recovered the call details of the named accused, the illegal relationship and conversation between deceased's wife Smt. Rambha Devi, Shri Atma Jaiswal and Shri Rajesh Mani Tripathi itself would have been exposed. The complainant has stated that the call detail would have been sufficient evidence for filing the charge sheet against the accused. The complainant has alleged that the accused persons are trying to implicate his elder son, Shri Vireshwar Mishra, who is an accredited journalist from the U.P. Government, in the criminal case and also trying to kill him. The complainant has further submitted that the above matter has only been forwarded to the Superintendent of Police and is yet to be placed before the Court of Law.

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

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

Written Statement

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

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

Communication from complainant

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

Communication from respondent, Smt. Rambha Devi

Smt. Rambha Devi, respondent, vide letter dated 28.3.2019 has submitted that the present case does not pertain to the Press Council of

India. It is the matter of her husband's murder. She alleged that the murder has been committed by the complainant, Shri Umakant Mishra and his family. She has further submitted that the matter is under consideration before the court of law.

Report of the Inquiry Committee

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

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

Held

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

Adjudication

Dated 29.5.2019

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| 11) Shri Ankit Rai
Chief Bureau
Gaon Gaon ki Khabar
G.G. News live channel
Fauji Complex, Chunha, Karotia
Sultanpur. | Vs. | 1. The Chief Secretary
Govt. of Uttar Pradesh
Lucknow, UP

2. The Director
Information & Public
Relations Department
Govt of Uttar Pradesh
Lucknow, UP. |
|---|-----|---|

3. Shri Rajendra Bahadur Singh
Distt. Information Officer
Distt. Information Office
Sultanpur, UP.

Facts:

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

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

Reply of the District Information Officer, Sultanpur

Shri Rajendra Bahadur Singh, District Information Officer, Sultanpur vide his reply dated 12.6.2018 while denying the allegations levelled by the complainant has informed that on 23.4.2018 the process of No-Confidence Motion was being carried out against the District Panchayat President where several media persons were present to cover the story and the complainant, Mr Ankit Rai was also present there. No journalist was allowed to the main room where the strength test was taking place. At the gate, Mr Ankit Rai had an argument with some other journalists and thereafter he left the venue. The complainant, therefore, was not stopped from covering news, as alleged by him. The respondent has further informed that vide letter dated 13.4.2018 issued by the District Magistrate, Sultanpur,

the complainant has been barred from covering any Government Press Conference as he has been banned by the press associations and newspaper representatives.

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

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

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

Communication received from District Information Officer, Sultanpur

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

Communication received from complainant

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

Report of the Inquiry Committee

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

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

Held

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

Adjudication

Dated 29.5.2019

- 12) Shri Ramesh Yadav
Sub- Editor,
Sunami Lahar,
Farrukhabad, U.P.
- Vs. The Chief Secretary,
Government of Uttar Pradesh,
Lucknow.
- The Secretary,
Home (Police) Department,
Government of Uttar Pradesh,
Lucknow.
- The Director General of Police,
Uttar Pradesh,
Lucknow.

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

Shri Mahinder Katiyar
Kotwali Fatehgarh,
Farrukhabad, U.P.

Shri Yash Pal Gautam,
Sub-Inspector,
Awas Vikas Chowki,
Kotwali Farrukhabad
Uttar Pradesh.

Facts:

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

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

Written Statement

The Superintendent of Police, Fatehgarh, U.P. vide his written statement dated 06.08.2018 has informed that the matter was investigated by

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

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

Further communication from the respondents

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

Counter comments

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

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

Further communication from the complainant

The complainant vide his letter dated 23.01.2019 while reiterating his complaint has alleged that the reply filed by the respondent is misleading, false and far from the truth. He has requested the Council to take action in the matter.

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

Communication received from the respondent, Shri Mahindra Katiyar

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

Report of the Inquiry Committee

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

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

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

Held

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

Adjudication

Dated 29.5.2019

- 13) Shri Kallimullah,
Sr. Journalist,
Siddharthnagar
Uttar Pradesh.
- Vs
- The Chief Secretary,
Government of Uttar Pradesh,
Lucknow.
- The Secretary,
Home (Police) Department,
Government of Uttar Pradesh
Lucknow.
- The Director General of Police,
Uttar Pradesh,
Lucknow.
- The Superintendent of Police,
Siddharthnagar,
Uttar Pradesh.

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

Facts:

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

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

Written Statement

Shri Padmakar Shukul, Under Secretary to the Government of U.P. vide his letter dated 02.11.2018 has forwarded a copy of the written statement dated 22.10.2018 of the Superintendent of Police, Siddarthnagar. The Superintendent of Police, Siddarthnagar has submitted that the Circle Officer of Siddarthnagar Police Station investigated the matter and found that there is some money dispute with regard to sale and purchase of land between the

complainant's brother Shri Sohrab Ali and Shri Ubbed that led to scuffle on 01.06.2018. On receiving the information Shri Harinder Pathak, Sub-Inspector/Chowki Incharge, Naugarh, Siddarthnagar on 01.06.2018 and S/Shri Sohrab, Kalimullah and Gayasuddin and opposite party S/Shri Oabed Khan, Mustak Ahmed were arrested under Section 151, 107, 116 of IPC. He has further informed that on 02.06.2018 all the culprits were produced before the Court of SDM, Naugarh, Siddarthnagar, Uttar Pradesh. The respondent has submitted that other allegations levelled in the complaint could not be proved during the investigation.

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

Counter Comments

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

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

Report of the Inquiry Committee

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

Held

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

Reply Filed by the Respondents

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

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

Report of the Inquiry Committee

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

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

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

Held

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

Suo-Motu Cognizance

Adjudication

Dated 29.5.2019

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

Facts:

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

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

Reply of University of Hyderabad

Prof. Vipin Srivastava, Spokesperson/Pro-Vice-Chancellor, University of Hyderabad (UoH) vide his reply dated 9.2.2017 has submitted that on 16.1.2017, an appeal was issued by the Registrar soliciting cooperation of the entire University fraternity in maintaining a peaceful academic atmosphere in the campus in the wake of a call given by the student bodies to hold demonstrations on campus on 17.1.2017. This circular was communicated to the media as well. He has further submitted that the plans of students were learnt through newspaper reports and posters. The Dean, students' Welfare also issued an appeal to the students in the same context. He has also submitted that no permission was sought from the University Administration by any organisation to hold any event in campus on January 16 or 17, 2017. Consequently, any protest/rally/demonstration was to be treated a priori as unauthorised. According to him, Shri Kunal Shankar was spotted by the UoH security along with two other individuals, supposedly from "Dalit Camera" late in the evening of 16.1.2017 in a procession taken out by students. When quizzed, he gave evasive answers, and while the students were trying to plead with the security personnel that he was a research student in the University, he slipped away in the darkness of night. The respondent further informed that when Shri Kunal Shankar was spotted again by the security personnel on 17th morning in the South Campus, he said he was in the campus at the behest of a faculty member in Computer Science. Following the instruction in the background of the Registrar's circular/appeal, the UoH Security reported the matter to Gachibowli Police and handed over to the police as a trespasser. The respondent also informed that when the Visitor Movement Register was scrutinised, it was found that Shri Shankar entered the campus on 16th at 5 p.m. in his Santro to meet Anupama Potluri for an official purpose and apparently left at 3:45 am. However, in an interview to the Times of India of 18th January, he is quoted as saying that on 16th he "made his way into a hostel as a visitor and as soon as he came out of the hostel on Tuesday morning, he was accosted by the police....". The respondent has stated that one can easily deduce what official work Shri Shankar was carrying out in the evening of 16th. No

person in campus by the name Anupama Potluri was authorised by the University Administration to let a media reporter enter the campus. The surreptitious entry of Shri Shankar thus tantamount to trespassing and in the background of the warning in the Registrar's circular, he attracted the punishment he received. The respondent has further stated that since there is no entry in the visitor's register on 17.1.2017, the UoH Security naturally deduced that Shri Shankar might have trespassed into the campus by jumping over walls or through some other illegal means. With regard to restriction of print/electronic media into the campus, the respondent has stated that the University is a public institution and it is the responsibility of the University to ensure peace on campus. It is well within their authority to restrict the entry of any outsider into the premises of the University if there are reasons to be concerned about the security of those who live/work inside the campus. He has alleged that a section of media indulged in irresponsible and unverified reporting of University affairs which have led to problems and complications, not to mention the disrepute brought to this premier institution of the country.

A communication from Commissioner of Police, Hyderabad

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

Communication received from University of Hyderabad

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

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

The Assistant Commissioner of Police, Madhapur Division, Cyberabad, Hyderabad on 15.5.2017 submitted a report and it states, that on 17.1.2017 at 1310 hrs. the Security Officer, University of Hyderabad lodged a report at PS Gachibowli stating that the circular dated 16.1.2017 issued by the Registrar, University of Hyderabad restricted the entry of outsiders, into the university campus without permission. And they manned all their gates tightly and not allowed outsiders. However, they noticed that one Shri Kunal from Frontline, an outsider found to have trespassed into the campus to take part in the said program and after noticing unauthorized presence in the campus, they handed over him to Gachibowli PS at about 1300 hrs. He further stated that they have orders from the High Court not to permit outsiders without appropriate permission. During the investigation he gave conflicting replies and adamant answers wherein he revealed his name and address as a reporter of Frontline and admitted that he entered into the university of Hyderabad campus on the oral invitation of Dr. Anupama, Asstt. Prof., School of Computer Science on 16.1.2017 evening at about 5 pm and he made entry in the visitor's book at the Security main gate of University. He further submitted that during the examination, he consulted his advocate and friends over phone and gave evasive and conflicting answers regarding his status of entry i.e. whether he entered the campus as a reporter or as a civilian guest, his statements kept on changing and non-cooperative to the investigation. The investigation of this case is pending for finalisation.

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

Communication dated 7.7.2017 from University of Hyderabad

Shri Appa Rao Podile, Professor of University of Hyderabad, vide his letter dated 7.7.2017 has submitted that the University has utmost respect for the free press of the country and hence has evolved a responsible mechanism

where under the journalists are being allowed into the campus subject to prior requisition being made by the concerned authority. He has further submitted that the University has committed to follow an access policy to media for all its events duly planned by School/Departments and Centres and the University. He has submitted that their representative had already appeared in person on 14 & 15 March 2017 at Hyderabad and given submission on the above matter.

Communication from University of Hyderabad dated 8.9.2017

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

Communication from SHO, Gachibowli

The Station House Officer, Gachibowli Police Station, vide letter dated 19.9.2017 has informed the Council that in the instant matter, the Investigation officer has collected the evidence and based on the evidence legal action has been taken and referred the case as “Mistakes of Facts”. There is no further action against Mr. Kunal Shankar, Journalist.

Response from University of Hyderabad

In response to Council's letter dated 20.7.2018, Prof. Appa Rao Podile, Vice-Chancellor, University of Hyderabad vide his letter dated 10.8.2018 has stated that the Access Policy of the University is in line with access regulations that are standard practice in most public institutions at the State and Central level. He has submitted that the University of Hyderabad holds the principle of freedom of press in highest regard and their policy is in no way intended to curtail it. In fact, they have established a regular flow of communication with the media on all important matter concerning the University, including in times of crises, through releases issued by their

PRO, and a designated spokesperson of the institution has always been available to speak with media personnel. In addition, they make use of their official website and social media to reach out to the Press at regular intervals. He has requested to inform them as to which specific provisions of their Access Policy seem to be an infringement on the freedom of press, so that they would be able to respond more pointedly to the queries of the PCI for which they have the utmost respect.

Response from University of Hyderabad dated 15.10.2018 and 18.12.2018

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

Letter received from S.H.O., Gachibowli

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

Communication received from Commissioner of Police Hyderabad City

The Council has received endorsements dated 29.8.2018, 5.11.2018 and 22.12.2018 addressed to the Commissioner of Police, Cyberabad by the

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

In second endorsement, the Commissioner of Police, Hyderabad City has sent list of seven original Warrant of Arrest as the addresses of the accused persons falls under the jurisdiction of Commissioner of Police, Hyderabad. The name of Shri Kunal Sharma is mentioned at S.No. 3 citing nature of case as “Arrest”.

Communication dated 12.2.2019 received from University of Hyderabad

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

Report of the Inquiry Committee

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

The Council took suo motu cognizance when it came to its notice about the arrest of Shri Kunal Shankar, Reporter, Frontline in Hyderabad. The

Inquiry Committee has been informed that after investigation, the police had submitted final report and the same has been accepted by the Court.

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

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

Held

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

Adjudication

Dated 29.5.2019

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

Facts:

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

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

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

Reply of Govt. of Karnataka

In response to Council's letter dated 6.9.2017, Shri K. Chiranjivi, Deputy Secretary to the Government of Karnataka, Home Department (L&O), Bangalore vide Report dated 16.9.2017 has informed that on 5.9.2017 at about 8:20 PM the SHO of Rajarajeshwarinagar Police Station, Shri Munibasavaiah, ASI received telephonic information that Ms. Gauri Lankesh has fallen in front on her house. The police officers rushed to her house where she was found dead. Immediately, officers informed the senior police officers and requested for the FSL Team securing the crime scene. He has further informed that on enquiry the neighbours informed that at around 8:00 p.m. they heard sounds resembling crackers and came out noticing that Ms. Lankesh was lying on the ground. According to him, on the complaint of Ms. Kavita Lankesh, younger sister of the deceased, a case was registered in Rajarajeshwarinagar PS Crime No.221/17 under Section 302 IPC r/w 25 Arms Act and investigation taken up. He has also informed that Hon'ble Home Minister of Karnataka and senior officers including Commissioner of Police, Bangalore visited the place of incident. The officers of FSL visited the spot and gathered available evidence. A Special Investigation Team (SIT) headed by an IGP and an SP rank officer as Chief Investigation Officer and 19 other officers of the rank of SP/Dy. SP and Police Inspector have been formed to investigate the murder and apprehend the culprits at the earliest. He has informed that the investigation of the said case is in progress.

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

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

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Shri K. Amarnath, Former Member, PCI appeared

before the committee and Shri B.S. Srinivasa, Deputy Secretary and Shri B.K. Singh, Addl Commissioner of Police represented the respondent, Govt. authorities.

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

Held

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

Adjudication

Dated 29.5.2019

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

Facts

A Member of Press Council of India vide e-mail dated 18.9.2018 filed a complaint against the Project Officer of Integrated Tribal Development Authority (IDA) at Seethampeta in Srikakulam district of Andhra Pradesh for allegedly filing false cases against a journalist. He has stated that Shri L. Siva Shankar, IAS, Project Officer filed a case on 5.6.2018 against Shri Gaddam Haranadha Rao, Editor, Manne Seema, Telugu fortnightly after he wrote two articles exposing the malfeasance and corruption of the Project Officer. The news item captioned "Complaints against corruption in ITDA" with sub-headings 'illegal acts in name of development' 'Complaints to CM against the PO' and 'Tribal's demand action against PO'. The news item reports that in a memorandum to the Chief Minister, Shri N. Chandrababu Naidu at Saravakota in Srikakulam district,

the Tribal Joint Action Committee leader Vava Yogi and others alleged that the Project Officer was siphoning off funds for the ITDA by submitting false bills to the tune of crores of rupees. He was also awarding Benami contracts and getting benefits. It was alleged that the PO was giving contracts to non-tribals for development of tourism spots in the project area illegally ignoring the tribals. The memorandum demanded that the case should be referred to the CBI as the central government funds are also involved. According to the Member, after writing critical articles, he was arrested on 13 June and released on bail on 27 June. The police opened a rowdy sheet against him in Palakonda PS, under pressure from the Senior IAS officer while he was in jail. He has further informed that Shri Haranadha Rao based his articles on a memorandum submitted by local tribal leader and others to the Chief Minister when he visited the place and his independent investigation. Incensed over the article, the Project Officer, who belongs to IAS, filed a case under the provisions of the SC and ST (Prevention of Atrocities) Act. It is ironic that an IAS officer uses the SC and ST Act to get even with a journalist who did his duty by writing an article in his paper about the alleged corruption with evidence.

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

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

Reply of Project Officer

Shri Siva Sankar Lotheti, Project Officer, Integrated Tribal Development Authority (ITDA), Seethampeta vide reply dated 9.11.2018 submitted that he has filed a case on 5.6.2018 against Shri Gaddam Haranadha Rao, Editor, Manne Seema, Telugu Fortnightly after he wrote two articles, the police opened a rowdy sheet against him at Palakonda PS under pressure from senior IAS Officer while he was in jail. He has submitted that

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

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

Report of the Inquiry Committee

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

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

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

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

Held

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

Adjudication

Dated 29.5.2019

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

Facts

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

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

Reply of National Investigation Agency (NIA)

Shri G.P. Singh, IPS, Inspector General (I&O), NIA, New Delhi vide his reply dated 16.8.2018 has submitted that the NIA investigating the Case No.RC-17/2018/NIA-DLI as per the Ministry of Home Affairs, Govt. of India, New Delhi's Order dated 26.4.2018 pertaining to secessionist and terrorist activities in Kashmir Valley by Ms. Aasiya Andrabi and her associates through the proscribed terrorist organisation “Dukhtaran-E-Millat”. The investigation revealed that a substantial amount of hateful, insurrectionary and secessionist material was being circulated by the accused persons to realize their goal to destabilize security besides endangering Sovereignty of India. The NIA has further submitted that the “Dukhtaran-E-Millat” is a proscribed terrorist organisation through which Ms. Aasiya Andrabi openly advocates secession of Jammu & Kashmir from the Union of India and has also called for Jihad and use of violence against India. Ms. Aasiya Andrabi and her associates have written and spoken words, besides publishing visible representations that bring into hatred and contempt apart from exciting disaffection towards the Government of India. “Dukhtaran-E-Millat” is promoting enmity, hatred and ill-will between different communities on the ground of religion and is doing acts prejudicial to maintenance of harmony. The NIA has also submitted that one such material being investigated is an interview of Chairperson of “Dukhtaran-E-Millat”, Ms. Aasiya Andrabi which was found to be conducted by Shri Auqib Javeed and was published on 15.1.2018 in Kashmir Ink, weekly magazine (Greater Kashmir Media Group). The assertions and imputations made in the interview by Ms. Aasiya Andrabi were highly insurrectionary and secessionist besides having a definite tendency to endanger communal harmony. The contents of said interview were found to be highly congruent to the subject of the case being investigated and hence examination of the journalist concerned and attendant circumstances were necessitated to confirm the facts regarding utterances made and recorded during the interview process which is a subject of present investigation. Accordingly, Notice under Section 160 Criminal Procedure Code was sent and upon appearance of Shri Auqib Javed, his statement as required in the investigation was recorded. The NIA has stated

that as per Norms 20/22/23 of Norms of Journalistic Conduct-Edition 2010, publication of insurrectionary and secessionist material per se violates the Norms laid down by the Press Council of India. The NIA has requested the Council that the conduct of Shri Aquib Javeed and the media house concerned be investigated for said violation.

Further reply from NIA

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

Report of the Inquiry Committee

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

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

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

The National Investigation Agency (NIA) may be right in exercising its statutory power to summon a witness during course of investigation but while doing so it must avoid doing such acts or things which unnecessarily cause harassment to the journalists. One should bear in mind that Journalists

are as patriotic and nationalists as anybody else. Taking and publishing interview of the Chairperson of a proscribed organisation itself cannot be said to be unpatriotic or anti-national. As in the present case, the concerned journalist was asked to appear in Delhi at NIA Office. The Inquiry Committee is sure that the Investigating Officer of the case must have visited the valley in connection with the investigation of crime. In such circumstances, it would had been prudent to summon the witness to appear in the Valley itself.

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

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

Held

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

Adjudication

Dated 29.5.2019

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

Facts

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

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

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

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

The Addl. Director General of Police, Security, Punjab vide another letter dated 13.2.2019 has stated that the journalists may enter the Punjab Police Headquarters Building, Sector -9, Chandigarh after proper

identification i.e. after presenting their valid Identity Cards at the entry point. In other cases where the journalist does not have Proper Identity Card, he/she may enter as an ordinary visitor after obtaining a daily entry pass at Gate No. 3 of the Police Headquarters Building.

Report of the Inquiry Committee

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

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

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

Held

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

Adjudication

Dated 29.5.2019

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

Facts

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

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

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

Reply of Govt. of Manipur

Shri I.K. Muivah, Inspector General of Police (Adm.), Police Department, Office of the Director General of Police, Govt. of Manipur vide reply dated 15.12.2018 has forwarded a copy of the letter dated 14.12.2018 of Superintendent of Police, Imphal West District, Manipur along with report submitted by the Officer-in-Charge, Imphal Police Station. It is submitted in the Report that on 19.11.2018 at about 6.30 pm Shri K Bobby, Inspector of Police, OC-Imphal PS, reported that while surfing his Facebook account through internet, one Facebook account having profile name Wangkhemcha Wangthoi was found posting in its timelines four video clips which the Facebook Account holder speaks that brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, recites or utters obscene words in social media platform, thereby defaming the present Hon'ble Prime Minister of India and Chief Minister of Manipur. Hence a suo-motu case was taken up for investigation under case FIR No.236(11)2018 & IPS, U/s 194-A/294/500 IPC and investigated into. During investigation, the accused person is identified as Kishorchandra Wangkhem, and he was previously arrested in c/w case FIR No.173(8)2018 IPS, U/s 505(2)/500 IPC and was remanded into judicial custody. However, he was released on bail with the instruction by the Hon'ble CJM, Imphal West with the instructions that he shall refrain from doing any such act similar to the one he was charged with. During analysis of the four live selfie video clips reveals that he used unconstitutional and invective words a number of times and with middle finger gesture, and blamed the existing Government, both the State and the Union, for their policy and programme under the supervision of the Prime Minister of India. He has further submitted that the identified accused person was arrested on 2.11.2018 from the house of Chongtham Victor Singh and one VIVO mobile phone handset was seized on his production. Remanded the accused person in police custody for six days w.e.f. 21.11.2018 till 26.11.2018. During the custodial period, the arrested accused persons was interrogated thoroughly and he

confessed to have committed the charges levelled against him. He further stated that he would disclose the password of his mobile phone and the details of his Facebook Account along with its password. Accordingly, a disclosure procedure was conducted in presence of an Executive Magistrate in which the four live selfie videos posted by the accused person in the timeline of his facebook Account were downloaded and copied to a compact disc. The four posts were also screen shot and reduced to hard copy. The four live selfie videos which were copied in a compact disc and the four posts which were reduced to hard copies, were seized on production by the Executive Magistrate. The arrested accused was, however, released on bail by the Hon'ble CJM, Imphal West Vide order dated 26.11.2018. It is further stated in the report that the timeline updates of the Facebook Account of the accused person was further thoroughly checked, and in that the undersigned found many controversial updates in which the accused person uploaded pictures with caption that incites hate speeches which induced to commit and offence against the State or against the public tranquillity and incites any class or community of person to commit any offence against any other class or community promoting enmity, hatred or ill-will between classes on grounds of religion, caste or community.

It has been further reported that in view of the above facts and circumstances, requisition was sent to the District Magistrate, Imphal West, Manipur by Superintendent of Police, Imphal West for detention of the accused person under National Security Act, 1980. The proposal was accepted and accordingly, the District Magistrate issued order dated 27.11.2018 and detained him under NSA. He has further informed that the accused person, when arrested in c/w the detention order, refused to tender his signatures in the arrest memo. However, the Detention Order was served by observing every formalities. The detention proposal was approved by the Home Department vide order dated 7.12.2018 and as such the Board Sitting for the detention in respect of the detainee was held on 11.12.2018 and as per the opinion expressed by the Advisory Board of the NSA, the detention of the detainee, Shri Kishorchandra Wangkhem is confirmed and further fix the period of detention for a period of 12 months from the date of detention vide Order No.17/1(9)/18-H (NSA) dated 14.12.2018, Secretariat, Home

Department, Government of Manipur. It has been stated that the investigation is still in full swing and is in good progress.

Report of the Inquiry Committee

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

Held

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

Curtailment

Adjudication

Dated 29.5.2019

- 21) Dr. Jasim Mohammad,
Bureau Chief,
The Pioneer,
Aligarh (U.P.).
- Vs
- The Chief Secretary,
Government of U.P.,
Lucknow.
- The Secretary,
Home (Police) Department,
Government of U.P.,
Lucknow.
- The Director General of Police,
U.P. Police,
Lucknow.

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

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

Facts

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

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

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

Reply of Registrar, AMU

Shri Abdul Hamid, IPS, Registrar, Aligarh Muslim University vide his letter dated 22.9.2018 has forwarded copies of the Inquiry Report of Proctor of AMU along with reply of Shri Nadeem Ansari former Vice-President, AMU Students' Union. It has been stated in the Inquiry Report submitted by Proctor that heated argument/commotion place in the P.R.O office between Shri Nadeem Ansari and Dr. Jasim Mohammad (complainant) regarding some write-up of Dr. Jasim on social/print media and continued till main gate of administrative block. Shri Nadeem Ansari called him opportunistic and traitor and asked the officials of PRO not to entertain him in future and also gave directions to security staff deployed at main gate of administrative block that do not allow this man to enter in the campus as he is anti AMU. The allegations of Dr. Jasim Mohammad found baseless as nobody in the office of PRO or Security personnel verified the same. The role of PRO, Member-in-Charge, PR and Security Staff of AMU, all were there to pacify the matter and the allegation of Dr. Jasim seems his perception rather the fact. The CCTV footage and mobile photo clips provided by Dr. Jasim Mohammad himself, shows only commotion and not the manhandling. Moreover, no armed youths seen in whole episode nor anybody reported or verified like this. The Proctor has concluded that there was only commotion between them but Shri Nadeem Ansari has no right to stop anyone to enter into the campus or to give directions to security staff. Both of them may have some personal enmity/political rivalries or difference of opinion but they must strictly be refrained to use University campus/office for their vested interest.

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

Report of the Fact Finding Committee

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

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

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

Report of the Inquiry Committee

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

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

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

Held

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

Adjudication

Dated 29.5.2019

- 22) Shri Santosh Kumar & Vs The Superintendent of Police
Shri Ram Prasad Chaudhury, Kinnaur,
Journalists, Himachal Pradesh.
N.L.N media (News Live Now),
Mandi, Himachal Pradesh.

Facts

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

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

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

Reply Filed by the Respondents

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

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

Report of the Inquiry Committee

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

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

Held

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

Adjudication

Dated 29.5.2019

- 23) Shri Ravindra Kumar, Vs The Chief Secretary
Editor and Managing Director, Govt. of West Bengal,
The Statesman Ltd., Kolkata.
Kolkata.
- The Secretary,
Home(Police) Department,
Govt. of West Bengal,
Kolkata.
- The Director General of Police,
West Bengal Police,
West Bengal Police Directorate,
Kolkata.
- The Commissioner of Police,
Kolkata.
- The Superintendent of Police,
Murshidabad,
West Bengal.

Facts:

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

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

He has further submitted that he received a Notice under Section 41A of the Criminal Procedure Code asking him to appear before the Berhampore Police Station in respect to case No. 946/18 dated 24.8.2018 U/S 292/500/501/502/ 504/505 of IPC and Section 3 of Police (Incitement of Disaffection) Act, 1922. These sections related to circulation of obscene material, defamation, incitement to disaffection by a member of the uniformed services, etc. The Notice was dated 4.9.2018 sent by e-mail to the Kolkata police station from Behrampore and was delivered to him. The complainant when inquired about it from their correspondent posted in Berhampore, he reported the following:

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

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

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

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

Report of Fact Finding Committee:

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

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

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

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

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

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

Report of the Inquiry Committee

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

1. The Statesman had published a report headlined “Cops accused of killing youth in custody”. The report quoted the relatives and employer of the deceased to say that he had died in Police-Custody, allegedly being beaten up in the lock-up. The denial by the Police that the man had fallen sick and died

in hospital is also part of the story. Along with the report, a photograph clearly identified as representational image showing faceless policeman and a youth was published.

2. A legitimate journalistic duty by a correspondent has led to registration of Behrampore Police Station case no. 948 of 2018 under Sections - 29, 500, 501, 502, 504 and 505 of Indian Penal Code and Section 3 of Police (Incitement of Disaffection) Act, 1992 against the correspondent and Editor of the Statesman. A Notice under Section 4/A of the Criminal Procedure Code was also issued against the Editor. This was brought to the notice of the Council by the Newspaper's Editor, Mr Ravindra Kumar.
3. Seeing the gravity of the matter, a single member fact-finding committee was constituted;
4. The member of the fact-finding committee informed the then Superintendent of Police, Mr Mukesh, at 11 am on September 11, 2018 about his visit to Behrampore, in connection with the case and sought a meeting/appointment with him. The Superintendent of Police informed the member that he may call him after reaching Behrampore. Around 1 p.m.; the member of fact-finding Committee tried to talk to him several times but the calls went unanswered. Ultimately, the member sent a Whatsapp message to the Superintendent of Police at 3.04 pm, to which he replied at 4.06 pm. informing the member that he is not in the office and had gone to visit a Sub-Division. Thereafter, the member informed the Superintendent of Police that he would be staying at Behrampore till the next day till 8 am., but the Superintendent of Police did not choose to meet him. The attempt made by the Committee to meet the DGP also did not fructify and as advised by DGP, he met Mr Siddhi Nath Gupta, ADG (Vigilance), who feigned ignorance about the case and did not throw any light on the incident.

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

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

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

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

6. *The entire reaction of the District Police, prima facie, seems a pressure tactic to threaten and warn the concerned Newspaper and the Media Community to stay away from such Reportage in the future and to prevent follow-up reports in an allegation as serious as custodial death.*

When the Council was in session of the matter, the Director General of Police vide letter dated November 29, 2018 submitted a report inter alia saying that “after a thorough scrutiny, the case has been disposed of as Final Report Mistake of Law”. The Council *prima-facie* being of the opinion that such criminal cases have the tendency to affect the Freedom of the Press and the Editors and the Correspondent had to suffer unnecessarily on account thereof called for a report from the Director General of Police as to whether he is proposing to take any action against the Officer who had registered the case. It may be mentioned here that in order to secure freedom, the Editor and correspondent had to seek anticipatory bail.

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

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

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

I am further directed to request the Inquiry Committee of the Press Council of India to kindly waive the personal appearance of the (i) Chief Secretary, Govt. Of West Bengal (ii) Secretary, Home (Police) Department (iii) Director General of Police, West Bengal (iv) Commissioner of Police,

Kolkata and (v) Superintendent of Police, Murshidabad on 29.03.2019 before the Inquiry Committee.”

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

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

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

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

The criminal case lodged against the Editor and Correspondent of Statesman has come to an end and disposed of as final report mistake of law. Thus, the respondents admitted that mistake in law took place, while registering the case. This mistake, in the opinion of the Inquiry Committee was intentional to browbeat the press. Any responsible Government which believes in the freedom of the Press is expected to take action against such officers whose illegal acts tend to affect the freedom of Press. Every responsible Government should always bear in mind that strong fourth estate

is essential for survival of democracy. The case in hand creates an impression that the functionaries of the Government referred to above do not believe in that. An attempt to protect an illegal act of a subordinate encourages lawlessness. The Inquiry Committee expects from the Government of West Bengal to take such action against the officer who had lodged the Criminal cases and further consider as to whether posting of officer like Mr Mukesh as the Superintendent of Police of District is in larger public interest.

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

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

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

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

Held

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

Adjudication

Dated 29.5.2019

- 24) Shri Aasif Shafi,
Freelance Photojournalist,
Srinagar,
Jammu & Kashmir.
- Vs. The Chief Secretary,
Govt. of Jammu & Kashmir
Srinagar.
- The Secretary,
Home (Police) Department,
Govt. of Jammu & Kashmir,
Srinagar.
- The Director General,
Central Reserve Police Force
(CRPF), New Delhi.
- The Inspector General of Police,
Central Reserve Police Force
(CRPF), Srinagar.
- The Director General of Police,
J&K Police, Srinagar.
- The Sr. Superintendent of Police,
Anantnag, South Kashmir.
- The Director,
Information & Public Relations
Department,
Govt. of Jammu & Kashmir,
Srinagar.

Facts:

A former Member, PCI, vide email dated 10.10.2017 while forwarding a message of Shri Aasif Shafi, Freelance Photo-journalist regarding attack on him by the CRPF personnel during coverage of news at

Anantnag has stated that the Council should take up the case and call for a Report from the CRPF, Police and Government.

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

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

Reply of DIG, CRPF

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

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

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

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

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

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

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Despite service of notice, the complainant has not chosen to appear. While adjourning the case on 25th September 2018, the Inquiry Committee had given the complainant time to produce evidence in support of the allegations that he was assaulted by the men of the CRPF. The complainant is not present nor has produced any material to substantiate his allegation. Mr. O.P Gupta, Advocate appears on behalf of the CRPF. As the complainant has not chosen to place on record any material to substantiate his allegation, the Inquiry Committee is left with no option than to dismiss the complaint.

Held

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

Adjudication

Dated 29.5.2019

- 25) Shri Balram Yadav, Vs Shri Ghanshyam Shukla,
Correspondent, Kanungo,
Buddh Shanti Jan Sandesh Office of the Deputy Collector,
Kasia, Kushinagar, (U.P.). Tehsil- Kasia,
Dist- Kushinagar (U.P.).

Facts:

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

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

Reply Filed by the Respondents

Shri Ghanshyam Shukla, Kanungo, Tehsil Kasia, Kushinagar vide his undated reply received in the Secretariat on 23.10.2018, has informed that he was an Accountant at Tehsil Kasia and he does not know the

complainant. He has further informed that he never contacted the complainant over telephone and the allegations levelled by him are false and baseless. The respondent has stated that the averments made by the complainant are far from truth and he has also not enclosed the relevant documents. He has requested the Council to dismiss the complaint.

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

Report of the Inquiry Committee

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

Held

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

Adjudication

Dated 29.5.2019

- 26) Smt. Shruti Chaddha Vs. 1. The Chief Secretary
Bureau Chief, Govt. of Uttar Pradesh,
24 Hours Today News, Lucknow, U.P.
Jhansi (U.P.).
- Shri Nishakant Gupta, 2. The Secretary
Editor, Home (Police) Department
Jhansi Vaarta, Govt. of Uttar Pradesh,
Jhansi (U.P.). Lucknow, U.P.

3. The Superintendent of Police,
Jhansi, Uttar Pradesh.
4. The Superintendent of Police,
Lalitpur, Uttar Pradesh.
5. The Director General of Police,
Uttar Pradesh Police,
Lucknow.

Facts:

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

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

atmosphere. The Complainant further submitted that Mr Rijwan Sabir, Executive Engineer, Rural Engineering Department, PIU, Pradhan Mantri Gram Sadak Yojna, Lalitpur, under the pressure of the mafias is not taking any action in the matter, infact, during the investigation process no police personnel was guarding the site and when the complainant and her team was attacked and Inspecting team of the National Quality Monitor present at the site did not oppose such in human action.

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

Reply Filed by the Respondents

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

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

Report of the Inquiry Committee

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

Held

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

Principles and Publication

Adjudication

Dated 29.5.2019

27) Shri Rasananda Mohanty, Vs. The Editor,
Cuttack, The Samaj,
Odisha. Cuttack, Odisha.

Fact

This complaint dated 5.12.2016 has been filed by Shri Rasananda Mohanty, Cuttack (Odisha) against the Editor, The Samaja, Oriya daily, Cuttack for allegedly publishing false, fabricated and objectionable news item under the caption “Lecturer misbehaved a girl student” (English translation) in its issue dated 2.12.2016.

The complainant has submitted that he has no personal interest in filing the complaint. The complaint is being filed in the interest of the general public as well as to safeguard the interest of an educational institute, students, minor girl including the teachers of the educational institute. As a custodian of public interest, the press has a right to highlight cases of corruption and irregularities in public bodies but such material should be based on irrefutable evidence and published after due inquiries and verification from the concerned source and after obtaining the version of the person/authority being commented upon.

The complainant has further submitted that it is allegations made in the impugned news item against Shri Arun Kumar Swain, the Head of Commerce Department, U.N. Autonomous College of Adaspur. The college has been founded by Shri Trilochan Kanungo, Ex-MP and supported by Panchanan Kanungo, Ex-Finance Minister of State. According to the complainant, it has been reported in the impugned publications that a minor girl student of +2 commerce 1st year class of the college raised an allegation of misbehaviour against HOD, Shri Arun Kumar Swain in exam of tuition class in college premises on 29.11.2016. The said lecturer misbehaved with the girl student by locking the door from inside of that room.

The complainant has alleged that it is baseless and objectionable news published by the respondent has no witness. The complainant stated that the news item was published with vested interest with *malifide* intention. The complainant has submitted that the victim girl made a written allegation before the Principal of the College which was forwarded to sexual harassment cell of the college but before any action by the Cell, no statement and comment of the said cell including the reaction of Principal has been placed before publication of impugned news item. The complainant has

further submitted that the father of the girl student lodged an FIR before Olatpur Police Station in which no such allegation has been written, which means there was an element of *malifide* intention and vested interest of news sender to blame the institute, lecturer and minor girl. The complainant has submitted that the respondent has not examined truthfulness of the complaint before publishing the news. The complainant has also stated that the impugned news item published in The Samaja is only a re-print and copy from an old newspaper named “Prameya Daily” issue dated 30.10.2016.

The complainant sent a legal notice to the editor on 5.12.2016 to rectify the said news but received no response. He has requested the Council to take action against the respondent.

No Written Statement

A Show Cause Notice was issued to the respondent Editor, The Samaj, Odisha on 11.5.2017 followed by a reminder dated 15.1.2019. There has been no response so far.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Despite service of notice, neither the complainant nor the respondent had appeared.

The Inquiry Committee has perused the complaint and is of the view that the impugned news item is on the basis of the written allegation given by the victim girl to the Principal of a college. In that view of the matter, the respondent newspaper has not violated any norm of journalistic conduct calling for action. Accordingly, the Inquiry Committee recommends for dismissal of the complaint.

Held

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

Adjudication

Dated 29.5.2019

28) Shri K.S.Srinivasan, Vs. The Editor,
Chennai. Deccan Chronicle,
Chennai.

Facts

This complaint dated 23.2.2017 has been filed by Shri K.S. Srinivasan, Chennai against the Editor, Deccan Chronicle, Chennai for allegedly publishing wrong letter of one Shri P.G. Menon, Chennai in LETTER Column under the caption “STRANGE IRONY” in its issue dated 17.2.2017.

It has been mentioned in the impugned letter that when the Karnataka High Court had delivered the judgement against Jayalalitha and others in the DA case, Jayalalitha's supporters were braying for Judge Michalel D'Cunha's blood and the same people are now capering with joy on seeing the Supreme Court upholding Cunha's verdict. The jubilant crown has conveniently forgotten the fact that the guilty Sasikala means, by implication a guilty Jayalalitha as well the only difference being that the latter's case come to an end for obvious reasons.

According to the complainant, the letter published by the respondent newspaper is totally wrong and the fact is that the former Chief Minister of Tamil Nadu, Ms. Jayalalitha and three of her aides were convicted in a disproportionate wealth case by a trial court in Bangalore under Justice D'Cunha and sentenced to four years jail with Rs.100 crores as fine and then Ms. Jayalalitha and others appealed to the Hon'ble Karnataka High Court against the judgment and the Karnataka High Court set aside trial court's verdict and delivered judgment in their favour. The complainant further stated that he had sent a couple of e-mails to the editor of the Daily on 17.2.2017 and 19.2.2017 pointing out mistake and spoke over phone also and requested him to carry necessary correction, but received no response. He has requested the Council to take necessary action against the respondent.

No Written Statement

A Show Cause Notice was issued to the respondent Editor, Deccan Chronicle on 27.3.2017 but no response has been received so far despite issuance of reminder dated 15.1.2019.

Email dated 21.1.2019 received from the complainant

Shri K.S. Srinivasan, Chennai vide his email dated 21.1.2019 while expressing displeasure for delay in listing the matter, has stated that he can think about attending the meeting only if PCI pay him to and fro air fare and if it is not feasible PCI can treat the complaint as withdrawn. He is not interested in any more correspondence in the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. There was no appearance on behalf of the complainant. Shri Aabhas Kshetarpal, Advocate represented the respondent Editor, Deccan Chronicle.

The complainant has sent a communication inter alia stating that Council should pay him to and fro fare from Chennai to Delhi by air so that he can appear before the Inquiry Committee. He has further stated that if it is not feasible, his complaint be considered as withdrawn.

The Council does not have any provision to make payment of air fare to the complainant.

In view of the prayer made by the complainant, the complaint stands withdrawn.

Held

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

Adjudication

Dated 29.5.2019

29) Shri Tanvir Ahmad, Vs. The Editor,
Deputy Director (Estate-I), Navbharat Times,
New Delhi Municipal Council, New Delhi.
Palika Kendra,
New Delhi.

Facts

This complaint dated 25.7.2018 has been filed by Shri Tanvir Ahmad, Deputy Director, New Delhi Municipal Council (NDMC), New Delhi against “Navbharat Times”, New Delhi for allegedly publishing one-sided and objectionable news item under the caption “पालिका की 450 दुकानों की होनी थी नीलामी, लेकिन हुआ लाइसेंस रिन्यूअल” in its issue dated 24.7.2018.

It has been reported in the impugned news item that Shri Mahatama Mahto, officer of Employees Union of NDMC levelled allegation of corruption against the senior officers of NDMC stating that the senior officers duped NDMC of Rs.450 crores by renewing the license of 450 shops situated at New Delhi area, while these shops were to be auctioned. It has also been reported that the officers of NDMC also spent Rs.750 crores in the name of Smart City within three years and no account of this amount has been maintained.

While denying the allegations, the complainant has alleged that the impugned news item is totally one sided and the paper has not taken the official version and has carried the news circulated by vested interests. The complainant has further alleged that the respondent failed to follow the basic principles of natural justice i.e. taking the version of NDMC before making such wild allegations. According to the complainant, all these narrated about the malafide intention of the concerned Special Correspondent who acted in the hands of Shri Mahatma Mahto, who is facing disciplinary action for providing fake caste certificate and indulging in activities unbecoming of municipal servant and for blackmailing the system for his personal gains and influencing the disciplinary proceedings against him.

The complainant has submitted that vide letter dated 25.7.2018, respondent-editor was requested to publish the correction as per official version in the same size and page in the interest of fair play and justice. Subsequently, on 27.7.2018, the respondent newspaper carried the official version under the caption “NDMC दुकानों के लाइसेंस 1950 से हो रहे हैं सिन्धू” stating the factual position. However, the respondent-newspaper has neither clarified nor apologised about the allegations levelled in the impugned news item. He has requested the Council to take necessary action against the respondents.

No Written Statement

Show-Cause notice was issued to the respondent-Editor, Navbharat Times, New Delhi on 27.8.2018 but no response has been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi.

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

Held

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

Adjudication

Dated 29.5.2019

30)	Shri Girdhari Lal Sharma Kohar Road, Radhakhund, Janpad, Mathura.	Vs.	The Editor Hindustan, Agra, U.P.
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Facts:

This complaint dated 26.4.2018 has been filed by Shri Girdhari Lal, Mathura, U.P. against Hindustan for publishing false, inappropriate, imaginary and misleading news item in its issue dated 19.4.2018 captioned “German Gobhakt ko Hatya ki Ashanka”.

The news item states that Ms. Friederike Erini Brinning a native of Berlin, Germany, has been residing in Mathura for past 38 years and devoted her life for caring and serving aged and wounded cows at Shriradha Surbhi Goshala Hospital, Mathura. Recently, under the suspicion of threat to her life, she filed a complaint with the District Magistrate and S.S.P. in which she has also stated that few people have filed false police complaints against her and needs justice and security for the safety of her life.

The complainant has submitted that Ms Friederike Erini Brinning has been staying in India over three decades even after her Visa got expired she continues staying in Mathura, India, illicitly. She has started a fake N.G.O and uses it to raise funds from foreign nations. Allegedly, she is addicted to drugs and misuses the funds for her own use. The complainant alleges that the impugned news item has been published under her direction and it is a paid news.

The complainant further submitted that a letter seeking for clarification was sent to the respondent newspaper on 21.4.2018 but no reply was received on the same. The complainant pleaded that necessary action be taken against the respondent newspaper.

No Reply Filed by the Respondents

A Show Cause Notice dated 17.7.2018 has been issued to the respondent but no response has been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Despite service of notice, neither the complainant nor the respondent has chosen to appear.

In the absence of the complainant, the Inquiry Committee is not inclined to proceed in the matter any further.

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

Held

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

Adjudication

Dated 29.5.2019

- 31) Smt. Seema Devi Vs. The Editors:
Chairperson, 1. Punjab Kesari
Panchayat Samiti, 2. Dainik Bhaskar
Asandh, Karnal. 3. Dainik Jagran
Haryana. 4. Amar Ujala
5. Dainik Savera
6. Dainik Jag Marg

Facts:

This complaint dated 17.7.2018 filed by Smt. Seema Devi, Chairperson, Panchayat Samiti, Asandh, Karnal, Haryana against the editors (i) Punjab Kesari; (ii) Dainik Bhaskar; (iii) Dainik Jagran; (iv) Amar Ujala; (v) Dainik Savera and (vi) Dainik Jag Marg for publication of false and misleading news under the caption:

S.No.	Caption	Date	Newspaper
1.	ब्लॉक समिति चेयरपर्सन व उसके पति के खिलाफ धोखाधड़ी का मामला दर्ज	22.6.2018	पंजाब केसरी
2.	भाजपा शासन में आरोपियों पर नहीं हो रही कार्यवाही, भ्रष्टाचार बढ़ा : राणा	25.6.2018	पंजाब केसरी
3.	भाजपा समर्थित असंध ब्लॉक समिति चेयरपर्सन ने सरकारी सीमेंट से बनाया अपना घर, विजिलेंस ने जांच के बाद किया केस दर्ज	21.6.2018	दैनिक भास्कर

4.	असंध ब्लॉक समिति चेयरपर्सन व पति के खिलाफ मामला दर्ज	21.6.2018	दैनिक जागरण
5.	ब्लॉक समिति चेयरमेन सीमा व राजीव के खिलाफ मामला दर्ज	21.6.2018	अमर उजाला
6.	असंध ब्लॉक समिति चेयरमेन और उसके पति पर मामला दर्ज	21.6.2018	दैनिक सवेरा
7.	विपक्षी दलों ने भाजपा सरकार के खिलाफ मोर्चा खोला	23.6.2018	दैनिक जगमार्ग

It is reported in the impugned news items that a case of forgery has been registered under Section 420, 409 and 120B against Asandh Block Chairperson, Smt. Seema Ardana and her husband Shri Rajiv Ardana for using government cement for construction of her personal house. The case has been registered after vigilance report has come. It is reported in the impugned news items that one Shri Satish has filed a complaint to CM window, SDM-Asandh and BDPO-Asandh against Smt. Seema Devi and her husband for misusing government cement for construction of her house. It is also reported that vigilance Officer, DSP Shri Shyam Lal found Block Samiti Chairperson Seema Ardana and her husband and BJP leader Shri Rajiv Ardana guilty in the matter and registered the case. The opposition parties preleased against BJP Government in this regard.

Denying the allegations levelled in the impugned news items, the complainant submitted that her husband Shri Vinod Kumar was expired in the year 2007 and the respondent newspapers called her wife of Shri Rajiv Ardana which is totally false. She has also submitted that no such case was registered against her in any Police Station and she has produced Character Certificate duly signed by SSP, Karnal. The complainant has further submitted that the said police officer has also denied for giving any written or verbal statement. The complainant submitted that the news was published with a view to defame her and her family in the eyes of public, society and friends. The complainant drew the attention of the respondents towards the impugned news items in July, 2018, but received no response. The complainant requested the Council to take action against the respondents.

A show Cause Notice was issued to the respondents on 25.10.2018.

Written statement of Punjab Kesari

In response to the Council's Show Cause Notice dated 25.10.2018, the respondent editor, Punjab Kesari vide written statement dated 6.12.2018 submitted that the news item published in the newspapers is actual and factual which is based on the FIR bearing No. 0008 dated 30.5.2018 registered by State Vigilance Bureau, P.S. SVB, Karnal under Section 409/420/120-B IPC against the complainant and her husband. The respondent also submitted that the news item in question has been published in the ordinary and routine course and in good faith and for awareness of general public. The respondent further submitted that the news was also carried by other newspapers also. The respondent prayed that the complaint is without any merit and has been filed by the complainant with a view to mislead general public about her stand and the same may be dismissed.

A copy of the written statement was forwarded to the complainant on 26.12.2018 for information.

Written Statement of Amar Ujala

In response to the Council's Show Cause Notice dated 25.10.2018 the counsel for the respondent editor, Amar Ujala filed his written statement on 5.1.2019 and submitted that the impugned news item was general news item and was published within the journalistic norms and ethics in good faith and based on the FIR No.0008 of 2018 dated 30.5.2018 which is lodged at Police Station SVB Karnal, State Vigilance Bureau, under Section 409, 420, and 120-B of IPC wherein Mr. Rajiv is narrated as husband and they have not made any comments on its own. The respondent submitted that the publication was on the basis of the FIR and not on the basis of perception of the reporter of the newspaper. According to the respondent, the news item was true, accurate and responsible recording of the incident as per FIR. The same has been published with due care and caution. The news item published in the newspaper was for public good and was published *bona fide* in good faith and newspaper has no personal interest in the matter. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 14.1.2019 for information.

Other respondents viz. Dainik Bhaskar, Dainik Jagran, Dainik Savera and Dainik Jag Marg have not chosen to file their written statement in the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Smt. Seema Devi, complainant appeared in person. Shri Mohinder Kumar, Deputy Manager and Shri Tajender Kumar represented the newspaper, Dainik Bhaskar. Shri Madan Mohan, Section Head, Jalandhar represented the newspaper, Punjab Kesari. Shri Rohtash, Reporter and Shri Vinod Kumar, Chief Reporter represented the respondent, Dainik Jag Marg. Shri Birendra Kumar Mishra, Poonam Atey along with Shri Karan, Deputy Manager appeared on behalf of the respondent Dainik Jagran.

The Inquiry Committee has heard the complainant and the representatives of the respondents and has perused the complaint, the written statement and other connected papers. The Inquiry Committee is of the opinion that the impugned news item is based on an FIR lodged against the complainant. In that view of the matter, the Inquiry Committee is of the opinion that the respondent newspapers have not violated any norm of journalistic conduct so as to call for action by the Council.

The Inquiry Committee makes it clear that if the complainant has any grievance against an individual journalist, she has liberty to file a separate complaint for that.

With the aforesaid observations, the Inquiry Committee dismisses the complaint.

Held

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

challenging the Constitutional validity of Section 377, IPC was filed by ABVA titled -AIDS Bhedbhav Virodhi Andolan Vs. Union of India & Others through its Member Ms.Shobha Agarwal, Advocate, after the death of Mr Siddarth Gautam in 1992 and the petition was filed in 1994. Also, Siddarth Gautam's contribution to Gay Rights was only on account of him being one of the co-authors of the Report 'less than gay'. Therefore, Mr Gautam's contribution to the report Less Than Gay was not different from any other co-author of the Report. The Report being called as a pamphlet is again inaccurate as it is a 93 pages Report which cannot be termed as a pamphlet. The complainant further submitted that, the first protest on the issue of gay rights in India was organized by ABVA on August 1992 which the author/reporter of the article has referred to as ineffective and is reflected in the quote 'nothing came of it'. It undermines the work of ABVA and the day 11th August 1992 is still cherished by the LGBTQI groups in India.

The complainant states that the respondent newspaper has published an article that is factually inadequate and ABVA was never contacted before to verify the facts presented in the report. It also alleges that the reporter of the article Ms. Krishna was biased, *prejudiced* and uninformed about the correct facts of the LGBTQ rights movement in India and her conduct was in complete violation of journalistic ethics. The complainant submitted that a letter dated 10th September 2018 was sent to the Editor of The Hindu and a phone call was also made to the author/reporter of the alleged impugned article to which Ms. Krishnan has apologised but the newspaper has not published the clarification as yet. The complainant appeals that an independent inquiry be held in the matter and the guilty newspaper and journalist may be punished and The Hindu be directed to publish a rejoinder in full and with prominence in the matter.

Written Statement

A Show Cause Notice dated 15.10.2018 has been issued to the respondent. The respondent vide written statement dated December 26, 2018 submits that Ms. Krishnan the author/reporter of the impugned news item/article has ceased to be in the employees list by the Hindu as on October 5, 2018 and she was also not authorised to deal with such a complaint on her

own. And soon after the receiving of the copy of the complaint which The Hindu found to be legitimate, action has been initiated in the matter and a clarification/corrections as desired by the complainant has already been published by The Hindu and is up on its website acknowledging the crucial role ABVA played in the publication of the report Less than Gay. Other desired amendments to the article were also made. The editor of The Hindu also informed the same to the complainant. Therefore, the respondent newspaper has requested for the dismissal of the complaint.

A copy of the written statement received from the respondent was forwarded to the complainant on 31.12.2018.

Counter comments of the Complainant

In response to reply received from the respondent newspaper, the complainant, vide letter dated 10.01.2019, has filed its written statement stating that the written statement of the respondent is silent on many crucial issues and obfuscates the true position. The complainant states that irrespective of receiving letter asking for correction sent to the Readers' Editor of The Hindu, by the complainant, the respondent did not take any action until it received the show-cause notice of Press Council of India and after which the editor of The Hindu made a call to pressurise her to withdraw the complaint by saying that an online corrected version will be published. She further stated that even the corrected version does not do any justice and she feels that she has been harassed by the editor to withdraw the complaint. No apology has been published by The Hindu for the delay and damage it has done to the organisation's name. The complainant further stated that the inaccurate report was published in both online and print version so the corrected version with an apology must be published in the same. Therefore, the complainant has requested the Council to take necessary action in the matter.

A copy of the counter comments was forwarded to the respondent on 16.1.2019 for information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Ms. Shobha Aggarwal, complainant, along with Dr. P.S. Sahni, Member ABVA, appeared in person. S. Ramanujam, Regional Manager, The Hindu represented the respondent Editor.

The Inquiry Committee has heard Ms. Shobha Agarwal, the complainant and Mr. S. Ramanujam for the respondent. It is the allegation of the complainant that the petition challenging the Constitutional validity of Section 377, IPC was filed by ABVA through its member, Ms. Shobha Agarwal, Advocate. It has been pointed out that Mr. Siddarth Gautam died in the year 1992 and the petition was filed in the year 1994 and therefore, the impugned story stating that Mr. Gautam filed the PIL, is wrong. The complainant's grievance further is that, a report which consists of 93 pages has been described as pamphlet and further it is not the report by Mr. Gautam and he was only one of the co-authors amongst Nine authors who contributed to the report. The complainant has termed the story by the reporter, Ms. Krishnan as biased, prejudiced and uninformed. It has been emphasised by the complainant that the author of the article, Ms. Krishnan has telephonically apologised but the newspaper has not published the clarification as yet.

Written statement has been filed by the respondent, *inter alia*, stating that soon after the receiving of the complaint, the respondent found the same to be legitimate. Action has been initiated and a clarification/correction as desired by the complainant has been published by “the Hindu” and is up on its website acknowledging the crucial role that the ABVA played in the publication of the report and other desired amendment to the article was made. When the matter was heard on 13th February 2019, the only grievance that the complainant made was that, the corrections which have been made in the online edition be published in the print edition of the respondent newspaper with an expression of regret.

Mr. S. Ramanujam, who represented “The Hindu” on the said day pleaded for adjournment of the case so as to seek instructions from the editor of the newspaper. The Inquiry Committee acceded to the plea of the

respondent and accordingly adjourned the case to 14th February 2019. When the matter was taken up on 14th February 2019, Mr. Ramanujam produced before the Inquiry Committee the written submission signed by the editor of the newspaper. In paragraph 9 of the said written submission, it has been stated as follows:

“With due respect, Sir, I feel the demand for an apology or a rejoinder is unjustified and I am not inclined to accept this, given the circumstances. However, I do apologise for the PCI's show cause notice having gotten misplaced, which led to the delay in submitting a reply to us (dated December 26, 2018)”.

The Inquiry Committee has bestowed its consideration to the rival submission and is of the opinion that refusal to publish the correction in the print edition of the newspaper shows nothing but an act of arrogance of the Editor of the newspaper. It is an admitted position that the impugned news story was published in the print edition of the respondent “The Hindu”. When the respondent has chosen to make corrections in the online edition, the Inquiry Committee does not find any justification not to do so in the print edition when the errors and omissions are one and the same. Clause 13 of Norms of Journalistic Conduct reads as follows:

“When any factual error or mistake is detected or confirmed, the newspaper should suo-motu publish the correction promptly with due prominence and with apology or expression of regrets in a case of serious lapse.”

The Norms of Journalistic Conduct provides for correction promptly with apology or expression of regret *suo-motu*.

What to talk about *suo-motu*, newspaper has refused to publish it even when it was brought to its notice.

All those, who write, are bound to make mistakes and for that purpose one keeps erasers but erasers are kept by those who are willing to correct their mistakes. In the opinion of the Inquiry Committee, the editor of “The Hindu” has forgotten this basic principle and without any justification is unwilling to

publish the correction in the print edition of the newspaper. Those who say sorry, when they are wrong are honest, those who say sorry when in doubt are wise. In the opinion of the Inquiry Committee, the respondent editor is neither honest nor wise.

Accordingly, the Inquiry Committee has no option than to Censure the respondent newspaper. A copy of this order be forwarded to the Director General, DAVP, District Magistrate, Chennai, Director, Information & Public Relations Department, Chennai for information & appropriate action.

Held

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

Adjudication

Dated 29.5.2019

33)	Shri Ajay Gautam S/o Shri Kishan Chandra Gautam, 26/127-A, Street no. 10, Biswas Nagar , New Delhi.	Vs.	The Editor Hindustan (Hindi). New Delhi.
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Facts:

This complaint dated 30.05.2017 followed by further submission dated 18.07.2017 has been filed by Shri Ajay Gautam, New Delhi against the unauthorised display/use of Photographs, names and messages of high constitutional functionaries of India such as President of India, Prime Minister of India, Home Minister, the Chief Minister, Governor of State, etc, in private advertisements published by Hindustan (Hindi) daily.

The complainant has given reference to the Supreme Court's Judgement in the Writ Petition (Civil) no. 13/2003 dated 13th May 2015, which states that no pictures other than President of India, or Prime Minister

of India, or Chief Justice of India can be used in advertisements and the photographs with personal approvals of Union Ministers, or prominent political leaders cannot be used in public or government advertisements. On 18th May 2016, the apex court has amended its previous judgement and incorporated that photos of Chief Ministers, Cabinet Ministers can be used in government advertisements only if it is required. But has restrained using photographs, names or messages of high constitutional functionaries of India in private advertisements and for private benefits. Unfortunately, disobeying the apex courts judgement, Shri Kumar Swami, President and Shri Arup Govil, Secretary General of an organisation known as “Bhagwan Shri Laxmi Narayan Dham” has been improperly using names, photographs and messages of high constitutional functionaries of India in their private advertisements, thereby promoting their organisation and making private-benefits under - “Vishesh prabhu kripa dukh nivaran samayog” and misleading and deceiving innocent people.

The complainant further submitted that apart from misusing/improper use of photographs and names of high constitutional functionaries of India, the said organisation is also misleading people by advertising that Swamiji has special chants/mantras that can give immediate relief against any chronic diseases, or cure any problem.

The complainant further stated that an advertisement has been published in Hindustan newspaper in its issue dated 20.2.2016 displaying photograph that illustrates Shri Kumar Swami, President of Bhagwan Shri Laxmi Narayan Dham, is honouring the President of India with Brahmand Ratna Award, captioned “maha mahim rashtrapati ji ne grahan kiya param samman adhaysk brahmand ratna”(His Excellency President of India has received the Brahmand Ratna) . To seek information, complainant had filed a RTI application, however, the President's Secretariat vide letter dated 10.3.2016 has informed that no such award has been received by the Hon'ble President of India.

In another advertisement of Hindustan newspaper, in its issue dated 20.2.2016 the aforesaid organisation has used photographs, name and message of the Chief Minister of Himachal Pradesh ShriVirendra Singh, captioned “swami ji mein hain adbhut shakti”(Swami ji posses special

power). On seeking information by RTI application, in reply dated 31.3.2016 from the Secretariat of Chief Minister of Himachal Pradesh, the concerned Secretariat completely denied any receipt of such requests seeking approval for using Chief Minister's photo or name or even message.

In another separate advertisement published in 'Hindustan' newspapers on the same date i.e., 20.2.2016 displaying photo of Prime Minister of India Shri Narendra Modi mentioning his name and message titled “Maharshi Shri Kumar Swami ji ne badhaya humare desh ka gaurav” (Shri Maharshi Kumar Swami has made our nation proud) has been published and in the same way on seeking information from the P.M.O, vide letter dated 23.6.2018, the P.M.O has informed the complainant that no such requests has been received by P.M.O.

Further, the complainant has claimed that this kind of misleading advertisements are nothing new by this organisation and Hindustan newspaper has been regularly publishing such misleading advertisements and have shared few other clippings whose details are given below:

Sl. No.	Advertisement caption	Dated	Brief
1.	Mahamahim Rashtrapati ji ne grahan kiya param samman akshay brahmand ratna” (His Excellency President of India has received the Brahmand Ratna)	15.3.2016	Displays picture of the Hon’ble President with a message and His Excellency’s name is mentioned.
2.	Bharat ke Rashtrapati va Misileman ne dia adbhut samman (the President of India and Misileman specially honoured Mr Kumar Swami)	15.3.2016	Displays picture of the Hon’ble President, allegedly morphed in a way that it illustrates that His Excellency is honouring someone with an award.
3.	Mahamahim Rashtrapati ji ne grahan kiya brahmand ratna” (His Excellency President of India has received the Brahmand Ratna)	10.3.2017	Displays picture of the Hon’ble President with a message and His Excellency’s name is mentioned

4.	Maine apne jivan mei pujya swami ji jaisa sant nahi dekha (I have not met someone like respected Sawmaiji in my life)	10.3.2017	Picture of Governor of Haryana is displayed and His Excellency's name is mentioned with a message.
5.	Nishkam bhaw se seva kar rahay hain pujye swami ji (Respected Swami ji is serving selflessly)	10.3.2017	Picture of Chief Minister of Haryana is given with his name mentioned and a message.
6.	Kendriya Griha Mantri ne lia asheesh. (Union Home Minister seek blessings from Swamiji)	10.3.2017	Photo of Union Home Minister Shri Rajnath Singh is displayed in the advertisement with his name mentioned .

In light of the above misleading advertisements the complainant pleads the Council to take necessary action against the respondents in accordance with the law.

It is pertinent to mention that a copy of the order of Hon'ble High Court of Delhi is also received by the Council in which the Hon'ble Court has stated that "the Press Council of India would dispose of the said proceedings as expeditiously as possible, keeping in view the grievance urged by the petitioner and bearing in mind the purpose and import of the Press Council of India Act and the Emblem and Names (Prevention of Improper Use) Act, 1950". Hence the matter has been referred back to the Council by the Court.

A Show Cause Notice dated 28.7.2017 followed by reminder dated 9.8.2017 was issued to the respondent Editor.

Written Statement

The respondent Editor, vide Written Statement dated 18.6.2018 received in the Council on 20.6.2018 submitted that the instant complaint has been filed beyond the period of limitation as per provision of law and the complaint is not maintainable at this stage and the same is liable to be dismissed. The complainant, while giving references to various Supreme Court's judgement, has submitted that the Hon'ble Apex Court has permitted

the publication of the photographs of the Governors and the Chief Minister of the State in addition to the photographs of the President, the Prime Minister and the Chief Justice of the country in Government advertisements, subject to the said authorities themselves deciding the question. He has further submitted that *in lieu* of the photographs of the Prime Minister and Chief Ministers, the photographs of the Departmental (Cabinet) Ministers/ Minister in-charge may be published. The respondent submitted that the said advertisements have been printed as it is received from the respective advertiser. However, the newspaper exercises due care & reasonable precautions in publishing of such ads. The respondent has requested the Council to dismiss the complaint.

A copy of the Written Statement was forwarded to the complainant vide Council's letter dated 21.6.2018.

Counter Comments

Shri Ajay Gautam, complainant vide Counter Comments dated 4.2.2019 informed the Council that the reply filed by the respondent is vague and misleading. He further submitted that though, President, Governor etc., have been covered under the Act, but the other Constitutional heads, ex. Cabinet Minister, Minister of Opposition in Parliament, Chief Minister of State, Lt. Governor etc., have been left out. Although these dignitaries too are Constitutional heads and ought to be brought within ambit/scope of this Act. The complainant submitted that the judgements relied upon by the respondent in their reply are not applicable to present case.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Shri Ajay Gautam, complainant appeared in person. Shri Keshav Seth, represented the respondent Editor.

The Complainant is aggrieved by the publication of various advertisements in the respondent newspaper Hindustan (Hindi), New Delhi. The statements purportedly made by the President, Prime Minister, Union Ministers and Chief Ministers etc. in respect of an individual (Kumar Swamijee) along with their photographs have been published. It has been

pointed out that the use of the names of President and Prime Minister etc. is in violation of the “Emblems and Names (Presentation of Improper Use) Act 1950”. It is the allegation of the complainant that the purported statements and the photographs give credit to the claim made by the advertiser.

It has also been pointed out that the advertisements have been published in such a way that it looks like news item.

Mr. Keshav Seth, Advocate has appeared on behalf of the respondent and prayed for time which has been declined by the Inquiry Committee. He has not addressed the Inquiry Committee on the merit of the case.

The Inquiry Committee has perused the complaint, written statement and all other connected papers and find substance in the submission of the complainant.

The respondent newspaper has allowed the use of the names and photographs of the Hon'ble President and Prime Minister of India, in the advertisement by an individual which is not permissible in law. The respondent newspaper has conveniently forgotten the advertisements in question are not the advertisement by one or other department of the government or the authorities but of an individual.

The Inquiry Committee has perused advertisements and is inclined to agree with the complainant that these were intended to be passed on as news. Clause 36 of Norms of Journalistic Conduct *inter-alia* provides that “advertisement must be clearly distinguishable from the news content carried in the newspaper”. The manner of presentation of the advertisements are such that it does not leave any doubt in the mind of the Inquiry Committee that those were intended to be passed on as news. This has given unnecessary credence to the claim made by the advertisers.

Since, the violation is too grave, the Inquiry Committee has no option than to recommend that the respondent newspaper be Censured. A copy of this order be forwarded to the Director General, DAVP, Deputy Commissioner, New Delhi and Director, Department of Information & Public Relations for information & appropriate action.

Haryana High Court was dismissed. The Patiala Court has ordered for a compensation of Rs. 49 lakhs to be paid to Mr. Randhawa by the cops amongst which the complainant is also a party. The complainant is supposed to pay part of the compensatory amount declared by the Court. But the amount is still awaited. Also Mr. Randhawa has repeatedly written to several Ministries with the hope that one day the erring cops will be punished and that will accomplish his fight for justice.

The complainant has stated that the impugned news item mentioned his name and claimed his involvement in wrongdoings against Mr. Randhawa because he is the sole witness in Khalra murder case. The content of the news item damaged the reputation of the complainant. Also, as the matter is lying in the court any misreportage by the newspaper is highly objectionable and may adversely affect the law process. The complainant has claimed that the Tribune did not feel the necessity of recording the version of the complainant in the matter or any such person who are directly affected by the news. This reveals the wilful avoidance on the part of the journalist. The complainant further claims that it is a work of pro-terrorism, lobbyists who make heavy investments to plan such stories to harm the interest of law and order and promote unscrupulous activists that lead to demoralization amongst rank and file. The complainant has stated that the Chief Editor of The Tribune has failed in exercise of due diligence before allowing such story getting published. Had there been an appliance of due diligence, before publication, at least the copy of the appeal presented to Hon'ble Court would have been perused in the news item, to ascertain the story of the other side.

The complainant vide his letter dated 10.10.2017 drew the attention of the respondent-editor but to no avail. The complainant appeals for necessary action in the matter.

A Show Cause Notice dated 24.11.2017 was issued to the respondent newspaper, The Tribune.

Written Statement of The Tribune

The Editor-in-Chief, The Tribune vide his written statement dated 21.12.2017 has objected to the fact as to why the editor of The Tribune was not contacted before filing this complaint. Hence, it is violation of the rule of Press Council (Procedure for Inquiry) Regulation, 1979, and the complaint

stands invalid. The respondent has stated that the impugned news item is based on the communication taken place between Ministry of Home Affairs, Govt. of India and the Secretary (Home), Punjab, Chandigarh and the further communications issued by the Govt. of Punjab to Sh. Kirpal Randhawa and D.G.P. Punjab, Chandigarh in pursuance of the communication received from the Ministry of Home Affairs, Govt. of India. The news item only reported the factual position without any motive to influence any Court proceedings or to cause any harm to any party. Also the name of the complainant has appeared in the news item only as a background of the case carried for reference of the readers. It further submitted that since the story was carried on the basis of communications initiated by the Govt. functionaries and the background information given in public domain being covered by the newspaper and it does not require the version of the complainant. The allegation of the complainant, therefore, may be rejected. However, The Tribune is open to publish the version of the complainant subject to its editorial policy.

A copy of the written statement was forwarded to the complainant on 23.01.2018.

Counter Comments

The complainant vide his written statement dated 9.2.2018 while reiterating his complaint has alleged that the written statement is wrong, motivated and misleading. The complainant has stated that he addressed a communication dated 10.10.2017 to the respondent clearly mentioning that he is complaining to the Hon'ble PCI. The complainant has stated that the respondent should be aware that the matter is *sub-judice* and it should be awaited for decision. The complainant has further stated that the management of the newspaper, has an obligation towards society, to avoid confusion, not to generate misinformation, and avoid undue tarnishing the image of high offices, and refrain from publishing material, just to sensationalize. The complainant has also stated that the offer of the respondent newspaper for publication of his version at this stage is of no consolation, and is in consequential, because it would rather add salt to injury. He has requested the Council to take necessary action in the matter.

A copy of the counter comments was forwarded to the respondent on 19.02.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri Rajinder Singh, complainant appeared in person. Shri Amit Sharma, Head-Legal & Administration represented the respondent newspaper.

The Inquiry Committee has heard the complainant and the representative of the respondent newspaper. The Inquiry Committee is of the opinion that the impugned news item is based on the directions of the Ministry of Home Affairs and in the opinion of the inquiry committee while publishing the impugned news item, the newspaper has not violated norms of journalistic conduct. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Adjudication

Dated 29.5.2019

35) Shri Harminder Arora, Vs. The Editor,
National President, Dainik Savera,
Inquilab Party, Jalandhar (Punjab).
Moga (Punjab).

Facts

This complaint dated 23.5.2018 has been filed by Shri Harminder Arora, National President, Inquilab Party, Moga (Punjab) against the Editor, Dainik Savera, Jalandhar (Punjab) for allegedly publishing false and objectionable news item under the caption “कपूर ने नशा रोकने वाले स्पेशल सेल को लिखा पत्र” in its issue dated 2.4.2017.

It has been reported in the impugned news item that the politicians and Drug Inspectors of Health Department are responsible for making Punjab a drug hub because narcotics drugs are being sold out openly. It has been further reported that the drugs are not coming from Pakistan or Afghanistan rather the drug mafia themselves making and selling it in Punjab and Himachal Pradesh under the supervision of the officers of Health Department. This information was given by Shri Navneet Kapoor, National President, Ojasvi Party in his letter addressed to the Director General of Police, Punjab. It has been also stated in the letter that anyone, who has done B. Pharma, M. Pharma or Ph.d. in Pharmacy/Msc can make drugs easily.

The complainant has alleged that the respondent published false news without any facts or evidence. The complainant has further alleged that the image of the officers of Health Departments in Punjab and Himachal Pradesh has been damaged due to publication of impugned news item.

The complainant vide his letter dated 23.5.2018 drew the attention of the respondent towards the impugned news item and sought evidence on which impugned news item was published, but received no response.

No Written Statement

Show-Cause notice was issued to the Editor, Dainik Savera, Jalandhar on 30.7.2018, but received no response.

Communication received from the complainant

Shri Harminder Arora, complainant vide letter dated 1.2.2019 has submitted that the respondent Editor may be asked as to on what basis he has published the news. Besides he may be asked to produce the evidence, prompting him to publish the news. He has further requested the Council to take necessary action against the respondent Editor, if he is found guilty.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Despite service of notice, neither the complainant nor the respondent has chosen to appear.

The Inquiry Committee has perused the complaint and found no substance in the case. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Adjudication

Dated 29.5.2019

36)	Shri V. Sagar, Secretary, The Institute of Chartered Accountants of India, New Delhi.	Vs.	The Editor, D.L.A. News, Agra (U.P.).
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Facts

This complaint dated 21.6.2018 has been filed by Shri V. Sagar, Secretary, The Institute of Chartered Accountants of India (ICAI), New Delhi against “D.L.A. News”, Agra (U.P.) for allegedly publishing false and baseless article under the caption “आय कर असस मेंट में क्षेत्राधिकार खत्म होगा” in its issue dated 20.12.2017.

It has been reported in the impugned news article that Income Tax Department has implemented the E-assessment System in Metropolitan cities and shall make some major changes in the rules related to the system. It has been further reported that there is disturbance among the Chartered Accounts and Government officers due to implementation of new scheme. This scheme affects the Chartered Accountants more because they could not make good deal with the tax payers. It has also been reported that Hon'ble Prime Minister of India has also criticized the professional Chartered Accountants at various public platform.

The complainant has alleged that the impugned news article casts serious aspersions and shows the profession of Chartered Accountant in poor light in the eyes of the public. The complainant has further alleged that the respondent caused immense damage to the reputation and image of the profession of Chartered Accountants and the newspaper did not consult them before publication of the impugned article. According to the complainant, as a regulator of the profession of Chartered Accountants, they had taken up the matter with the respondent-editor vide letter dated 27.12.2017 but received no reply. He has requested the Council to take necessary action against the respondent-newspaper.

Show-Cause notice was issued to the Editor, D.L.A. News, Agra 16.8.2018.

Written Statement

Shri Virat Krishan Saxena, Counsel for the respondent vide written statement dated 4.9.2018 while denying the allegations levelled in the complaint has stated that the impugned news article was published in good faith and public interest. The respondent has further stated that Hon'ble Prime Minister of India also cautioned against few Chartered Accountants, who were involved in adjusting the black-money during demonetisation. According to the respondent, the impugned article was published with a view to expose some persons who indulged in wrong doings during the demonetisation. His motive was only to provide information relating to Income Tax Department and he had no motive to hurt the sentiments of anyone.

The respondent has also stated that on receiving of a letter dated 27.12.2017 from the complainant, they have published his version/contradiction in his newspaper issue dated 30.12.2017 under the caption “क्षेत्राधिकार नियम से चार्टर्ड एकाउंटेंटों पर असर नहीं”, therefore, no further action is required in the matter.

A copy of the written statement was forwarded to the complainant on 11.9.2018 for counter comments.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri S.V. Krishna Mohan, Chief Legal Advisor, ICAI and Smt. Khushboo Khandelwal, Project Associate appeared on behalf of the complainant while Shri S.P. Tripathi, Special Correspondent represented the respondent Editor, DLA.

Mr. S.V. Krishna Mohan appears on behalf of the complainant and states that in view of the clarification published by the respondent newspaper, the complainant is not willing to proceed with the complaint and prays for its withdrawal. The Inquiry Committee accords permission and disposes of the complaint.

Held

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

Adjudication

Dated 29.5.2019

37) Smt. Makhmali Devi, Vs. The Editor,
Roorkee, Dainik Jagran,
Uttarakhand. Meerut (U.P.).

Facts

This complaint dated 5.4.2018 has been filed by Smt. Makhmali Devi, Roorkee (Uttarakhand) against “Dainik Jagran”, Meerut (U.P.) for allegedly publishing false and misleading news article under the caption “मेरठ के शिवेश ने खोला आनलाइन साईटिफिक सुपर मार्केट” in its issue dated 28.2.2018. It has been reported in the impugned news item that in consonance with Hon'ble Prime Minister's Digital India Programme, the youngster of India took initiative and set up new business and programmes. In this regard, one Shri Shivesh of Meerut after completion of his engineering instead of doing job

has opened an online Scientific Super Market. Started in 2016, this e-commerce portal has become a renowned brand.

The objectionable portions of the impugned news article and the reason given by the complainant thereof read as follows:-

Objectionable Portion of impugned news items	Facts given by the complainant
In the year 2006, Scientific E-Commerce portal has made its recognition all over India	ENGGIFIC ENGINEERING & SCIENTIFIC firm was started in 2017 (not in 2016) as per Commercial Taxes Department, Telangana records as available online.
Sh. Shivesh Goel born on 1 March, 1992 has done his school education from Roorkee.	Shri Shivesh Goel's school education was not in Roorkee, instead it was in Hyderabad.
In Roorkee, Sh. Shivesh Goel's father Sh. Arvind Kumar Goel lives with his family based at Civil Lines, Roorkee.	Shri Arvind Kumar Goel (father of Sh. Shivesh Kumar Goel) along with his family have been living in Hyderabad for many years and not in Roorkee.
Sh. Shivesh Goel has completed his two year course in Mechanical Engineering from IIT Roorkee.	Sh. Shivesh Goel has not done his two year course in Mechanical Engineering from IIT Roorkee.
Sh. Shivesh said that his uncle, Shri Rakesh Goel was Deputy Director of IIT Roorkee in the past.	Sh. Rakesh Goel is not the uncle of Sh. Shivesh. Sh. Shivesh has a grandfather named Sh. Rajesh Goel whose name resembles with Sh. Rakesh Goel. In case, if there is a typo error in printing Rajesh Goel's name, then also Rajesh Goel is not the Deputy Director of IIT Roorkee.
Sh. Shivesh's father Sh. Arvind Kumar Goel is connected with manufacturing of Engineering instruments from last 40 years.	Sh. Arvind Kumar Goel is not dealing with Engineering instruments from last 40 years.
On receipt of orders, Sh Shivesh supply the Engineering instru-ments orders from amily, Roorkee.	For supply of goods, Sh. Shivesh, Proprietor of M/s ENGGIFIC ENGINEERING & SCIENTIFIC, Hyderabad is neither purchasing nor the delivery/execution of the orders supplying the goods from his family based in Roorkee.

The complainant has alleged that the impugned article is totally false, baseless and misleading. The complainant vide letter dated 5.3.2018 drew the attention of the respondent towards the impugned news article by seeking details of the responsible advertiser/publisher etc. of the impugned news article but received no reply. She has requested the Council to verify the facts and do the needful.

No Written Statement

Show-Cause Notice was issued to the Editor, Dainik Jagran, Meerut on 28.5.2018 but no response has so far been received.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. The complainant has not chosen to appear. Shri Birendra Mishra and Smt. Poonam Atey, Advocates represented the respondent Editor, Dainik Jagran.

The counsel for the respondent newspaper states that necessary correction will be published in the newspaper within two weeks. He further states the correction so published will be forwarded to the Council within one week thereafter. In view of the aforesaid, the Inquiry Committee is not inclined to proceed any further.

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

Held

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

Adjudication

Dated 29.5.2019

38)	Shri Mahaveer Singh, Advocate, Bulandshahar, Uttar Pradesh.	Vs.	The Editor, Amar Ujala, Gautambudh Nagar, Uttar Pradesh.
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Facts:

This complaint dated 07.05.2018 has been filed by Shri Mahaveer Singh, Advocate, Bulandshahar (U.P.) against “Amar Ujala”, Gautambudh Nagar for allegedly publishing false news items under the captions “रास्ता बंद करने के फरमान से बिफरे लोग सडक पर उतरे”, “डीएम के आदेश पर कालोनी के सातों रास्ते बंद”, “भूमाफिया के मकान का नहीं पास है नक्शा” and “कब्रिस्तान पर खडी कर दी दो मंजिला बिल्डिंग” in its issues dated 22.3.2018, 23.3.2018, 25.3.2018 and 29.3.2018 respectively.

It has been reported in the impugned news items that the District Magistrate has ordered the Sr. Superintendent of Police, Secretary of Bulandshahar Development Authority and ADM to investigate a case against a land-mafia, Shri Mahaveer Singh for constructing house in Government land. It has been further reported that the Bulandshahar Development Authority has found during the investigation that the map of Shri Mahaveer's house is not approved, therefore, they are now going to take action against him. Notice will be issued to the land-mafia now and in the absence of any reply, his house will be seized. It has been also reported that five days ago this land-mafia protested along with his supporters against the District Magistrate and had tried to jam the roads on making of a boundary wall in DM Colony. In this regard, a case has been registered against him and others under several sections by the District Magistrate. It has been further reported that a land-mafia, Shri Mahaveer illegally encroached the land of graveyard and built two floors on it.

Denying the allegations levelled in the impugned news items, the complainant has alleged that the impugned news items are totally false, baseless and deliberately published with a view to tarnish his image. The complainant has stated that he belongs to a very reputed family and he has large agriculture land and house in the village. While placing his objection on referring him as land-mafia in the impugned news items, the complainant has stated that his house has been legally built. The complainant had sent a notice dated 07.05.2018 to the respondent newspaper, Amar Ujala, Bulandshahar but to no avail. The complainant has requested the Council to take necessary action against the respondent.

Show-Cause notice dated 13.07.2018 was issued to the respondent editor, Amar Ujala, Gautam Budh Nagar, U.P.

Written Statement

The counsel for the respondent-newspaper, Amar Ujala vide written statement dated 15.09.2018 while denying the allegation levelled by the complainant has stated that the District Magistrate of Bulandshahar has written a letter to ADM (R), Bulandshahar Development Authority and the Sr. Superintendent of Police, Bulandshahar seeking some report in respect of the complainant and the said gist of those letters has been published in the aforesaid news items in discharge of the journalistic duty of the Amar Ujala newspaper to present the facts before the public so that public can be apprised about the happenings. The respondent has further informed that District Magistrate of Bulandshahar in his letter has addressed the complainant as “Bhumafia”. The respondent has stated that the Amar Ujala being a responsible newspaper has every right to report the matter of public interest in free, fair, impartial and truthful manner. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 15.11.2018 for information.

Counter comments

The complainant in his counter comments dated 1.12.2018 while reiterating his complaint has alleged that the respondent newspaper maliciously published the impugned news items with a view to defame him. The complainant has pointed out that the respondent has not provided the copy of the District Magistrate's letter. The complainant has stated that he is legal owner of the land. He has requested the Council to take strict action against the respondent newspaper.

A copy of the counter comments was forwarded to the respondent editor, Amar Ujala on 4.1.2019 for information.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. Shri Mahaveer Singh, complainant appeared in

person. Shri Neeraj Kapoor, Advocate and Shri Karan Heera, Dy. Manager represented the respondent newspaper, Amar Ujala.

The Inquiry Committee has heard the complainant as also the representative of the respondent newspaper. The Inquiry Committee has also perused the complaint, the written statement and all connected papers. The Inquiry Committee is of the opinion that the respondent newspaper had the basis to publish the impugned news item and while doing so, it has not violated any norms of journalistic conduct. Accordingly, the Inquiry Committee recommends for dismissal of the complaint.

Held

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

Adjudication

Dated 29.5.2019

39) Shri Kamal Sharma, Vs. The Editor,
Lucknow, (U.P.). The Hindustan Times,
Lucknow (U.P.).

Facts

This complaint dated 2.7.2018 has been filed by Shri Kamal Sharma, Lucknow against “The Hindustan Times”, Lucknow for allegedly publishing false and misleading news items. The captions and dates of the impugned news items read as follows:

S.No.	Captions	Dates
1	Over 2L and counting: Stray dog menace alarming in Kanpur	3.5.2018
2	20 dogs trapped, to be released in Pilibhit jungle after sterilisation	4.5.2018
3	Canine terror spreading, villagers petrified-Feral dogs stronger, attack children strategically	5.5.2018
4	Dogs, not hyenas, behind Sitapur attacks, confirm wildlife experts	9.5.2018
5	A feral referral	10.5.2018

6	More attacks within 24 hrs-HT believes in saving lives	11.5.2018
7	Dogs attacks continue	18.5.2018
8	Eight-year-old succumbs to injuries; toll increases to 14	19.5.2018
9	Child killers in Sitapur are dogs, confirms IVRI	23.5.2018
10	Feral dogs injure two 6-yr-old kids	24.5.2018

It has been reported in the impugned news items that Civic and Health authorities may be in for a tough time ahead as an unofficial dog census carried out by the Kanpur Municipal Corporation puts the population of stray dogs at over 2 lakh in Kanpur's city limits. Officials said nearly 23,195 cases of dogs bites were reported at government hospitals in 2016 which doubled to 46,800 cases in 2017. Terror of feral canines is gradually spreading to other distant villages of Sitapur after fresh attacks on children, causing death of two children and two other were severely injured in dog attacks. The People move in groups and carry canes, rods and axes to combat the canines. Experts from World Wildlife Fund (WWF) has confirmed that packs of dogs are responsible for the attacks that have led to the death of six children and injuries to a dozen others in Sitapur.

One of the other impugned news items states that the DNA of feral dogs responsible for killing children in Sitapur has “matched 100%” with that of common dogs, according to a DNA analysis by the Indian Veterinary Research Institute (IVRI) in Izzatnagar, Bareilly. It is further reported that “the samples that the team collected from Sitapur have matched completely with that of *Canis lupus familiaris*, which is the scientific nomenclature of the common dog,” said RK Singh, the IVRI Director.

The complainant in his comments has stated that he wrote to the IVRI requesting for their clarification and in response thereto, the IVRI vide email dated 26.5.2018 informed that IVRI never mentioned that child killers in Sitapur are dogs. The complainant has further submitted that the rebuttal of IVRI was brought to the notice of the respondent through email dated 30.5.2018. He has further stated that several animal welfare workers wrote to the reporter and to the Editor submitting the points on behalf of dogs, because as can be understood, animals cannot speak themselves. In spite of that, from

around 2nd May to around 4th June, 2018 i.e. for a full month, Hindustan Times, Lucknow continuously carried out a vicious personal hate campaign against helpless street animals which led millions of readers to believing it because respondent newspaper kept quoting reputed organisations. As a result of this vindictiveness, there was a fury unleashed against street dogs. Dogs were brutally beaten again and again, stoned, encircled and attacked by people because they believed that dogs were attackers of children, a theory fanned endlessly by the respondent newspaper. He has also stated that even in column XPRESSIONS run by them which take views from the public, only anti street dogs views have been published by the respondent. The complainant has alleged that the terrifying words and phrases used by the respondent in the impugned news items.

The complainant has stated that the attention of the respondent was drawn on 23.05.2018 and 30.05.2018 via email by Shri Mukesh Tripathi and Ms. Sampriiti Datta, Permanent Member, People for Animals. He has requested the Council to conduct an enquiry into the culpability of the respondent.

Show-Cause notice was issued to the respondent-Editor, The Hindustan Times Lucknow on 25.7.2018.

Written Statement

Ms. Sunita Aron, Senior Resident Editor, The Hindustan Times vide written statement dated 27.08.2018 has stated that the crux of the complaint filed by the complainant revolves around the allegation that the attacks on children in Sitapur District of Uttar Pradesh was in fact not by feral dogs. The respondent has further stated that a PIL registered as PIL Civil No. 13363 of 2018 'Prince Lenin vs. State of U.P. & Ors.' has been filed and Hon'ble Lucknow Bench of Allahabad High Court has passed an Interim Order on 10.05.2018. The respondent has also stated that writ petition is still pending before the Hon'ble High Court and the allegations levelled by the complainant are in direct conflict with the observations made by the Hon'ble High Court in the interim order. The respondent has stated that the Declaration given by the complainant along with his complaint is false and the complaint filed by the complainant is liable to be dismissed on this ground.

The respondent has further stated that the complainant nowhere states that the animals, who killed children were not feral dogs. So far Wahid Jamshed, a wildlife expert of the WWF is concerned, the respondent has stated that Shri Wahid Jamshed is Animal expert and was called to Sitapur by the District Administration of Sitapur. The Hindustan Times has also referred him as a wild life expert only and the complainant may verify from the updated version of the story online from link. According to the respondent, the complainant cannot be said to be having any grievance in case Shri Wahid Jamshed is not part of the organisation of WWF and the same cannot be said to be offended against the standards of journalistic ethics or public taste or at the same time it cannot be said that a working journalist has committed any professional misconduct. So far as the rebuttal by IVRI is concerned, the respondent has stated that the Hindustan Times has not received any notice or letter from IVRI in respect of the report published. A perusal of the report clearly mentions that Shri R.K. Singh, Director, IVRI has quoted that 'samples that the team collected from Sitapur have matched completely with that of *Canis lupus familiaris*, which is the scientific nomenclature of the common dog'. The respondent has informed that the other newspapers have also published similar news reports. The respondent has stated that none of the said organizations i.e. IVRI, WWF, HSI or any other organisation has stated that the children were not killed by feral dogs as alleged by the complainant. So far as the allegations regarding carrying out alleged vicious personal hate campaign against animals is concerned, the respondent has stated that the correspondents of the Hindustan Times personally visited the District Sitapur numerous times at the actual site where children were killed and only after interaction with a number of citizen residing there including those who lost their children and also after interaction with the officials of the Government and only after fully satisfying with the facts, the stories were published. The respondent has requested the Council to dismiss the complaint because similar issue is pending before Hon'ble court.

A copy of the written statement was forwarded to the complainant on 10.9.2018.

Counter Comments

The complainant vide his counter comments dated 13.09.2018 while reiterating his complaint has stated that this averment that the complainant has given a false Declaration is far from the truth. The PIL referred in the reply of the respondent i.e. PIL Civil No. 13363 of 2018 which was filed in Hon'ble High Court is about issuance of writ to state of Uttar Pradesh for Identification/eradication/removal of man-eating dogs', whereas in the instant case plea is regarding false and fabricated reporting by the respondent. He has further stated that the said PIL has not touched the issue of false reporting by the respondent and so this matter of false reporting by the respondent is not pending before the Hon'ble High Court.

A copy of the counter comments was forwarded to the respondent on 25.9.2018 for information.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The complainant appeared in person. There was no appearance on behalf of the respondent Editor.

The Inquiry Committee has heard the complainant and has also perused the complaint, written statement and other connected papers. Despite service of notice, the respondent has not chosen to appear, although, a written statement has been filed on its behalf. The Inquiry Committee is of the opinion that the source quoted in the story have denied making any such statement, it was obligatory on the part of the respondent to publish the clarification. The respondent newspaper has not chosen to do the same. The Inquiry Committee gives liberty to the complainant to give clarification within two weeks. The respondent newspaper on the receipt of the same shall publish the clarification with due prominence within two weeks thereafter. The Inquiry Committee disposes of the complaint with the aforesaid directions.

Held

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

Adjudication

Dated 29.5.2019

- 40) The Director General of Police, Jammu & Kashmir Police, J&K Police Headquarters, Srinagar (J&K). Vs. The Editor, Early Times, Jammu (J&K).

Facts

The Ministry of Information & Broadcasting, Government of India, New Delhi vide his letter dated 14.6.2018 has forwarded a copy of the OM No.6/3/2017-T of Ministry of Home Affairs, Govt. of India, New Delhi attaching therewith a copy of the complaint dated 9.4.2018 of the Director General of Police, J&K Police regarding publication of defamatory narration carried by Jammu based local daily "Early Times" for necessary action.

The Director General of Police, J&K Police (complainant) has alleged that the Early Times in its issue dated 6.4.2018 published a highly polarizing and sensational story under the caption "HM penetrates J&K Police". Impugned news report is as under :-

"Starting reports are emanating from intelligence headquarters. Reports are alarming and indicate that things in J&K have deteriorated to a dangerous extent. According to reports, "Intelligence sleuths have unearthed the terrorist organization Hizbul Mujahideen's penetration in the Jammu and Kashmir State Police".

In the meantime, according to sources, "Intelligence Bureau has already alerted the J&K Police top brass about the 'leakages' in the state

police, cautioning the possibility of moles or sympathizers of Hizbul Mujahideen in the organization.”

The Director General of Police, J&K Police (complainant) has stated that the respondent-newspaper published a news story claiming to have accessed some reports from the Intelligence Bureau divulging the alleged J&K Police Hizbul Mujahideen nexus and the latter's penetration in the State Police Department. According to him, the report claims to have accessed telephonic conversation between some HM operators over posting of some police officers in the valley. The complainant has mentioned that the impugned report was originally carried by an online portal PGurus, owned by one Gurumurthy, couple of days before and has been reproduced by the respondent-newspaper. Reproduction of such a confidential narration by a prominent daily from a portal which is famous for biased and more of distorted rhetoric speaks volumes about the kind of regressive and unprofessionalism approach the daily exhibits. The complainant has alleged that illusionary narration of such sort not only dents the image of J&K Police, which is doing commendable job in fighting terrorism on all fronts in the State, but also deeply demoralizes the department which in turn carries a very pessimistic impact on overall functioning of the department. The complainant has further alleged that the respondent paper has earned much notoriety in reproducing highly polarizing and insinuatory sensational stories with less relevance in the past as well and reproduction of this particular story without verifying the facts, from a website that is believed to be the mouthpiece of a particular association and famous in carrying much biased rhetoric could be a well thought out plan to malign and demonize the department. The complainant has stated that narration of such sort needs to be rebutted and discouraged.

Show-Cause notice was issued to the respondent-Editor, Early Times, Jammu on 13.7.2018.

Written Statement

Shri Munish Gupta, Editor, Early Times vide his written statement dated 24.7.2018 has submitted that they had carried the impugned report

from portal PGguru.com and the report is still there on the portal. The respondent has stated that they have duly mentioned that “reports said”, which professionally conveys that they have picked up the news from elsewhere. Moreover, as a mark of professionalism, and to play safe, they have used single quotes in the headlines. According to the respondent, their main reason to carry the impugned report in their daily was to keep the worthy readers informed about the worrisome trend as was mentioned by the portal about the possible infiltration of Hizbul Mujahideen into the Jammu and Police Department. The respondent has stated that as a nationalist newspaper, they found it their responsibility to report about the development for wider publicity and to keep the people aware of how Pakistan and its terror network want to weaken India through whatever ways possible. The respondent has stated that they have reported only what the news portal had reported without any additions and from their side they did not even put analysis in the report.

A copy of the written statement was forwarded to the complainant on 30.8.2018 for information/counter comments.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The Inquiry Committee has heard Mr. Basir Ahmed Wani, Joint Director, on behalf of the complainant and Mr. Avinash Azad on behalf of the respondent. The Inquiry Committee has also perused the complaint, the written statement and other connected papers. The complainant is aggrieved by publication of a story with the heading that “*HM penetrates J&K Police.*” It is the assertion of the complainant that the aforesaid story is absolutely false and concocted and affected the morale of the Jammu and Kashmir Police. The respondent in his reply has stated that the source of the story is a Web Portal. The respondent newspaper in the story did not indicate that what has been published has been lifted from the Web Portal. The newspaper has projected the story as if its their own. In case, the respondent newspaper had lifted the story from Web Portal it ought to have indicated the same in the story. The Inquiry Committee is of the opinion that a story of such magnitude having far reaching consequences ought not to have

been published casually. The Inquiry Committee recommends that the respondent newspaper be censured. A copy of this Order be forwarded to the DAVP, Director, Information and Public Relation Department, Jammu and Kashmir and District Magistrate, Jammu for appropriate action.

Held

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

Adjudication

Dated 29.5.2019

41)	Prof. M. Siraj Anwar, Head, Publication Division, National Council of Educational Research and Training (NCERT), New Delhi.	Vs.	The Editor, Times of India, New Delhi.
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Facts

This complaint dated 16.5.2018 has been filed by Prof. M. Siraj Anwar, Head, Publication Division, National Council of Educational Research and Training (NCERT), New Delhi against the “Times of India”, New Delhi for allegedly publishing an unverified and inaccurate article in its issue dated 20.2.2018 under the Caption “NCERT Text update: 1 crore book obsolete”.

It has been reported in the impugned news item that “come the 2018-19 academic session, close to one crore unsold NCERT textbooks will become obsolete as texts are being updated for the upcoming year”. The news reports further states that while textbooks becoming redundant on updation is nothing new, what's unusual is NCERT's huge inventory of unsold books. A rough estimate suggests that Rs.25-30 crore worth of books will become obsolete in the new academic session. HRD Ministry sources said nearly a

crore of these books have remained unsold. It is further reported that on February 8, 2018 TOI had emailed a detailed questionnaire to the Director and spokesperson of NCERT seeking answers on the criteria based on which the print run is decided and the cushion usually kept each year. The final count of redundant books will be known only after the Council receives the data on unsold books sent to various locations and dealers.

Denying the allegations levelled in the impugned news item the complainant submitted that the same is without basis and not based on facts. No senior National Council of Educational Research and Training officials have given any information to the correspondent. The complainant submitted that NCERT does not have any unsold books in its stock and therefore the question of any obsolete stock of textbooks does not arise. The complainant has further submitted that there is no post or person which the paper calls as the spokesperson of NCERT to whom the reporter claims to have sent a detailed questionnaire. The Director NCERT received the questionnaire, but due to the then ongoing budget session of the Parliament, the Director could not respond to the correspondent's query immediately and the correspondent chose to write his report without waiting for a response. He has also submitted that before NCERT undertakes reprinting of books for any new academic session, these are updated every year with the latest information and knowledge. The complainant vide letter dated 21.2.2018 and subsequent reminder dated 12.3.2018 drew the attention of the respondent towards the impugned publication and requested him to publish unconditional apology and rejoinder prominently but received no response. He has requested the Council to take action against the respondent.

Show-Cause notice was issued to the respondent-Editor, The Times of India, New Delhi on 29.5.2018.

Written Statement

Shri Shailendra Singh, Counsel for the respondent editor, Times of India vide written statement dated 17.7.2018 while denying the allegations levelled in the complaint has submitted that the newspaper carried articles, news on issues that concern general public in public interest for the information of its discerning readers. The impugned news article dated

20.2.2018 was published in public interest as it concerns the general public and the issue involved was related to the education of students and costs of publication is first borne by the national exchequers which is largely tax payers' money and its unsold inventory is a national loss. The respondent submitted that the article was published in good faith without any ill will or malice towards the complainant or anyone else. It was based on information and/or inputs received from reliable sources and believed to be true and correct. He has further submitted that the figures of the books published mentioned in the news and given by the complainant in the complaint are almost similar, which proves that the reporter has done his homework in best possible manner before publishing the article and he was not negligent or careless in doing so. He has requested the Council to drop further proceedings in the matter.

A copy of the written statement forwarded to the complainant on 31.7.2018 for information/counter comments, if any.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The Inquiry Committee has heard the complainant as also Mr. Akash Nagar, counsel for the respondent. The complainant is aggrieved by publication of a news item in the respondent's newspaper on 28th of February, 2018, with the headlines **“NCERT text update: 1 crore book obsolete”**. It is the assertion of the complainant that the claim made in the aforesaid news item that 1 crore books have become obsolete is absolutely false. The respondent newspaper in his reply has stated that questionnaire was sent to the complainant's Organization and when nothing was heard, the newspaper published the story. The newspaper is however, unable to explain as to how it has come to the figure of 1 crore book. Be that as it may after publication of the news item the complainant has sent contradiction. The contradiction given contained facts but the respondent newspaper did not took notice of that and did not publish the contradiction. Mr. Nagar states that as the complainant had not answered the questionnaire, the respondent had decided not to publish the contradiction. The Inquiry Committee is of the opinion that this conduct of the respondent newspaper is reprehensible.

When the contradiction is brought to the notice of the respondent newspaper it ought to have taken notice of that and published the contradiction. The Inquiry Committee is of the opinion that the respondent has violated the Norms of Journalistic Conduct and deserves to be Censured. The Inquiry Committee, accordingly, recommends that the respondent newspaper be Censured. A copy of this order be forwarded to the DAVP, Director of Public Relation, Delhi State and the Ministry of Information and Broadcasting for appropriate action.

Held

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

Adjudication

Dated 29.5.2019

42) Shri N. Sankara Menon, Vs. The Editor,
USA. The Times of India,
Chennai (Tamil Nadu).

Facts

This complaint dated 24.7.2018 has been filed by Shri N. Sankara Menon, USA against “The Times of India”, Chennai (Tamil Nadu) for allegedly publishing objectionable, false and inflammatory news report under the caption “11-year old boy's rescue reveals –'trafficking' prevalent at madrassas Veda pathshalas” in its issue dated 16.7.2018.

It has been reported in the impugned news report that child protection officers and Childline volunteers rescued an 11-year old boy from Bihar, who they suspect had been trafficked after he escaped from a Madrassa in Kodungalyur. It has been further reported that since January, Railway Childline, Government Railway police and the District Child Protection Unit have rescued at least 25 children from Chennai who escaped from Madrassas and Veda Pathshalas located in the city or other districts.

The complainant has raised objection on irrelevant mention of the word “Veda pathashalas” in the impugned news item. According to him it is a deliberate and malafide attempt on the part of the author, Ms. Ekatha Ann John, where, with no basis or connection whatsoever, Hindu Veda Pathashalas were equated to Madarssas without any need or evidence. According to the complainant, the paper has attempted to connect Hindus to a crime in a Muslim Madrassa, thereby tried to arouse communal passion. The respondent-editor has committed crime, punishable under Sections 153A/295A and other provisions. The complainant has submitted that once the protest against this started, the online edition deleted the deliberate *malafide* reference thus practically admitting that the action was a premeditated criminal action with a malafide intent, but such correction cannot be made in the print edition.

The complainant drew the attention of the respondent-newspaper on 17.7.2018 via email towards the impugned news item with a request to publish apology with same prominence but received no reply. He has requested the Council to take necessary action against the Editor and Author.

Show-Cause notice was issued to the respondent-Editor, The Times of India, Chennai on 8.8.2018.

Written Statement

In response to Council's Show-Cause Notice dated 8.8.2018, the counsel for the respondent-Times of India vide his written statement dated 7.3.2019 while denying the allegation has stated that he has not offended or violated any norms of journalistic conduct. The respondent has submitted that the impugned article cites how the Railway Childline, Govt. of Railway Police and District Child Protection Unit (DCPU) had rescued 25 children who escaped from madrassas and veda pathshalas in Chennai and nearby districts. This alone shows that the focus of the story is not religion, but an issue pertaining to children and their safety in religious residential institutions. According to the respondent, the impugned article also cites a judgement of Madras High Court by Chief Justice Shri Sanjay Kishan Kaul wherein the court had directed the State Govt. to inspect all such religious bodies with residential facilities and reprimanded the State for calling it a

“religious matter” when it pertained to children's safety. The respondent has informed that the headline of the impugned article, since it pertained to the particular case of the rescue of 11 year old boy, who escaped from a madrassa, the same was changed and duly intimated to the complainant. In the reply, the Times of India clarified that the headline could not establish the relationship of the veda pathshala with trafficking in any manner whatsoever. The headline was result of an unintentional human error and was not intended to hurt the religious feeling of anyone or to insult any community/religion or to show any disrespect to any religion of community. The respondent has stated that the publication of wrong title was an unintentional *bona fide* mistake which was corrected in the online edition. The publication of said headline by mistake cannot be construed as intentional publication of the news to hurt the religious sentiments of the Hindus. He has requested the Council to drop proceedings against him.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. The complainant has not chosen to appear. Mr. Akash Nagar, Counsel appears on behalf of the respondent and submits that the use of the expression 'Vedapathshala' was inappropriate in the headline and, accordingly, corrections were made in the on-line version of the newspaper. When pointedly asked as to whether such correction has been made in the print edition, he says that it has not been done so and shall be done in the print edition. The Inquiry Committee has perused the complaint and is of the opinion that the conduct of the newspaper is absolutely casual while using the expression 'Vedapathshala' in the headlines. It is expected from the newspaper to apply its mind more seriously when insinuation of such nature finds way in the headlines. In view of the casual approach of the respondent newspaper for mentioning 'Vedapathshala' in the headlines, the Inquiry Committee is left with no option than to Censure the newspaper.

The Inquiry Committee, accordingly, recommends for Censure of the newspaper. A copy of this order be forwarded to the DAVP, the Director of Public Relations, Tamil Nadu and the Deputy Commissioner, Chennai for appropriate action.

Held

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

Adjudication

Dated 29.5.2019

43) Shri Dibya Kant Shukla, Vs. The Editor,
Secretary, Dainik Jagran,
U.P. Secondary Education Service Kanpur (U.P.).
Selection Board,
Allahabad (U.P.).

Facts

This complaint dated 31.10.2018 has been filed by Shri Dibya Kant Shukla, Secretary, U.P. Secondary Education Service Selection Board, Allahabad (U.P.) against “Dainik Jagran” for allegedly publishing incorrect and objectionable news item under the caption “अब चयनबोर्ड में भी साक्षात्कार के अंको में भी हुई हेराफेरी” in its issue dated 9.9.2018.

It has been reported in the impugned news item that now a sensational matter has come into light regarding manipulation in marks of interview in Secondary Education Selection Board, U.P. The lady candidate, who gave the interview, has been declared absent and the interview marks have been given to another absentee candidate. It has been further reported that on the representation given by the lady, the Board accepted the mistake by saying “human error” and result of an OBC candidate has been rectified. It has also been reported that the manipulation in interviews of graduate teachers, non-government teachers and principal, which was conducted by the Selection Board has been exposed. According to the impugned news item, Ms. Sangeeta Chaurasiya, after qualifying written examination conducted in 2011, appeared for interview on 1.6.2018 for the post of L.T. Grade teacher. Her result was declared and she was shown failed

on account of her absence. Ms. Sangeeta Chaurasiya has given a representation dated 8.8.2018 in this regard stating that she has been shown absent wrongly. The matter was examined and Selection Board clarified that the mistake in the selection of Ms. Sangeeta was due to similarity of last four numbers of coding. It was clarified that marks given to Ms. Sangeeta was a human error.

The complainant has stated that the U.P. Secondary Education Service Selection Board conducts examinations for appointment of secondary teachers, examination, interview and prepare guidelines relating to method of recruitment and promotion of teachers. The complainant has alleged that the respondent published objectionable and incorrect news item. As a matter of fact, the headline was made in such a manner so as to make the news sensational and provocative. It was disrepute to the institution as well as functionaries of the institution. According to the complainant, on the website of U.P. Secondary Education Service Selection Board dated 8.9.2018, there was a Press Release regarding information of correction of mistake. There was no question of any manipulation or fabrication as alleged. The complainant has also alleged that no attempt was made to verify the facts.

The complainant vide letter dated 14.9.2018 drew the attention of the respondent towards the impugned news item but received no reply. He has requested the Council to take necessary action in the matter.

No Written Statement

Show-Cause notice was issued to the respondent-editor, Dainik Jagran, Kanpur on 26.11.2018 but no response has been received.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. Mr. A.N. Sharma appears on behalf of the complainant. Mr Birendra Mishra appears on behalf of the respondent and concedes that the heading of the news item was inappropriate.

In the facts and circumstances of the present case, the Inquiry Committee directs the respondent to publish an expression of regret within four weeks and forward a copy of that to the complainant and the office of the

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

Held

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

Adjudication

Dated 29.5.2019

44) Shri Akshay Phatak, Vs. The Editor,
Mumbai. Loksatta,
Mumbai.

Facts

This complaint dated 25.9.2018 has been filed by Shri Akshay Phatak, Mumbai against "Loksatta", Marathi daily, Mumbai for allegedly publishing a false, frivolous and vexatious article/editorial under the caption "सूर नवे; पण पद्म...?" in its issue dated 21.9.2018. The complainant has objected on the following statement referred in the impugned article:

"In 2015, Mohammad Akhlaq was lynched on suspicion of consumption and storing beef. There is need to express reaction by the RSS chief. "The Vedas order the killing of the sinner who kills a cow", this reaction was expressed by the RSS Chief after three days of this tragic incident.

The complainant has alleged that the respondent misquoted the statement regarding killing of Mohammad Akhlaq. The said statement has no relation with RSS Chief (Shri Mohan Bhagwat). The complainant has stated that on very next day i.e. on 22.9.2018, the respondent published clarification captioned "खुलासा" about this blatant lie. In the clarification, it has been mentioned that "the said alleged statement is lifted from Panchjanya, a mouthpiece of RSS, and not attributed to Shri Mohan Bhagwat". According to the complainant, when any factual error or mistake is detected or

confirmed, the respondent should *suo-motu* publish the correction promptly with due prominence and with apology or expression of regrets in a case of serious lapse.

The complainant drew the attention of the respondent on 25.9.2018 towards the impugned article with a request to publish proper clarification but to no avail.

The complainant addressed letters dated 25.9.2018 to the RSS, Nagpur and the Editor, Panchjanya seeking clarification regarding claim made by Shri Girish Kuber, Editor, Loksatta in the impugned article. The complainant has submitted that in response to his letter, the Editor, Panchjanya denied publishing any statement. He has requested the Council to take necessary action in the matter.

Show-Cause notice was issued to the respondent-Editor, Loksatta on 26.11.2018.

Written Statement

The respondent-Editor, Loksatta, Mumbai vide his written statement dated 26.12.2018 while denying the allegation levelled in the complaint has stated that the complainant in his complaint alleged that the Loksatta has not expressed regrets to Shri Mohan Bhagwat for an incorrect reference; Loksatta has incorrectly referred to Panchjanya as the mouthpiece of the RSS; and Loksatta has lifted news without attribution. The respondent has stated that the impugned editorial appearing in Loksatta attributing a statement to Shri Mohan Bhagwat was based on what was carried in a reputed business newspaper issue dated 19.9.2018 and also on website. This statement remains on their website/e-paper even today. They assumed that the attribution was correct. According to the respondent, no clarification or retraction has been carried till date by the said business newspaper. Nor has the complainant filed any complaint against the reputed business newspaper's editorial. The respondent has further submitted that on 28.9.2015, one Mohammad Akhlaq was attacked for allegedly slaughtering a calf and he died. The quote “Vedas order killing of the sinner who kills a cow”, was a line in the cover article in RSS Journal, Panchjanya in its October, 2015 issue. The article 'Is Utpaat Ke Us Paar' (the other side of this

disturbance) was by Hindi writer Shri Tufail Chaturvedi. This cover story of RSS journal was widely covered in the press and media. The story quoted that “Vedas order killing of sinner who kills a cow. It is a matter of life and death for many of us”. The respondent has submitted that on learning that the quote from the RSS cover article had been wrongly attributed to Shri Mohan Bhagwat, retraction and sincere regrets were carried by Loksatta prominently, twice, in issues dated 22.9.2018 and 28.10.2018. It is therefore, wholly incorrect on part of the complainant to allege that there was no expression of regrets. The respondent has denied the allegation of the complainant that there was any intention to malign Shri Mohan Bhagwat. The respondent has stated that neither Shri Mohan Bhagwat nor the RSS has made any grievance about the impugned editorial. The respondent has further stated that the complainant has no grievance against the business newspaper which originally attributed the statement. The respondent has stated that the Loksatta has not lifted any literary work of any author. The quoted sentence was actually from an article from the Panchajanya. To quote a sentence or phrase from a work for the purpose of making a point, or referring to it, as was done in the Editorial does not constitute infringement of any copyright. The respondent has further stated that neither the business newspaper nor the Panchajanya has raised any grievance for the referring sentence. The respondent has denied that the Loksatta has lifted any article from the business newspaper or the Panchajanya. He has stated that the complaint deserves to be dismissed.

A copy of the written statement was forwarded to the complainant on 16.1.2019 for counter comments/information.

Counter Comments

The complainant vide his counter comments dated 28.1.2019 while reiterating his complaint has stated that the written statement filed by the respondent is alarming and serious threat to the ethics and basic principle of journalism. The complainant has further stated that the respondent has denied the facts and misleads the Press Council in the matter. The complainant has also stated as per respondent, the Loksatta quoted some article from one of the reputed newspapers on 19.9.2018 by assuming that the said attribution

was correct. The respondent has not revealed the name of the said reputed business newspaper. The complainant has pointed out that if that business newspaper is the source of information why he named Panchjanya as source of information. The complainant has stated that the respondent's assumption that the complaint was filed on behalf of the RSS is completely wrong. He is Swayamsevak of RSS and being Swayamsevak he is hurt and aggrieved by the article and false clarification made the respondent. He has requested the Council to take strict action against the respondent.

A copy of the counter comments was forwarded to the complainant on 21.2.2019 for information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The Inquiry Committee has heard Ms. Rujuta Joshi for the complainant and Mr. Abhijeet Negi for the respondent. The complainant is aggrieved by an editorial published in the respondent newspaper in its issue dated 21.9.2018. In the editorial, it has been quoted as under:

*“The Vedas order the killing of the sinner who kills a cow”
and this view has been attributed to the RSS Chief.*

It is the assertion of the complainant that the RSS Chief never said that. The respondent in the written statement has admitted that such a statement was not made by the RSS Chief and it has been wrongly attributed to him in the editorial and accordingly corrigendum and apologies were published on 22.9.2018 and 28.10.2018 Mr. Negi submits that in view of the aforesaid, the proceeding may be dropped.

The Inquiry Committee is of the opinion that had the mistake been *bonafide* and committed by a junior correspondent could have been accepted and the proceedings dropped. Here such a mistake has been committed by none other than the Editor of the newspaper himself. In the facts of the present case, the Inquiry Committee is of the opinion that the mistake is not *bonafide*. This was a verifiable fact and while attributing the statement of such a magnitude to the head of an organization, the editor of the newspaper ought to have been more careful and taken due care. He has failed to do the same. This

casual and careless approach of the Editor has put the reputation and prestige of the head of an organisation to great peril. The Council had the occasion to consider this question earlier in which it has been observed as follows:-

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

The Inquiry Committee is of the opinion that the corrigendum and the apology in the facts of the present case have been tendered only with a view to get out of net of law and do not deserve acceptance.

Mr. Negi has also questioned the *locus-standi* of the complainant to file the complaint. His submission has only been noted to be rejected. Even a reader has a right to approach the Council, if he finds some mistake in the newspaper or notices breach of norms of journalistic conduct.

The Inquiry Committee accordingly recommends that the respondent newspaper be censured. A copy of this order be forwarded to the DAVP, the Director of Public Relation, Government of Maharashtra and the Deputy Commissioner of Police, Mumbai.

Held

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

* Shri K.D. Chandola, Member, PCI has tendered dissent on the Censure.

Adjudication
Dated 29.5.2019

45) Shri Akshay Phatak, Vs. The Editor,
Mumbai. Indian Express,
Mumbai.

Facts

This complaint dated 15.12.2018 has been filed by Shri Akshay Phatak, Mumbai against “Indian Express”, Mumbai for allegedly publishing a controversial and factually wrong article by Karan Thapar under the caption “Has the RSS ground shifted?” in its issue dated 21.9.2018.

It has been reported in the impugned article that the recent lecture series by the Sarasanghchhalak of the RSS, Shri Mohan Bhagwat, which was published across front pages nationwide, forcefully raises the question: Is this organisation under its present chief changing its position on critical matters such as the Constitution, the concept of Hindu Rashtra and the treatment of minorities? And if the answer is yes, can we accept what Bhagwat has said at face value or do we need proof that he also means to practice what he preaches? It has been further reported, as objected to by the complainant, that "In fact, Bhagwat himself is not averse to making inflammatory statements. In 2015, when Mohammad Akhlaq was lynched on suspicion of consumption and storing beef, he's reported to have said: “the Vedas order the killing of the sinner who kills a cow.”

The complainant submitted that the article is controversial and factually wrong on sensitive issue of the mob lynching of Mohammad Akhlaq and the respondent unnecessarily dragged Shri Mohan Bhagwat, RSS Sarasanghachalak in his quotation. The clarifications given by the respondent is itself is factually wrong and blatant lie. The complainant has stated that in the impugned article, Shri Karan Thapar wrote same false information about killing of Mohammad Akhlaq, which was published by Shri Girish Kuber in his editorial in “Loksatta”. The complainant vide letter

dated 30.10.2018 drew the attention of the respondent towards the impugned article with a request to publish apology, but received no response.

Show-Cause notice was issued to the respondent-Editor, Indian Express, Mumbai on 25.1.2019.

Written Statement

The respondent-Editor, Indian Express, Mumbai vide his written statement dated 11.2.2019 while denying the allegation levelled in the complaint has stated that the complainant has not written any letter to the editor, Indian Express, Mumbai edition and the letter written by him to Shri Vivek Goenka, who is neither the editor/publisher nor the owner. The respondent has further stated that the complainant in his complaint alleged that the Indian Express, Mumbai has not expressed regrets to Shri Mohan Bhagwat for an incorrect reference in the column contributed by Mr. Karan Thapar and the respondent has incorrectly referred to Panchajanya as the mouthpiece of the RSS. The respondent has also stated that they have not received any complaint from Shri Mohan Bhagwat or the RSS in respect of the impugned article of Mr. Karan Thapar and the complainant does not represent Shri Mohan Bhagwat or the RSS and has no locus. According to the respondent, the statement in the said column merely refers to the report of an attribution to Shri Mohan Bhagwat and the report was based on an editorial carried in Business Standard, Mumbai under the caption "Beyond RSS charm offensive: Time to bridge gaps between words and action". The article is being carried in a reputed business newspaper and Mr. Thapar assumed that the attribution was correct and further to the best of his knowledge, no clarification or retraction has been carried till date by the said business newspaper. The respondent further stated that the said column's report from the RSS cover article had wrongly attributed to Shri Mohan Bhagwat, the then Editor (Mumbai) of the Indian Express, Mumbai edition carried a retraction and regrets prominently in its issue dated 2.10.2018 and it is therefore wholly incorrect on part of the complainant to allege that there was no expression of regrets, the then editor (Mumbai) has acted in consonance with the guidelines of the Press Council of India. The respondent further stated that the allegations contained in the complainant's letter are denied that

a *bonafide* mistake in relying on the business newspaper and reporting a quote to Shri Mohan Bhagwat instead of Panchajanya has damaged the reputation of Shri Mohan Bhagwat or the RSS as alleged or at all. The respondent submitted that they have not contravened the guidelines of the Hon'ble Press Council of India as alleged in the complaint. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 25.2.2019 for counter comments/information. No further response has been received from the complainant.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The Inquiry Committee has heard Ms. Rujuta Joshi for the complainant and Mr. Abhijeet Negi for the respondent. The complainant is aggrieved by an article published in the respondent newspaper in its issue dated 21.9.2018. In the article, it has been quoted as follows:

*“The Vedas order the killing of the sinner who kills a cow”
and this view has been attributed to the RSS Chief.*

It is the assertion of the complainant that the RSS Chief never said that. The respondent in the written statement has admitted that such a statement was not made by the RSS Chief and it has been wrongly attributed to him in the article. In fact such a statement was published in the Panchjanya. Accordingly retraction and regrets were published on 2.10.2018. Mr. Negi submits that in view of the aforesaid the proceeding may be dropped.

The Inquiry Committee is of the opinion that had the mistake been *bonafide* and committed by a junior correspondent could have been accepted and the proceedings dropped. Here such a mistake has been committed by none other than a senior columnist having long experience. In the facts of the present case, the Inquiry Committee is of the opinion that the mistake is not *bonafide*. This was a verifiable fact and while attributing the statement of such a magnitude to the head of an organization, the columnist ought to have been more careful and taken due care. He has failed to do the same. Further,

the view expressed in Panchjanya can not be attributed to RSS Chief. The Plea that it has been quoted from an editorial of 'Business Standard' is inconsequential. Had it been so the article ought to have said so. The Casual and Careless approach of the columnist had put the reputation and prestige of the head of an organisation to great peril. The Council had the occasion to consider this question earlier in which it has been observed as follows:-

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

The Inquiry Committee is of the opinion that the corrigendum and the apology in the facts of the present case have been tendered only with a view to get out of net of law and do not deserve acceptance.

Mr. Negi has also questioned the *locus-standi* of the complainant to file the complaint. His submission has only been noted to be rejected. Even a reader has a right to approach the Council, if he finds some mistake in the newspaper.

The Inquiry Committee accordingly recommends that the respondent newspaper be Censured. A copy of this order be forwarded to the DAVP, The Director of Public Relation, Government of Maharashtra and The Deputy Commissioner of Police, Mumbai.

Held

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

Press and Defamation

Adjudication

Dated 29.5.2019

46) Dr. Protim Sharma, Vs. The Editor,
Sivasagar, Assam. Asomiya Khabar,
Guwahati (Assam).

Facts:

This complaint dated 18.10.2016 has been filed by Dr. Protim Sharma, Sivasagar (Assam) against “Asomiya Khabar”, Assamese daily, Guwahati (Assam) for allegedly publishing false, misleading and defamatory news item under the caption “Controversy over selection of Principal in Sivasagar Girls College, Education Minister assures probe” (English translation) in its issue dated 20.08.2016.

As per English translation provided by the complainant, it has been reported in the impugned news item that the selection of a candidate for the post of Principal of the historic Sivasagar Girls' college with fabricated documents has created unprecedented sensation among the intellectual circles. The irregularities with regard to the documents have caught the eye of the State Education Department and also the Education Minister. It was further reported that the selection committee had pre-planned to appoint a candidate named Protim Sharma, who provided forged documents/mark-sheets at the time of interview. Specially, the certificate as a Coordinator of Internal Quality Assurance Cell signed by the Principal of Dikhowmuckh College for Dr. Protim Sharma is alleged to be fabricated. In view of all these allegations about gross irregularities in documents, how could the President

of the Governing Body and Selection Committee, select the candidate named Dr. Protim Sharma is a million dollar question. It has been further reported that it would be interesting to see what steps the Education Department and District Administration take against the Governing Body and Selection Committee who are adamant in appointing ineligible lecturer to the post even after the Education Minister himself intervened and said to the Media that such irregularity would not be tolerated.

Denying the allegation levelled in the impugned news item, the complainant has alleged that the impugned news item is baseless, inaccurate, unjustified, misleading and published with malicious motive of character assassination and personal attack. The complainant submitted that the evil design of the newspaper's reporter Shri Mustafiz Ahmed (who is also an employee of Malaria Department of Assam, Government of Assam) is evident when he made another news on 24.08.2016 in the same newspaper out of his rejoinder which he himself received on 22.08.2016. The complainant further alleged that the respondent also published another news items of similar nature in its issues dated 22.09.2016 and 05.10.2016. The complainant also informed that another newspaper in Assamese named "Niyomiya Barta" published from Guwahati also published the same news on 24.09.2016 and 05.10.2016 as published by the respondent-Asomiya Khabar on 22.09.2016 and 05.10.2016. The complainant stated that on close reading it was revealed that the newspaper "Niyomia Barta" based both its news entirely on the original news items published in "Asomiya Khabar" and this also makes for a good case against them as they did not carry out proper investigation and joined hands with the other newspaper to publish malicious, sensational and biased news against him with a view to malign his image with ulterior motive. He has requested the Council to take necessary action against the respondent.

Show Cause notice was issued to the respondent-editor, Asomiya Khabar, Guwahati on 16.11.2016.

Written Statement

In response to Notice for Hearing dated 21.2.2019, the respondent-Shri Biswajit Das, Executive Editor, Asomiya Khabar vide his reply dated

11.2.2019 has regretted for not attending physically before IC due to heavy election related programs in Assam. Further, while denying the allegation levelled in the complaint the respondent has stated that the impugned news item are entirely based on facts and documentary evidences. On the contrary, the complaint lodged by Dr. Protim Sharma in PCI is totally baseless and misleading. According to the respondent, the impugned news items were on the alleged anomalies that occurred in the selection for the post of Principal of Sivasagar Girls College, Sivasagar, Assam as the selection committee selected the complainant, who does not have the requisite qualifications as per the UGC guidelines for the post. The complainant does not have 55% i.e. marks in MA. His MA percentage is 54.25% but in the Grand total column of his MA marksheet six marks is added additionally which is very doubtful. There is no justification or explanation regarding this addition of six marks in his MA mark sheet. The respondent has further submitted that it is clearly mentioned in the UGC rules as well as the rules framed by the Directorate of Higher Education of Govt. of Assam that the eligibility marks of 55% and the relaxation of 5% for the SC/ST/Differently able is permissible, based on qualifying marks without any grace mark (Rule V-Reference to UGC Regulation, 30th June, 2010 Clause 3.4.1). Moreover, the complainant's BA percentage is 44.33% i.e. below 45%, which means he is a simple graduate without Honors. As per Gawhati University's rule 45% is minimum marks to get the II Class with Honors. But in his BA mark sheet his result is mentioned as Class II (His BA percentage $399/900=44.33\%$). Again, Rule (I) requires Good Academic Record, but the complainant could not get minimum 45% in BA to retain his honors. Moreover, his HSLC percentage is also only 48.47%. The respondent has also submitted that the complainant's Ph.D Guide-ship certificate from Singhania University is also highly questionable as the certificate submitted by him does not carry any office reference number. It is also signed by an Academic In-Charge, whose full name has not been mentioned. Further, as per an OM of the Department of Higher Education of Govt. of Assam, the Degrees and Certificates issued by the Singhania University after July, 2009 are not acceptable by the Education Department of Govt. of Assam. According to the respondent, the complainant also submitted an Experience Certificate as the Coordinator of the Internal

Quality Assurance Cell of the Dikhowmukh College from 2006-2016 to get the Administrative Experience marks in the interview for the post of the Principal of Sibasagar Girls College. But this certificate is also a forged one as Dr. Ranjit Kumar Baruah is the coordinator of the IQAC for the periods 2010 to 2015 as per AQAR uploaded in the Website of the Dikhowmukh College. The respondent has informed that the Directorate of Higher Education, Govt. of Assam has already cancelled this selection process and issued order to reinitiate the whole process of selection for the post of Principal of the said college by observing all the formalities as per the guidelines in force vide order dated 5.8.2016. The respondent has further informed that the complainant has not issued any rejoinder after publication of the impugned news items.

A copy of the reply has been forwarded to the complainant vide email dated 12.2.2019.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Dr. Protim Sharma, complainant appeared in person. There was no appearance on behalf of the respondent Editor.

As the subject matters of both the complaints in F.Nos. 14/485/16-17 and 14/383/16-17 are one and the same, both have been taken up for consideration by the Inquiry Committee together. The subject matter of complaint is *sub-judice* before the Division Bench of the High Court of Assam. In that view of the matter, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, disposes of the complaint being sub-judice.

Held

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

Adjudication
Dated 29.5.2019

47) Dr. Protim Sharma, Vs. The Editor ,
Sivasagar, Niyomiya Barta,
Assam. Guwahati.

Facts:

This complaint dated 18.1.2017 has been filed by Dr. Protim Sharma, Sivasagar, Assam, against the editor, Niyomiya Barta, Assamese Daily, Guwahati for allegedly publishing false, baseless and defamatory news item in its issue dated 8.11.2016 under the caption “Extreme violation of UGC Regulation: 18 years in the post of lecturer at Dikhowmukh College without eligibility” (English translation).

As per translation provided by the complainant, it is reported in the impugned news item that the Directorate of Higher Education of the State is up against a con artist who has been serving as a lecturer for long 18 years crashing all norms of the UGC. This process has already started as a section of the Public lodged a complaint that the person named Dr. Protim Sharma dubiously gained appointment as lecturer in English at Dikhowmukh College even with 54.25% in his M.A. This particular case of misleading the Education Department in the time of widespread reform in the education sector happened in Dikhowmukh College in the district of Sivasagar. It is also reported that Dr. Protim Sharma, who did not have minimum requisite qualification got appointment after seven years of the said UGC Regulation and now the Public want a high level enquiry into the matter and it will be interesting to see what measures the State education department will take against the controversial Protim Sharma, who has been a lecturer for 18 years in the prestigious Dikhowmukh College in a fraudulent manner, in spite of the UGC Regulation in force.

Denying the allegations levelled in the impugned news item the complainant submitted that by mentioning his name several times without adhering to the basic journalistic ethics the respondent has done this with

malicious motive of character assassination and personal attack on him. The complainant submitted that the respondent has not consulted him before publishing the impugned news item. The complainant vide letter dated 10.11.2016 drew the attention of the respondent editor towards the impugned news item with a request to verify the facts before publishing, but received no response.

A Show Cause Notice was sent to the respondent editor, Niyomiya Barta on 6.2.2017.

Written Statement

The respondent editor, Shri Naresh Kalita, vide written statement dated 3.3.2017 while denying the allegations stated that the impugned news item was entirely based on the facts and documentary evidences. He has further stated that news item was on the alleged anomalies that occurred in the selection for the post of Principal of Sibsagar Girls College, Assam as the selection committee selected the complainant Dr. Sharma who does not have the requisite qualifications as per the UGC guidelines for the post. The respondent has also stated that as per rule, minimum 55% without any grace mark in Master's degree is mandatory for appointment as an Assistant Professor as well as for the post of a Principal while the complainant secured only 54.25% in M.A. and grand total column of his M.A. mark sheet shows six marks additional which is doubtful. He has submitted that the complainant's PHD Guide-ship certificate from Singhania University is also highly questionable as the certificate submitted by him does not carry Office reference number. The respondent further submitted that the Directorate of Higher Education of Govt. of Assam has already cancelled this selection process and issued order to reinitiate the whole process of selection for the post of Principal of the said college as per guidelines in force vide Order No. DHE/CE/AC/306/2016/183 dated 5.8.2016.

A copy of the written statement was forwarded to the complainant vide Council's letter dated 10.3.2017 for information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Dr. Protim Sharma, complainant appeared in

person. Shri Kallol Bhowmik, Special Correspondent represented the respondent Editor, Niyomiya Barta.

As the subject matters of both the complaints in F.Nos. 14/485/16-17 and 14/383/16-17 are one and the same, both have been taken up for consideration by the Inquiry Committee together. The subject matter of complaint is sub-judice before the Division Bench of the High Court of Assam. In that view of the matter, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, disposes of the complaint being sub-judice.

Held

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

Adjudication

Dated 29.5.2019

48)	Shri Safal Kr. Khound, President, Jorhat Puja Mandir, J.B. Road, Jorhat-785001. Shri Abhijit Bhattacharya, Gen. Secretary, Jorhat Puja Mandir, J.B. Road, Jorhat-785001.	Vs.	The Editor, Asomia Pratidin, Guwahati.
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Facts:

This Complaint dated 05.02.2017 has been filed by Shri Safal Kr. Khound, President and Shri Abhijit Bhattacharya, General Secretary, Jorhat Puja Mandir, Jorhat (Assam) against the Editor, Asomia Pratidin, Assamese daily, Guwahati for allegedly publishing false and defamatory news item in its issue dated 24.11.2016 under the caption “Favouritism of the money greedy office bearers of the Managing Committees, anxious members

amazement of public, running of business in the name of holding marriage ceremony in the temple of Jorhat constructed by public” (English translation).

As per translation provided by the complainant, it has been reported in the impugned news report that Jorhat Mandir was established in 1960 and it is not only a place of devotion but heart of conscious people of the place and now, it is turned into a self-gain business centre as the rates previously fixed upon for the celebration of marriage have been enhanced from Rs. 16,000 to Rs. 18,000 by an office bearer Sarmah by title whimsically which has tarnished the basic purpose of helping the needy members of the Mandir. Further, indiscipline such as allowing playing of drums during the celebrations hindered the smooth environment of the place of worship and reduced the gravity of the organisation. The glorious reputation of the past has been deteriorated due to the entrance and power handed upon a band of persons who have no grandeur or dignity but alleged to have been turned the place of worship into their own style of business centre.

Denying the allegations levelled in the impugned news item, the complainants have alleged that the allegations are false, concocted and far from truth. The complainants have further alleged that by publishing the news item the respondent tarnished the good reputation of the centre of worship and hurt the religious sentiments of the people of Jorhat. The complainants have stated that the Jorhat Puja Mandir completed its 102 years and step to 103 years and Sri Sri Maha Bishnu Jangya Mandir also completed its 56 years and step to 57 years Anniversary, therefore, this type of baseless and fake news creating a sentimental issue among the devotees of both the institution and all the section of region also. The complainant submitted that the news item is totally baseless and published without proper verification of facts from any of the member of the Temple Management Committee.

The complainants drew the attention of the respondent-newspaper towards the impugned news item vide letter dated 15.12.2016 but to no avail.

No Written Statement

A Show Cause Notice dated 11.5.2017 was issued to the respondent editor, Asomiya Pratidin, Guwahati but no response has been received so far.

working in Capital Hospital, Bhubaneswar is drawing salary from Government but is working in a private hospital, Sri Sri Borda Hospital, Lingipur near Dhauli. It has also been reported in the impugned news item that he is referring patients of Government hospital to the private hospital and attention of State Health Minister is called for and other details would be published in next issue.

In the second impugned item, it has been reported that keeping in view the traditional values of Thakur Anukuchandra, Sri Sri Borda Hospital was established in 2008 and the intention of the hospital was to serve the poor and needy. After some time the hospital was divided into two parts and one part went to Dr. Sangram Mohapatra, who did not take a single rupee as salary. The other division was given to Shri Srikant Mishra, who formed a new Trust and also become a trustee of the parent Trust including Dr. Sabyasachi Pattnaik, who is an eye doctor in capital hospital, Bhubaneswar and is drawing salary both from the Government and the private hospital. It is also reported in the news item that Srikant Mishra is also running two clinics in the home of SSB. The employees of the organization seek the attention of Chief Minister, Health Minister and Health Secretary.

In the third impugned news item it has been reported that Srikant Mishra working in Sri Sri Borda hospital had influenced the Chairman of the Trust and he has hold over the Trust named “Susrusa”. He is interfering in all the activities of the eye department and is using the machineries at a meagre payment. He is running two eye clinics and purchased a plot which costs about one crore. A doctor from Capital Hospital takes Rs. 1,20,000/- as salary with the help of him. His brother was recently fined from the post of Joint Secretary of “Satsanga”. In the next issue, they published about the money he has invested to avoid tax.

Denying the allegations levelled in the impugned news items, the complainant submitted that they are running a Public Charitable Trust and working for the benefit of common people providing health care services to the needy and underprivileged patient from different districts of Odisha who come to their hospital especially for eye treatment and left lip surgery. He has

stated that they are continuously organizing health camps in rural and urban areas to serve people. For some vested interest, the respondent has constantly publishing illegitimate news without probing into the matter. He has further stated that neither the respondent tried to know the facts from them nor they have any legitimate material and they are unnecessarily doing mischief to tarnish the image of the hospital and pressurizing them to come to their terms.

The complainant vide letter dated 28.01.2017 drew attention of the respondent towards the impugned news articles but the same has been returned to them by postal remarks “non-existence of such news paper office”.

The complainant vide his letter dated 26.4.2017 has alleged that the respondent again published fraudulent and baseless news item in its issue dated 24.4.2017 reporting that S.S. Borda Hospital was established with a purpose of providing health services to the poor, however, some people are taking away the real benefit by mismanaging the hospital. It has been further reported that donation received from different sources are not accounted for properly. Some of the people are taking advantage of the situation and there is an appeal to enquiry by Crime Branch.

Show Cause Notice was issued to the Editor, The Seva Shree on 29.06.2017.

Written Statement

The respondent-Editor, Seva Shree vide his written statement dated 19.07.2017 while denying the allegation levelled in the complaint has stated that he does not want to harm anybody intentionally without verifying facts. He has stated that The Chief Functionary of the Trust Mr. Nrusingh Prasad Tripathy former D.G., I.T., Chennai is in the CBI Scanner and a CBI case is pending against him regarding financial irregularities. He has also stated that Dr. Sabyasachi Pattnaik is an ophthalmologist in Govt. service at Capital Hospital, Bhubaneswar, Odisha. He is also practising at this SSB Hospital getting good salary from the Trust simultaneously. He has also stated that a huge amount of donation was collected from various sectors by the Trust

since it is linked to Sri Sri Borda Thakur. He has further stated that Mr. Purna Chandra Mohanty who is a founder trustee, alleged that without his knowledge some body has forged his signature and uses in various meeting/ resolutions/ money matters etc. for this, a legal case was initiated by Mr. Mohanty against the Trust. He has further stated that after the news flashed, the Economics offence wing of Police Crime Branch served notice to the Trust to produce relevant documents of the Trust. He has also stated that the news is published in Seva Shree is true and based on the facts.

A copy of the Written Statement was forwarded to the complainant on 31.07.2017.

Counter Comments

The complainant in his Counter Comments dated 25.08.2017 while reiterating his complaint has stated that the editor of “The Seva Shree” has indulged in damaging the reputation of a Charitable and philanthropic organization and persons associated with it for malafide motives and to extract money by blackmailing tactics. He has further stated that many eminent people are working in the organization only with a philanthropic motive, whereas they could have led a comfortable life. He has also stated that it is hoped that Press Council will take strong and suitable action to deter such kind of malafide journalism.

A copy of the Counter comments was forwarded to the respondent on 31.01.2018 for information.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. The respondent Editor, The Sevashree, Odisha has not chosen to appear.

The notice sent to the complainant returned back with the note “Left”. The complainant has not furnished any new address. The Inquiry Committee has perused the complaint, the written statement and other relevant papers and is of the opinion that the respondent newspaper has not violated norms of

journalistic conduct in publishing the story. The Inquiry Committee, accordingly, dismisses the complaint.

Held

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

Adjudication

Dated 29.5.2019

50) Ms. Jyoti Singh, Vs. The Editor,
Sonipat, Punjab Kesari,
Haryana. Chandigarh.

The Editor,
Amar Ujala,
Noida (U.P.).

Facts

This complaint dated 25.6.2018 has been filed by Miss Jyoti Singh, Sonipat (Haryana) against (i) Punjab Kesari and (ii) Amar Ujala for allegedly publishing false, misleading and defamatory news items. The date and caption of the impugned news items read as follows:-

S.No.	Caption	Newspaper's Name	Issue dated
1	धर्मशाला में वेश्यावृत्ति का पता चला तो मालिक ने खदेडा कम्प्यूटर संचालक	Punjab Kesari	28.4.2018
2.	धर्मशाला में संदिग्ध गतिविधियों का मामला निकला जमीनी विवाद	Punjab Kesari	29.4.2018
3	कम्प्यूटर संचालक ने पुलिस पर लगाया कार्रवाई न करने का आरोप	Punjab Kesari	30.4.2018

4	कम्प्युटर सेंटर की जगह वेश्यावृत्ति कराने का आरोप, सेंटर संचालक को खदेडा	Amar Ujala	28.4.2018
5	कम्प्युटर सेंटर में तोडफोड, सामान ले जाने का आरोप	Amar Ujala	29.4.2018
6	थाने में शिकायत लेकर पहुंचा पीडित सेंटर संचालक, पुलिस ने नहीं सुनी फरियाद	Amar Ujala	30.4.2018

It has been reported in the impugned news items dated 28.4.2018 published in Punjab Kesari and Amar Ujala that a sensational matter of prostitution in a Dharmshala has come to the light in 20th Mile Chowk. Smt. Bimla Sharma, owner of the Dharmshala alleged that she gave a room to a youth for running a computer centre in Dharmshala but he was running prostitution racket in the garb of computer centre. She caught girls and boys red-handed in unpleasant position. It has been further reported that the owner of the Dharmshala filed a complaint in the police in this regard.

It has been reported in the impugned news items dated 19.9.2018 published in Punjab Kesari and Amar Ujala that the matter of suspicious activities in the Dharamshala in Biswan Chowk has found to be a land dispute. While denying the allegations of any suspicious activities in Dharamshala, the person running the computer centre has demanded action against the owner of Dharmshala stating that they are only giving computer training to the children. He has further stated that the owner of the Dharamshala wanted to build a commercial place in Dharamshala, therefore, she was pressurising them to vacate the Dharmshala. The person running computer centre also stated that they had asked some time from land owner but she forcefully vacated the computer centre and damaged the furniture and equipments of lakhs of rupees. It has also been reported in the impugned news items that Mahesh, Sunil, Suman, Neelam and Jyoti, employees of computer centre brought the matter before the Rai Police Station but no action has been taken by the police and administration against the guilty.

While denying the allegations, the complainant has alleged that the news items were false, baseless and defamatory. According to the

complainant, they are running the computer centre for the last five years in Dharmshala and imparting computer training to orphan children. Suddenly, on 27.4.2018 owner and her associates forcefully took their computer accessories. In this regard, she filed an FIR No.0194 dated 1.5.2018 in Rai Police Station. The complainant has alleged that the owner with the connivance of respondent-newspapers, Punjab Kesari and Amar Ujala has published false news items by levelling the allegation of prostitution due to which her and her Institute's image has been damaged.

The complainant vide letter dated 6.7.2018 drew the attention of the respondents towards the impugned news items but received no reply. She has requested the Council to take necessary action against the respondent-newspapers.

Show-Cause notices were issued to the Punjab Kesari and Amar Ujala on 17.10.2018.

Written Statement of Amar Ujala

The counsel for the respondent-Amar Ujala vide written statement dated 3.12.2018 while denying the allegation levelled in the complaint stated that the impugned news item was a general in nature and published within the journalistic norms and ethics, in good faith and without any malice against complainant. The respondent has submitted that the follow up news reports were also published in Amar Ujala (Sonepat edition) on 29.4.2018 with captioned “कंप्यूटर सेंटर में तोड़फोड़, सामान ले जाने का आरोप” and on 30.4.2018 captioned “थाने में शिकायत लेकर पहुंचा पीडित सेंटर संचालक, पुलिस ने नहीं सुनी फरियाद”. According to the respondent, the complainant is not the moderator or coordinator of the said computer center as it belongs to a young person. Further, neither name of the computer center nor name of the complainant was disclosed in the impugned news reports and furthermore, the version of the computer center was also published in the follow up news reports on 29.4.2018 and 30.4.2018. Hence the versions of both the parties were published. Therefore, it cannot be said that the impugned news report was published under any pressure or connivance etc. The respondent has stated that it was substantial true and fair reporting. The respondent has further

stated that they have no personal grudge or vendetta against the complainant. He has requested the Council to dismiss the complaint.

A copy of the aforesaid reply was forwarded to the complainant on 11.12.2018 for information/counter comments.

No response has been received from the respondent-Punjab Kesari.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Ms. Jyoti Singh, complainant appeared in person. Shri Madan Mohan, Section Head Litigation represented the Punjab Kesari. Shri Karan, Deputy Manager, along with Advocate, Mr. Raj Hans represented the Amar Ujala.

The Inquiry Committee has heard the complainant and the representatives of the respondent newspapers. The Inquiry Committee has perused the complaint, the written statement and all the connected papers and is of the opinion that the impugned news item is based on the allegation made by the owner of the Dharmshala, where the complainant was a tenant.

Not only this, the version of the complainant has also been published.

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

Held

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

Adjudication

Dated 29.5.2019

51)	Shri V. Sagar, Secretary, The Institute of Chartered Accountants of India, New Delhi.	Vs.	The Editor, Rajasthan Patrika, Jaipur (Rajasthan).
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Facts

This complaint dated 21.6.2018 has been filed by Shri V. Sagar, Secretary, The Institute of Chartered Accountant of India (ICAI), New Delhi against “Rajasthan Patrika”, Jaipur (Rajasthan) for allegedly publishing misleading and derogatory article under the caption “क्योंकि हम बोलते हैं बेबाक 27 अर्थव्यवस्था कुप्रभावित” in its issue dated 16.10.2017.

Stating that GST Department of the Government is responsible for the success of GST in the country, the newspaper has reported that the Government officials and Chartered Accountants have joined their hands and formed a gang so that GST becomes unsuccessful and they are responsible for the bad financial state of the country. The Chartered Accountants are minting money by complicating GST. According to the impugned news report, the Government made a very complicated Tax System under GST because bureaucrats and the experts of the government departments under the GST do not want to implement the GST in right way. Therefore, after consultation with the service providers (Chartered Accountants), they have given such suggestions to the Government so that GST fails. In fact, the Chartered Accountants are also responsible for weakening economy of the India. It has been further reported that after implementation of GST, the demand of the Chartered Accountants has been tremendously increased due to which it appears that the monthly GST return could be filed easily.

Denying the allegations levelled in the impugned article, the complainant has alleged that the respondent-newspaper casts serious aspersions and shows the profession of Chartered Accountant in poor light in the eyes of the public. The complainant has further alleged that the impugned article has caused immense damage to the reputation and image of the profession of Chartered Accountants. The complainant has stated that they were not consulted before publication of the impugned article. The complainant has informed that as a regulator of the profession of Chartered Accountants, they had taken up the matter with the respondent-editor vide letter dated 5.3.2018 but received no reply. He has requested the Council to take necessary action against the respondent-newspaper.

Show-Cause notices was issued to the Editor, Rajasthan Patrika, Jaipur on 27.7.2018 followed by a reminder dated 6.11.2018.

Written Statement

Shri Raghunath Singh vide Written Statement dated 8.2.2019 has informed the Council that they have not published any news item which affects the image of the complainant. The News article in question is not a news but an advertisement given by one Smt. Krishna Yadav Devi. He has further submitted that the advertisement was published as it was given by Smt. Krishna Yadav and only the person who has given the advertisement is responsible with respect to its contents. He has further requested the Council to dismiss the matter.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri Krishna Mohan, Chief Legal Advisor, ICAI along with Smt. Khushboo Khandelwal, Project Associate appeared on behalf of the complainant. Shri Indresh Sharma, Advocate represented Rajasthan Patrika.

The Inquiry Committee has heard the complainant and the counsel for the respondent. While going through the offending piece, the Inquiry Committee thought that it to be a news. The counsel for the respondent newspaper, however, states that this is an advertisement which would be evident from the fact that an expression “vigyan” has been mentioned at the top. The Inquiry Committee has given its thoughtful consideration and perused the impugned advertisement. It is clear to the Inquiry Committee that the respondent newspaper intended to publish an advertisement as news. Clause 36 of the Norms of Journalistic Conduct *inter-alia* provides that advertisement must be clearly distinguishable from news content carried in the newspaper. The Inquiry Committee considers the advertisement with reference to the aforesaid norms and is of the opinion that it has clearly violated the same. The advertisement looks like a news and intended to be published as news. This is a gross case of violation in which advertisement has been published as news and therefore, the Inquiry Committee has no hesitation in holding that it is a paid news.

Not only this, clause 36(3) of the Norms of Journalistic Conduct *inter-alia* provides that newspapers shall not publish advertisement which have tendency to malign a section of the society. The impugned advertisement clearly intends to malign the institution of the Chartered Accountant and, therefore, the respondent newspaper has violated the code of conduct.

Incidentally, the counsel for the respondent has stated that this was the view of the advertiser and, therefore, the respondent newspaper cannot be held responsible for that. The counsel pointed out that the editor of the newspaper is not responsible for contents of the advertisement.

He is absolutely wrong, everything which is published in the newspaper, the editor has to take responsibility. In view of the gross misconduct committed by the respondent newspaper, the Inquiry Committee is of the opinion that the respondent newspaper deserves to be Censured and is Censured accordingly.

A copy of this order be forwarded to the District Magistrate, Jaipur, the Director of Information and Public Relation, State Government of Rajasthan as also the DAVP for information and appropriate action.

Held

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

Adjudication

Dated 29.5.2019

52) Shri V. Sagar, Secretary,
The Institute of Chartered Accountants of India,
New Delhi.

Vs. The Editor,
The Economic Times,
New Delhi.

Facts

This complaint dated 25.7.2018 has been filed by Shri V. Sagar, Secretary, The Institute of Chartered Accountants of India (ICAI), New Delhi against “The Economic Times”, New Delhi for allegedly publishing derogatory article under the caption “CAs' Help You Get Fat Tax Refunds, With a Bit of Fraud” in its issue dated 19.7.2018.

It has been reported in the impugned news item that the tax payers have been promised fat tax refunds by conmen masquerading as Chartered Accountants. These fake CAs falsify the tax payers' income in the return, resulting in hefty tax refunds ranging from Rs.50,000/- to Rs.2 lakhs. They do so by either understating the taxable income of the individual or claiming certain tax deductions and exemptions.

The complainant has stated that the respondent-newspaper published an adverse article without any prior consultation that has caused immense damage to the reputation of the Chartered Accountants. The complainant has further stated that as statutory body, ICAI is concerned with the adverse effects on the reputation on the profession by such derogatory article.

The complainant has submitted that he drew the attention of the respondent-newspaper towards the impugned article vide letter dated 23.7.2018 but received no reply. He has requested the Council to take necessary action against the respondent-newspaper.

Show-Cause notice was issued to the Editor, The Economic Times, New Delhi on 6.8.2018.

Written Statement

The counsel for the respondent-newspaper, The Economic Times vide written statement dated 28.8.2018 while denying the allegation levelled in the complaint has stated that the newspaper has not offended or violated the Norms of Journalistic Conduct ethic in any manner. The respondent has further stated that the impugned article was published in public interest as it concerns the general public and the issue involved was related filing of tax returns by the people. The respondent has also stated that very few people have knowledge of filing tax returns and they look for help and

people/fraudsters masquerading as Chartered Accountants come into picture and try and take benefit as they are well aware that persons engaging them have little or no knowledge about the tax laws or its provisions. The respondent has stated that the impugned article is about those fraudsters who claim themselves to be CA. He has requested the Council to drop the proceedings against the newspaper.

A copy of the written statement was forwarded to the complainant on 10.9.2018.

Counter Comments

The complainant vide his counter comments dated 22.10.2018 while reiterating his complaint has denied the written statement submitted by the respondent. The complainant has alleged that the impugned article contains many such insinuations against the Chartered Accountants in general without any justification. The complainant has submitted that the case laws cited thereto does not help the cause of the respondent. Freedom of speech and expression of the respondent is subject to the Constitutional restrictions. It does not empower the respondent to publish defamatory and derogatory news items so as to tarnish the reputation and integrity of the Institute and that of its members who are Chartered Accountants. The complainant has alleged that the respondent did not bother to respond to their letters for publishing a clarification.

A copy of the counter comments was forwarded to the respondent on 5.11.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri S.V. Krishna Mohan, Chief Legal Advisor and Smt. Khushboo Khandelwal, Project Associate appeared on behalf of the complainant while Smt. Uma Lohary, Asst. Manager BCCL and Shri Akash Nagar, Advocate represented the respondent newspaper, The Economic Times.

The Inquiry Committee has heard the complainant as also the counsel for the respondent. In the facts and circumstances of the case, the Inquiry

Committee gives opportunity to the complainant to furnish clarification to the respondent newspaper within two weeks. The complainant doing so, the respondent newspaper shall publish the clarification with due prominence within one week thereafter. With the aforesaid direction, the Inquiry Committee disposes of the complaint.

Held

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

Adjudication

Dated 29.5.2019

53) Dr. Ranjna Rao,
The Senior Medical Superintendent,
Deen Dayal Upadhayay
Zonal Hospital, Shimla,
Himachal Pradesh.

Vs. The Editor,
Amar Ujala,
Shimla,
Himachal Pradesh.

Facts

This complaint dated 16.5.2018 has been filed by the Senior Superintendent, Deen Dayal Upadhayay Zonal Hospital, Shimla (Himachal Pradesh) against “Amar Ujala”, Shimla for allegedly publishing false and defamatory news items under the captions “चहेतों को ड्यूटी से बचाने के लिए गायब कर दिया रोस्टर” and “डीडीयू के चिकित्सकों की इमरजेंसी में नहीं लगती ड्यूटी” in its issue dated 25.4.2018. It has been reported in the impugned news items that with a view to protect certain doctors from emergency duty, the duty roaster has disappeared in Deen Dayal Upadhayay Hospital. It has been further reported that every month duty roaster is made but there are eight doctors who have not done their duty in emergency. A senior doctor, who fixes the duties of the doctors, has supported those doctors unconditionally. It has also been reported that the Sr. Medical Superintendent of DDU, Dr. Ranjna Rao said that the duties are being assigned to all the doctors in the hospital.

Denying the allegations, the complainant has stated that the impugned news items are about the internal administrative working of the hospital. It is solely the prerogative of the administration and news reporter has no *locus standi* to report about hospital's internal affairs. The complainant has further stated that the said reporter is in contact with some Medical Officers of the hospital who have vested interest to defame the hospital as well as the Government by providing the information to the reporter which is not desirable and against the conduct rules.

The complainant vide letter dated 16.5.2018 and 25.6.2018 drew the attention of the respondent towards the impugned news items but received no response. He has requested the Council to take appropriate action against the respondent.

Show-Cause notice was issued to the respondent-Editor, Amar Ujala, Shimla on 17.8.2018.

Written Statement

The Counsel for the respondent-newspaper, Amar Ujala vide written statement dated 15.9.2018 while denying the allegations has stated that the impugned news items were published without violating the Journalistic Norms, in good faith and on the basis of the public document which was placed on notice board of the hospital. The respondent has further stated that the newspaper has not published anything on its own. The impugned news items were published in objective manner and in routine course. The respondent has also stated that the version of the complainant has also been published prominently along with the impugned news items. According to the respondent, the impugned publications were on the basis of the public document, which was placed on the notice board of the hospital and not on the basis of perception of the reporter of the newspaper. The respondent has further stated that the impugned publications were objective and fair reporting made in good faith in discharge of public duty devoid of any malice and there is no breach of any journalistic ethics. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 1.10.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Despite Service of the notice, the complainant has not chosen to appear. Shri Karan Heera, Deputy Manager and Shri Neeraj Kapoor represented the respondent newspaper, Amar Ujala.

The respondent is represented by its lawyer. The Inquiry Committee has perused the complaint, the written statement and heard the respondent's counsel. The Inquiry Committee is of the opinion that the respondent newspaper has not breached any norms of journalistic conduct by publishing the impugned news item.

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

Held

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

Adjudication

Dated 29.5.2019

54)	The Principal, Dr. Rajendra Prasad Government Medical College, Tanda (Kangra), Himachal Pradesh.	Vs.	The Editor, Dainik Jagran, Kangra, Himachal Pradesh.
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Facts

This complaint dated 11.7.2018 has been filed by the Principal, Dr. Rajendra Prasad Government Medical College, Tanda (Kangra), Himachal Pradesh against "Dainik Jagran" for allegedly publishing false, baseless and defamatory news item under the caption "एमआरआई मशीन आउट आफ ऑर्डर, सीटी स्कैन भी बंद" in its issue dated 11.7.2018.

It has been reported in the impugned news item that Dr. R.P. Government Medical College is unable to provide proper medical treatment to the patients and they have no other option but to seek treatment from private hospitals. It has been further reported that both the MRI and CT Scan machines in the Medical College are out of order due to which the patients are facing problem as they are forced to go to private hospitals. The paper apprehends that there appears to be deliberate move to benefit the private hospitals.

Denying the allegations, the complainant has alleged that the news item is not true and respondent has tried to damage the image of the Medical College. The complainant has stated that there was some technical fault in MRI and CT Scan machines and they have taken the services of engineer for repairing of CT scan and MRI machines.

The complainant vide letter dated 11.7.2018 drew the attention of the respondent towards the impugned news item with a request to publish contradiction but to no avail. He has requested the Council to take necessary action in the matter.

Show-Cause notice was issued to the respondent-Dainik Jagran on 24.8.2018.

Written Statement

The Editor, Dainik Jagran vide his written statement dated 7.9.2018 while denying the allegations levelled in the complaint has stated that Dr. Rajendra Prasad Government Medical College is only one hospital for six districts in Himachal Pradesh and due to fault in the MRI machine the patients were moving to private hospital under compulsion. The respondent has further stated that the MRI machine was out of order on 29.6.2018 and was not repaired for many days. In between, the CT Scan machine also went out of order. The respondent has stated that the impugned news item was published because the hospital management was not taking prompt action for repairing the machines. The machines were got repaired after publication of the impugned news item. The respondent has clarified in the impugned news in box that they have only apprehended that the hospital is not getting the

machines repaired under a conspiracy to benefit the private hospitals. The impugned news item does not hurt anyone because they have not mentioned the name of any doctor. The respondent has also stated that a MLA, Shri Rakesh Pathania gave statement in Assembly during Monsoon Session that the patients are being looted by the Dr. Rajendra Prasad Government Medical College in the name of stent placement.

A copy of the written statement was forwarded to the complainant on 1.10.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. Shri Birendra Mishra and Smt. Poonam Atey, Advocates represented the respondent newspaper, Dainik Jagran.

Despite service of notice, the complainant has not chosen to appear. Infact he has made a communication stating therein that he is unable to appear before the Inquiry Committee in person due to exigency of the office. The Inquiry Committee has perused the complaint, the written statement and heard the counsel for respondent.

The Inquiry Committee is of the opinion that grievance made by the complainant is absolutely misconceived. It recommends for dismissal of the complaint.

Held

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

Adjudication Dated 29.5.2019

55) Shri Shubham Agarwal, Vs. The Editor,
Bijnor, Amar Ujala,
(U.P.). Bijnor (U.P.).

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

Facts

This complaint dated 28.4.2018 has been filed by Shri Shubham Agarwal, Bijnor (U.P.) against (i) Dainik Jagran and (ii) Amar Ujala for allegedly publishing false and defamatory news items under the captions “विवाहिता से कुकर्म, जानलेवा हमला” and “महिला पर किया हमला” in its issues dated 19.1.2018 and 21.1.2018 respectively.

It has been reported in the impugned news items that a woman resident of Sahanpur got married to Shubham Agarwal (complainant) eight months ago. She alleged that after the marriage her in-laws started demanding dowry and on refusal of their demands, her in-laws started to harass her. She also alleged that she was being raped and manhandled by her husband on provocation by his family. On 18 December, her in-laws planned for her murder but she ran away from the house. On January 12, she filed a report against her husband-Shubham Agarwal, father-in-law Deepak Agarwal, mother-in-law Reena Agarwal and brother-in-law Sidhant Agarwal before the police alleging that her in-laws are threatening to viral her obscene video. The SHO has stated that the report has been filed and the action will be taken accordingly after investigation.

Denying the allegations, the complainant has alleged that the respondents has published false news items with a motive to defame without verifying the facts due to which he and his family image has been tremendously damaged.

The complainant vide his letters dated 28.4.2018 drew the attention of the respondent-Editors but to no avail. While levelling the allegation of harassment against the respondents, the complainant has requested the Council to take appropriate action against the respondents.

Show-Cause notice were issued to the respondent-Editors, Amar Ujala and Dainik Jagran on 17.7.2018.

Written Statement of Dainik Jagran

The respondent-Editor, Dainik Jagran vide written statement dated 8.8.2018 while denying the allegation has submitted that the impugned news item was based on the FIR filed against the complainant. The respondent has

stated that the impugned news item was published after getting details related to the case from the SHO concerned and the statement of the SHO was also published in the impugned news item. The respondent has further stated that they had no motive to tarnish the image of anyone. While providing a copy of the FIR, the respondent has alleged that the complainant filed a false and misleading complaint with a view to damage the prestige of the newspaper.

Written Statement of Amar Ujala

The Counsel for the respondent-Amar Ujala vide written statement dated 20.8.2018 while denying the allegations levelled in the complaint has stated that the impugned news item was published without violating the journalistic norms, in good faith. The respondent has submitted that the impugned news item was based on the FIR No.0058/2018 dated 12.1.2018 lodged in Police Station Kotwali City, Bijnor under Section 498-A/377/307/323/506 of IPC and Section 3 & 4 of Dowry Prohibition Act in which the complainant is named accused and further based on the statements made by the victim under Section 164 Cr.PC. The respondent has further stated that the newspaper has not published anything on its own. The respondent has further stated that the impugned publication was objective and fair reporting made in good faith in discharge of public duty devoid of any malice and there is no breach of any journalistic ethics. He has requested the Council to dismiss the complaint.

A copy each of the written statement was forwarded to the complainant on 24.8.2018.

Counter Comments

The complainant vide his counter comments dated 14.9.2018 while reiterating his complaint has informed that he married Naina, who was sister of Shri Narendra Marwari's wife. Shri Narendra Marwari is a journalist and was also middleman in his marriage. The complainant has further informed that after marriage, he came to know through Facebook and Messenger that Naina had various illegal relations with many young men. Despite convincing by him and his family members, she did not desist from her illegal relations. In this regard, his family members talked with Shri Narendra

Marwari but on the contrary Shri Marwari threatened their family. He therefore, filed a Petition of harassment against her wife under Section 10 of Hindu Marriage Act. Annoyed with this, his wife filed a false case of dowry and harassment against him and his family on the advice of Shri Marwari. The complainant has stated that the Incharge of Amar Ujala, Shri Ashok Madhup and Reporter of Dainik Jagran are the close friends of Shri Narendra Marwari and with a view to harass and tarnish the image of his family, Shri Narendra Marwari got impugned news items published with their connivance. The complainant has further stated that above said persons were well aware that the FIR is totally false. Despite that they published the impugned news items. He has requested the Council to take necessary action against the respondent.

A copy of the counter comments was forwarded to the respondents on 1.10.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. The complainant has not chosen to appear. Shri Karan Heera, Deputy Manager and Shri Neeraj Kapoor, Advocate represented the respondent newspaper, Amar Ujala. Shri Birendra Mishra and Smt. Poonam Atey, Advocates represented the respondent newspaper, Dainik Jagran.

The complainant has filed an application *inter-alia* stating that he is not willing to pursue the complaint. The respondents are represented by their counsel.

In view of the prayer made by the complainant, the Inquiry Committee is not inclined to proceed in the matter any further and recommends for the disposal of the complaint.

Held

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

Adjudication
Dated 29.5.2019

56) Shri Ahmed Mohamed, Vs. The Editor,
Ambassador, Embassy of the The Hindustan Times,
Republic of Maldives in New Delhi.
India, New Delhi.

Facts:

This complaint dated 12.12.2017 has been filed by Shri Ahmed Mohamed, Ambassador, Embassy of the Republic of Maldives in India –New Delhi against the Editor, The Hindustan Times alleging publication of derogatory and slanderous news item against the President of the Republic of Maldives under the caption: “Geopolitical trouble in South Asia's Paradise” in its issue dated 11.12.2017 and also posted online as “A Chinese connection that will prove costly for the Maldives”.

It is reported in the impugned news item that the Maldives, an island paradise for tourists, is ruled by a geopolitical serpent, its President, Abdulla Yameen Abdul Gayoom who has been using Chinese money and Saudi Arabia backed Islamicism to throttle his country's democratic polity. It is further reported in the newspaper that the Maldivian President has used local gangs with Islamicist links to muscle his domestic opponents. The news item also states that the Maldives is the only South Asian neighbour where Prime Minister Narendra Modi has not visited.

The complainant submitted that the Foreign Editor of the respondent newspaper began the article by referring to the President of the Republic of Maldives in a dehumanising term. He has further submitted that using an unwarranted metaphor, “a geopolitical serpent”, under the grab of freedom of the Press/Freedom of expression, targeting a Head of State should not be allowed to go without Censure. The complainant vide letter dated 15.1.2018 drew the attention of the respondent newspaper towards the impugned news item, but no response received. He has further requested the Council to take appropriate action against the respondent.

Show Cause Notice dated 19.12.2017 was issued to the respondent Editor, The Hindustan Times.

Written Statement

The respondent-The Hindustan Times vide reply dated 15.11.2018 while denying the allegations levelled in the complaint has stated that the complaint is baseless and without merits. Respondent has further stated that the criticism of Maldivian foreign policy is a perfectly legitimate exercise for a foreign editor of a leading newspaper. The entire article, partly based on a background briefing by Indian diplomats handling the Maldives, provides evidence of how Yameen's policies are designed to displace Indian influence and replace it with that of China's. According to the respondent, when the article was first published, it was told privately by the Indian Foreign Ministry, the Maldivian Embassy filed an official complaint with the Indian Govt. and the Indian Govt. said it did not see merit of the complaint, saying the article was a legitimate expression of an individual's opinion. The Embassy may wish to share this response with the PCI. The respondent has further informed that the Ambassador, Mr. Mohamed had sent a WhatsApp message to the reporter as well and the concerned reporter had offered to meet him and discuss the article. He did not take up reporter's offer. The respondent has stated that this complaint will soon be redundant. Mr. Yameen was defeated in Maldives national elections on 23.9.2018. On November, 2018 a new President will be sworn in and one who has made it clear he wishes a resumption of close ties with India. The respondent has also stated that the Indian diplomats have privately said this complaint by the Maldivian Embassy to the PCI will be almost certainly dropped as soon as the new Maldivian government is sworn-in. He has requested the Council to dismiss the complaint.

A copy of the reply has been forwarded to the complainant vide Council's letter dated 28.12.2018.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. The complainant has not chosen to appear. The Inquiry Committee has perused the complaint and heard Mr. Pathak, Counsel

for the respondent. Mr. Pathak states that the use of the expression “Geopolitical Serpent” and “Gangs” in the story were inappropriate. He states that the respondent newspaper shall publish expression of regret and apology in the newspaper with same prominence within two weeks. Taking note of the aforesaid assurance, the Inquiry Committee is not inclined to proceed in the matter any further.

The respondent shall forward a copy of such publication to the complainant as also the Council. It is made clear that in case such publication as undertaken does not take place within two weeks, the Inquiry Committee shall revive the complaint.

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

Held

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

Adjudication

Dated 29.5.2019

57)	Shri Dolraj Gaire, Proprietor, Sagar Gere Restaurant No.7, Bus Stop, E-7/3, Char Eimly, Shivaji Nagar, Bhopal (M.P.).	Vs.	The Editor, Pradesh Today, E-7/3 Char Eimly Bhopal (M.P.).
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Facts

This complaint dated 12.10.2017 has been filed by Shri Dolraj Gaire, Proprietor, Sagar Gere Restaurant, Bhopal (M.P.) against “Pradesh Today” alleging publication of a series of false, misleading and defamatory news items. The caption and date of the impugned news items are as follows:-

S.No.	Caption	Date
1	बेसमेंट में किचन: रेस्टोरेंट में बीमार कर्मचारी परोस रहे हैं खाना	22.9.2017
2	विष्णु चायनीज, सागर गैरे पर छापा, अब एक्शन लेगा BMC	27.9.2017
3	सैंपल और जांच रिपोर्ट बदलवाने की जुगत में विष्णु चायनीज, सागर गैरे	28.9.2017
4	सागर गैरे में केवल छापे के दिन हुई स्वच्छता की नौटंकी	5.10.2017
5	सागर गैरे पर होगी FIR	9.10.2017
6	गैरे की फ्रैंचाइजीलेफं से पार्षद हेमराज	12.10.2017
7	सागर गैरे पर IT की नजर	10.10.2017
8	गैरे विष्णु पर फाइन लगाकर अधिकारियों ने की खानापूती, चालू है बेसमेंट में होटल	17.11.2017

Citing violation of rules by the various eateries/restaurants which are running their kitchen in the filthy basements leading to sickness of employees working there, the series of impugned news items specifically report about the complainant's restaurant where food is allegedly being served by sick workers. In another impugned news item, it has been reported that Sagar Gaire (restaurant) is now planning to settle the matter with the help of the Food Officer. One of such impugned news also reports that the owner of Sagar Gaire restaurant is now trying to defame the Food Officer and that one of the officers has complained against the complainant before the department and an FIR could be registered against him (complainant).

While denying the allegations, the complainant informed that the respondent-Shri Satish P. Pimple, President/Director of City Pradesh Today demanded Rs. two lakhs for publishing the advertisement and since he denied him the money, the newspaper started vilification campaign against him. The complainant further alleged that the respondent published impugned news items with a view to tarnish his image and to hit his business. The complainant submitted that he also complained to the various authorities against the respondent. The complainant has requested the Council to take necessary action against the respondent.

No Written Statement

Show-Cause Notice was issued to the respondent-Editor, Pradesh Today, Bhopal on 13.4.2018, but no reply has been filed by the newspaper despite issuance of reminder dated 9.7.2018.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 28.3.2019 at New Delhi. The complainant has not chosen to appear.

It is the allegation of the complainant that the respondent newspaper sent a proposal for a deal for advertisement and he having not acceded to the request, several false stories have been published against the complainant's restaurant. In the earlier hours, the representative of the respondent was present but when the matter is taken up nobody has chosen to appear on its behalf. In the letter written to the complainant dated 19.9.2017, it has *inter alia* been stated that special offer is being made to the complainant at the rate of Rs. two lakhs and the duration of the deal would be September and October 2017. The complainant states that all the stories which had been published in the newspaper were due to the complainant's refusal to pay the deal amount. The respondent has not filed any written statement. In the absence thereof and on the basis of the material on record, the Inquiry Committee has no option than to hold that the respondent newspaper when failed in extracting money from the complainant has published a series of the stories. The Inquiry Committee is of the opinion that the respondent newspaper deserves to be censured and is Censured accordingly.

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

Held

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

Adjudication
Dated 29.5.2019

- 58) Shri Suresh G. Harchandani & Others, Vs. The Editor,
Directors, Kalyan Clean Times,
Nav Jeevan Co-operative Bank Ltd., Ulhasnagar,
Ulhasnagar, Maharashtra.
Distt.Thane (Maharashtra).

Facts

This complaint dated 26.09.2017 has been filed by Shri Suresh G. Harchandani, & Others, Directors of Nav Jeevan Co-operative Bank Limited, Ulhasnagar, District Thane (Maharashtra) against the Editor, Kalyan Clean Times, Ulhasnagar for allegedly publishing false, baseless and defamatory news items without verifying the truth. The date and captions of the impugned news items read as follows:-

Date	Caption
03.08.2017	“नवजीवन बैंक के पूर्व उपाध्यक्ष उद्धव मिरानी ने करोड़ों रूपया नवजीवन बैंक से निकाल लिया”
02.08.2017	“नवजीवन बैंक के सितलदास हरचंदानी ने लोन पास करने के लिए क्लीन टाइम्स से माँगी थी 5 लाख की रिश्वत”
01.08.2017	“क्या इन सभी डायरेक्टरों को नवजीवन बैंक के घोटाले के बारे में मालूम नहीं हैं”
31.07.2017	“नवजीवन बैंक के अध्यक्ष सितलदास हरचंदानी के नोटीस का खुलासा” 27.07.2017 “सितलदास हरचंदानी बौखला गये हैं, जवाब देने के बजाय नोटिस भेज रहे हैं”
27.07.2017	“सितलदास हरचंदानी का एक और पारिवारिक घोटाला उजागर हुआ”

26.07.2017	“अगर उल्हासनगर के गडडों का हल नहीं निकाला तो कांग्रेस रास्ते पर आंदोलन करेंगी”
25.07.2017	“नवजीवन बैंक के व्हाईस चेअरमन मनोहर माखिजा, बच्चो रूपचंदानी, जवाहर वाटवानी, सितलदास हरचंदानी यह सभी लोग बैंक घोटाले में शामिल”
17.07.2017	“सितलदास हरचंदानी ने लगाया महानगरपालिका को करोड़ों का चूना”
16.07.2017	“नवजीवन बैंक डूबने के कगार पर”
15.07.2017	“नवजीवन बैंक का एक और घोटाला उजागर हुआ”
02.07.2017	“जाली दस्तखत करके सितलदास हरचंदानी ने साईबाबा ट्रस्ट के दोनों फ्लेट बेच डाले”
03.07.2017	“नवजीवन बैंक और साईबाबा ट्रस्ट के डायरेक्टर सेम कर्मचारियों से 20-25 हजार लिया डोनेशन कहा गया?”
30.06.2017	“सितलदास हरचंदानी कभी भी जेल जा सकते हैं”

The objectionable portion of the impugned news items, as provided by the complainant, read as under.

“Bank Chairman Shri Sitaldas Harchandani is a cheater and is involved in scams worth thousands of crores of rupees. There are eight criminal cases filed against him. Bank Chairman Shri Sitaldas Harchandani has made fabricated documents and sold off two flats based on those documents. The Nav Jeevan Bank is involved in scams and manipulations. Bank Chairman Shri Sitaldas Harchandani is hand in glove with thieves and dishonest people. Because of Bank Chairman Shri Sitaldas Harchandani, customers are closing their bank accounts. Customers have withdrawn crores of rupees because of bank Chairman. Bank Chairman Shri Sitaldas Harchandani is thief. Bank Chairman Shri Sitaldas Harchandani, Vice Chairman, Shri Manohar Makhija, Director, Shri Bacharam Rupchandani and other directors of Nav Jeevan Co-op Bank are involved in scams. As

per Reserve Bank of India's Report all the functions and working of the Bank is illegal. None of the rules of the Reserve Bank of India followed. They are violating and flouting all the laws. There is also a family dispute within the family of Bank Chairman Shri Sitaldas Harchandani. For the last 20 years there are scams going on it the Nav Jeevan co-op. bank. All the directors of the bank are involved in the scams. Bank Chairman had asked Rs.5 lakh as bribe from the publisher of Kalyan Clean Times. The Bank has been disbursing loan to borrowers only when the borrowers pay bribe amount to Bank Chairman. The Bank is going to be closed. There are several scams in the Bank. People/customers are worried/distraught because of the scams. Customers are withdrawing their money, closing their bank accounts.”

Denying the allegations levelled in the impugned news items, the complainants have alleged that the respondent deliberately, intentionally, purposely published defamatory news items with a view to defame and blackmails them with the purpose to extort money which is gross violation of journalistic norms. The complainants have also alleged that the respondent intentionally has not obtained statement/comments/clarification from them. According to the complainant, after publication of impugned news items, reaction from the general public started coming from across the city and also from shareholders of the bank. The impugned news items not only defamed, tarnished the image and harmed their reputation in the eyes of the public but has defamed the reputation of entire Board of Directors of the bank.

The complainants have submitted that the legal notices dated 26.7.2017, 27.7.2017, 31.7.2017 and 1.8.2017 were issued to the respondent for publishing unconditional apology and paying compensation but to no avail. They have requested the Council to take necessary action against the respondent-newspaper.

Show-Cause Notice was issued to the respondent-Editor, Kalyan Clean Times, Ulhasnagar on 14.11.2017 but the same was received back undelivered from the postal authorities without any remarks. The same was then served through the District Magistrate, Thane.

Written Statement

Shri Shamim F. Ahmed, Chief Editor, Kalyan Clean Times vide his written statement dated 20.2.2018 while denying the allegations levelled in the complaint has stated that the complaint is misconceived and devoid of true information and facts and filed to target him without producing any evidence or material in strict proof of the allegations. Besides, the reporting in the newspaper on different dates have been clubbed together which constitutes multiple cause of action and this Hon'ble Press Council of India cannot decide multiple cause of action in the common complaint. There should be separate complaint for each cause of action. The respondent has further stated that the complainants have not pointed out the objectionable contents of each of the reporting, hence, the complaint does not survive. The respondent has also stated that the complaint is not maintainable merely on the statements, allegations or averments without evidence or material on record. Further it is not in the prescribed format as required, hence it is liable to be dismissed.

A copy of the written statement was forwarded to the complainant on 28.2.2018 for information/counter comments.

Counter Comments

The complainant vide his counter comments dated 23.3.2018 while reiterating his complaint has denied the written statement of the respondent stating the written statement filed by the respondent is without verification and affirmation. The complainant has alleged that the respondent adopted a casual and evasive approach and miserably failed to obey provisions of Press Council (Procedure for Inquiry) Regulations, 1979.

A copy of the counter comments was forwarded to the respondent on 13.4.2018.

Report of the Inquiry Committee

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

It is common ground that the respondent Editor is dead.

When the matter was taken up by the Inquiry Committee on 18th of December, 2018, the complainants prayed for filing application for substitution. They have not chosen to do so nor they are present when the matter is taken up by the Inquiry Committee. In the absence of the complainants, as also on account of death of the Editor of the respondent newspaper, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, recommends for disposal of the complaints.

Held

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

Adjudication

Dated 29.5.2019

59) Shri Ajeet Shankarlal Bhatia, Vs. The Editor,
Ulhasnagar, Kalyan Clean Times,
Thane, Maharashtra. Ulhasnagar,
Maharashtra.

Facts

Shri Ajeet Shankarlal Bhatia, Ulhasnagar, Maharashtra vide complaint dated 20.3.2018 has alleged that the Editor, Kalyan Clean Times, Ulhasnagar published false and defamatory news items along with photographs under the captions “रेश्मा ईश्वरीपमनाणी, प्रकाश गायकवाड खोलेगें राज जाली सनद बनाने वालों का”, “जाली सनद का केस अजित भाटिया हार गया” and “क्राईम ब्रांच ने जांच शुरु की भाटिया, लालवानी, सेवलानी व इनके सहयोगियों की” in its issues dated 5.1.2018, 18.2.2018 and 11.3.2018 respectively.

It has been reported in the impugned news item dated 5.1.2018 that the racketeers of forged documents got interim bail from the court but the bail is conditional. The matter regarding verification of documents by putting forged signature has been exposed and the Anti-Corruption Bureau registered a case against two clerks of State Office, Reshma Ishwari Pamnani

and Prakash Gaikwad. Both have got interim bail from the court and now they will have to record in police investigation as to how they used forged documents and details of documents forged by them and their associates. If Reshma Ishwari Pamnani, Prakash Gaikwad do not co-operate with the police, they would again be behind the bar.

It has been reported in the second news item dated 18.2.2018 that Shri Ajeet Bhatia lost the case in high court with respect to illegal construction based on forged documents. The court has also ordered investigation of the property papers which were in the possession of Ajit Bhatia. It has been exposed that the Officers of Municipal Corporation illegally helps Ajit Bhatia for passing the plan.

The third impugned news item dated 11.3.2018 reports that the racketeers making forged documents of property can not escape now. The Crime Branch has started investigation against Bhatia, Lawani and others for making illegal property papers on the basis of forged documents.

Denying the allegations levelled in the impugned news items, the complainant has stated that he is a law abiding and reputed businessman in the society. The complainant has alleged that the respondent published his photograph with highly defamatory contents with a view to malign him in the society. According to the complainant, the respondent threatened him and demanded a ransom amount, when he refused to give the amount, he filed false cases against him and published defamatory news items. The complainant has informed that the respondent collected the documents/papers from the Government offices under RTI Act in respect of construction work of the builders, government contractors and after getting the information blackmail people, by calling up those persons in the office and pressurize them to settle the said issue as per their dictated terms.

The complainant drew the attention of the respondent vide legal notice dated 4.5.2018 but received no response. The complainant has requested the Council to take necessary action in the matter.

Show-Cause Notice was issued to the respondent-Editor, Kalyan Clean Times on 4.6.2018.

Written Statement

Shri Shamim F. Ahmed, Editor/Publisher/Printer, The Kalyan Clean Times vide his written statement dated 14.6.2018 while denying the allegations levelled in the complaint has stated that the complainant is habitual of making false, frivolous complaints against all those persons who pick bone with him and challenge his false documents in the public interest. The respondent has further stated that the complaints addressed to the police authorities by the complainant have been disposed of for lack of substance. The respondent has pointed out that if the complainant is a law abiding and honest then why the Sub-Divisional Officer is contemplating prosecution against them. The respondent has informed that the complainant along with Shri Shankar Sewlani is also booked for Crime I-137 under Section 420/467/468/471/34 with Hill Line Police Station, Ulhasnagar for manufacturing Title Deeds. The respondent has informed that the complainant and others are known for criminality in fabrication of Title Deeds in the name of President of India and in connivance with the staff members of Sub-Divisional Officer, Ulhasnagar on the basis of fraudulent verification letters the system to grab government lands and have committed fraud of crores of rupees on government exchequer. The respondent has stated that the impugned publications are based on the information and record of Sub-Divisional Officer, Ulhasnagar, who is also Sub-Divisional Magistrate and the copies of record showing that these three persons have grabbed government lands on false and fabricated title.

A copy of the written statement was forwarded to the complainant on 31.7.2018.

Complainant's Further communication

The complainant vide his letter dated 2.8.2018 informed that the respondent-Editor, Shri Shamim Ahmed has expired on 2.8.2018 but the newspaper is being published without name of any new proprietor, Editor and Owner and mentioning name of Publisher as “Swargiya Shamim Ahmed”, which is fraud with public at large. He has requested the Council to seize the machinery of the respondent and cancel the license/registration of respondent newspaper.

Counter Comments

The complainant Shri Ajeet Shankarlal Bhatia vide his counter comments dated 5.9.2018 while reiterating his complaint has denied the written statement of the respondent stating that the respondent misguided the PCI by twisting things and staying away from the subject matter. The complainant has further stated that the respondent including others are in habit of blackmailing innocent persons and the said syndicate has targeted him from a very long period of time and had been demanding ransom from him, regarding which he has given complaints to the police authorities. He has requested the Council to take strict action against the respondent.

A copy of the counter comments was forwarded to the respondent on 28.9.2018 but the same has been received back from the postal authorities with the remarks “unclaimed”. Thereafter, the same has been emailed to the respondent on 26.10.2018.

Report of the Inquiry Committee

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

It is common ground that the respondent Editor is dead.

When the matter was taken up by the Inquiry Committee on 18th of December, 2018, the complainant prayed for filing application for substitution. He has not chosen to do so nor they are present when the matter is taken up by the Inquiry Committee. In the absence of the complainant, as also on account of death of the Editor of the respondent newspaper, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, recommends for disposal of the complaints.

Held

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

Adjudication
Dated 29.5.2019

60) Shri Lalit Jain, Vs. The Editor,
Jyoti Flames, Amar Ujala,
(Bharat Gas Agency), Meerut (U.P.).
Bulandshahar (U.P.).

Facts

This complaint dated 16.5.2018 has been filed by Shri Lalit Jain, Jyoti Flames, Bulandshahar (U.P.) against “Amar Ujala” for allegedly publishing false, baseless, misleading and defamatory news item under the caption “ज्योति फ्लेम गैस एजेंसी का लाइसेंस निरस्त” in its issue dated 10.4.2018.

It has been reported in the impugned news item that S.D.M. has sent a proposal recommending for cancellation of licence of gas agency, Jyoti Flames in his Report to the District Magistrate. It has been further reported that on the direction of the DM, a drive was started for checking of illegal refilling of gas cylinders. During the checking, a hawker was found selling cylinder in a public place. He had 21 cylinders and he was without Identity Card and uniform. On enquiry, he showed the distribution slip of Jyoti Flames Gas Agency. During the investigation of Jyoti Flames Gas Agency, many irregularities were found such as employees were not wearing uniform and there were no Identity Card of the employees of the complainant's agency and stock did not match, due to which a report recommending cancellation of licence of the Gas Agency was sent to the DM.

Denying the allegations levelled in the impugned news item, the complainant has alleged that the impugned news item is totally false, baseless, misleading and published with a view to malign his image in the society. He has further alleged that the impugned news item was published with mal-intention and no such report or letter was issued and that respondent-newspaper has never contacted him before publishing the impugned news item.

The complainant had drawn the attention of the respondent towards impugned news item on 14.4.2018. In response thereto, the respondent vide reply dated 10.5.2018 stated that the impugned news item was published in public interest and in good faith.

While expressing dissatisfaction over the reply of the respondent, the complainant has requested the Council to take necessary action against the respondent.

Show-Cause Notice was issued to the Editor, Amar Ujala on 26.6.2018.

Written Statement

The counsel for the respondent-Amar Ujala vide written statement dated 3.12.2018 while denying the allegation has submitted that the impugned news item was based upon the letter of the District Magistrate, Bulandshahar addressed to the Bharat Petroleum Corporation Ltd. wherein recommendation for cancellation of dealership was made. The respondent has further submitted that impugned publication was not made with reckless disregard of incidence and all the contrary allegations made by the complainant in this regard are false. The respondent while submitting a copy of the District Magistrate's letter dated 7.4.2018 wherein recommendation for cancellation of dealership was made, has also stated that the Amar Ujala has not made any comments on its own and only the recommendation made by the DM has been published. Thus it cannot be said that the impugned news item was published to defame the complainant. According to the respondent, the impugned news item was a general news and was published within the journalistic norms and ethics, in good faith and without any malice against anyone specially complainant. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 21.12.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 28.3.2019 at New Delhi. The Inquiry Committee has heard the complainant and Mr. Neeraj Kapoor on behalf of the respondent newspaper. It is the

allegation of the complainant that the licence of Gas Agency was never cancelled but the respondent newspaper contrary to that had published a news item with the heading that the licence of the complainant agency has been cancelled. The Inquiry Committee has perused the news and finds that in the body of the story what has been stated is that the Sub-Divisional Magistrate had recommended for cancellation of the Gas Agency. The respondent newspaper was thus aware that the license of the Gas Agency has not been cancelled still had given the headline that the licence has been cancelled. This has obviously affected the complainant. Norm 21 of Norms of Journalistic Conduct *inter-alia* provides that headings must reflect and justify the matter printed under them. The Inquiry Committee is of the opinion that the respondent newspaper has clearly violated that norm and the heading is false. The Inquiry Committee, accordingly, recommends that the respondent newspaper be Censured.

A copy of this order be forwarded to the DAVP, the Director of Public Relations, U.P. and the District Magistrate, Meerut for information and appropriate action.

Held

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

Adjudication

Dated 29.5.2019

61) Shri Mohammad Samir, Vs. The Editor,
Jaipur, Hindustan,
Rajasthan. New Delhi.

Facts

This complaint dated 28.6.2018 has been filed by Shri Mohammad Samir, Jaipur (Rajasthan) against the Editor, Hindustan for allegedly publishing false, misleading and defamatory news item under the caption “जयपुर से मुक्त कराई बेबी सुमन व उसके माता-पिता” in its issue dated 13.6.2018.

It has been reported in the impugned news item that the Wild-Life SOS released the hostages, baby elephant-Suman and her family in Jaipur with the help of Rajasthan Forest Department. Shri Ballu Khan (complainant's brother) held these elephants as hostages in Jaipur. He bought these elephants illegally from Moonlight Circus by violating Wildlife Protection Act, 1972 and he is earning lakhs of rupees every year by using them for tourists and TV documentary in Aamer, Jaipur. The Wild-Life SOS rescued the elephants and kept them in Rescue Centre situated at Mathura, where doctors found that Baby Suman is badly injured and they have started her treatment.

While denying the impugned news report, the complainant has alleged that the respondent published false and misleading news item due to which his reputation has been badly damaged. The complainant has stated that the said elephants are being supervised by him till date in Hathi Village Aamer Kunda, Jaipur. The complainant has alleged that the impugned news item is based on false facts and published with the connivance of one Shri Kartik Satyanarayan so that he (Shri Satyanarayan) could get illegal benefit.

The complainant has issued a Notice dated 28.6.2018 to the respondent-Editor, Hindustan and Shri Kartik Satyanarayan but received no reply. He has requested the Council to take necessary action in the matter.

Show Cause Notice was issued to the respondent Editor, Hindustan, New Delhi on 13.8.2018.

Written Statement

The Council has received a Written Statement dated 13.12.2018 from the respondent newspaper, Hindustan. The Written Statement states that the said news article was based on the Press note released by the Wild life SOS Elephant Conservation and Care Centre, Mathura. It is evident that it was demanded by public at large to release said elephant and for the said purpose the news article was also published by other media house. The allegations are therefore baseless and the Editor has requested the Council to dismiss the complaint.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. Shri Sameer Khan, complainant along with Mohd. Aslam, Advocate appeared in person. There was no appearance on behalf of the respondent Editor.

The Inquiry Committee has heard the complainant and has perused the record. Despite service of Notice, the respondent has not chosen to appear but has filed the written statement. From the perusal of the reply of the respondent, it is evident that they have admitted the mistake in stating that the elephant in fact has been rescued. In the facts and circumstances of the case, the Inquiry Committee directs the respondent newspaper to publish corrigendum/clarification within four weeks. In case it is not done, the complaint shall revive. With the aforesaid directions, the Inquiry Committee directs for disposal of the complaint.

Held

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

Adjudication

Dated 29.5.2019

62)	Shri Venugopal Darbha, Coding Officer, Government Opium & Alkaloid Works, Neemuch (M.P.).	Vs.	The Editor, Dainik Bhaskar, Ratlam (M.P.).
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Facts

This complaint dated 13.6.2018 has been filed by Shri Venugopal Darbha, Coding Officer, Government Opium & Alkaloid Works, Neemuch (M.P.) against “Dainik Bhaskar”, Ratlam (M.P.) for allegedly publishing

false, baseless and defamatory news item under the caption “जिन्होंने मॉर्फिन की मात्रा में गडबडी की उन से ही करा रहे अफीम की सैपलिंग” in its issue dated 9.6.2018.

It has been reported in the impugned news item that the opium (Afim) factory at Neemuch this time is again under suspicion because coding of opium this year is again being got done from same officers, who were found guilty for tempering with Morphine strength last year. It has been further reported that the Central Government had passed land on lease for cultivation of opium last year. The farmers deposited fix strength of opium in the factory but the same was found of low quality by the officers on examining. After protest by the farmers, the CCF (Chief Controller of Factories), Delhi took the sample from the factory to re-examine tempering in the data by the Coding Officer, Venugopal Darbha and Assistant Coding Officer, Sameer Lalvani. The CCF has sought clarification from the officers in the matter.

Denying the impugned news item, the complainant has stated that 'morphine strength' is not determined in the factory but in the opium laboratory which is operated by Central Revenue and Customs Laboratories (CRCL) staff, which is an independent agency. The CRCL is responsible for analysis of opium samples and not Government Opium and Alkaloid Works. The complainant has further stated that whole sampling process was switched to analysis by the FTNIR machine from the method of analysis by using chemicals. Last year, after the publication of results of opium samples of some divisions where it was observed that most of the samples were failed, they were again got tested in the same machine (FTNIR) and the results this time indicated that most of the samples which were failed, were passed. The reasons for this discrepancy are a matter of investigation. The complainant has alleged that the report published in the newspaper present the matter in a different way accusing him along with other officers of tempering coding process which is baseless. As far as their office is concerned, there is no such mistake observed to be made till date. The complainant has further alleged that the impugned news item is very painful, humiliating and defaming him without proper knowledge about the matter.

The complainant has drawn the attention of the respondent newspaper on 13.6.2018 but to no avail. He has requested the Council to take necessary action in the matter.

No Reply

Show-Cause notice was issued to the Editor, Dainik Bhaskar, Ratlam on 24.8.2018 but no response has been received.

Further communication from the complainant

Shri Venugopal Darbha, complainant vide letter dated 2.3.2019, which is addressed to the General Manager, GOAW., Neemuch, M.P., has submitted that as a coding officer, results obtained against coding of the samples, decoded in response to the same giving no scope of errors in the coding & decoding and if at all mistakes are found in decoding, complete parakh sheet of results mis-match in the set of about 100 samples each. Then the question of 54 samples found under discrepancy by the CCF Office, New Delhi on different parakh sheets comes under non possibility. The result sheets obtained from opium laboratory after analyses are decoded, checked and signed by the Incharge Opium Laboratory and Chemists after decoding and verified on either side. Later, The News Daily published for the possibilities of discrepancies by using the new FTNIR machines at GOAW., Neemuch.

The complainant submitted that so called discrepancies might have happened by involving many and on very urgent manner adding to the human and typological errors. The complainant is worried about false allegations (though many were involved) as only his name appeared in the News Daily. He has requested his higher authorities to pursue the matter and take necessary action to avoid such discrepancies.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The Inquiry Committee has heard the complainant and has perused the record. Mr. Gautam Kumar, Counsel appears on behalf of the respondent. From the perusal of the news report, it is obvious that what has been stated against the complainant is on the basis of the explanation called for by the Chief Controller of Factories (CCF). Thus, the respondent newspaper has the basis for publication of the impugned news item. The complainant states that the allegations are false. The Inquiry Committee is not inclined to go into the truthfulness or otherwise of the allegations made in

the newspaper. The Inquiry Committee finds that there is basis for the publication of the impugned news item and therefore the respondent has not committed any breach of norms of journalistic conduct.

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

Held

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

Adjudication

Dated 29.5.2019

63)	Dr. Thakur Mukesh Singh Chauhan, General Secretary/ Deputy Spokesman Chikitsak Sangharsh Morcha of Bihar, Hazipur, Vaishali, Bihar.	Vs.	The Editor Dainik Bhaskar, Patna, Bihar.
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Facts:

This complaint dated 01.05.2018 has been filed by Dr. Thakur Mukesh Singh Chauhan, General Secretary/Deputy Spokesman, Chikitsak Sangharsh Morcha of Bihar, Vaishali (Bihar) against the Editor, Dainik Bhaskar, Patna, Bihar for allegedly publishing false, fabricated and defamatory news items under the captions “कर्मचारी बोले-जिनके हाथ में होना चाहिए आला वे कमर के होलस्टर में लटका कर चलते हैं पिस्टल”, “दलाल चिकित्सक व जिम्मेवार सीएस का करें तबादला-लोजद” and “डा.मुकेश चौहान हर माह में करते 10 से 15 दिन ड्यूटी फिर भी उठाते पूरा वेतन, अफसर भी कर चुके हैं विरोध” in its issues dated 28.4.2018, 1.5.2018 and 2.6.2018 respectively.

It has been reported in the first impugned news item that due to interference of an authoritarian dentist, condition of Community Health Centre Mahnar has become worst. He walks with pistol instead of stethoscope and also threatens the employees. It has been further reported

that no facility is being provided to the patients and even employees are not happy. The employees are directly making allegation against Dr. Mukesh Singh Chauhan for all these irregularities alleging that he is right hand man of Civil Surgeon and takes all decision related to appointment, transfer and removal. It has been also alleged that during any dispute in the hospital, Dr. Chauhan calls his goons. The Deputy Director of State Health Minister has assured to take action against this doctor but the Civil Surgeon is unwilling to transfer him.

It has been reported in the second impugned news item that the spokesperson of Loktantrik Janta Dal has demanded transfer of an agent doctor, Thakur Mukesh Singh Chauhan and civil surgeon for worst condition of the hospital stating that if no action is taken against them they will convene violent protest.

In the third impugned news item, it has been reported that Dr. Mukesh Chauhan remains absent from duty. He is present for duty 10 to 15 days in a month and draws full salary. Despite many complaints, no action has been taken against him.

Denying the allegations levelled in the impugned news items, the complainant has alleged that the respondent deliberately published false and fabricated news items due to which his social reputation has been tremendously damaged. The complainant has further alleged that the respondent editor and correspondent of the respondent-newspaper demands money from the doctors time to time and on refusal they publish false and defamatory stories against them. The respondent also threatened the doctors for implicating in false cases under a conspiracy. In this regard, they filed an FIR No.274/18 dated 26.4.2018 under Section 384/386/34 IPC in Hajipur Police Station. Annoyed with this, the respondent started to threaten the doctors and officers of the hospital and also started publishing false and defamatory news items.

The complainant vide his letters dated 26.4.2018 and 17.5.2018 drew the attention of the respondent with a request to publish rejoinder but to no avail. He has requested the Council to take necessary action against the respondent.

No written statement

Show-Cause notice was issued to the Editor, Dainik Bhaskar, Patna, Bihar on 18.06.2018, but received no response.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The respondent Editor has not chosen to appear. The Inquiry Committee has heard Mr. R.K. Singh, Advocate on behalf of the complainant. The complainant is also present. The Inquiry Committee has perused the petition of complaint and all connected papers and is of the opinion that the respondent newspaper while publishing the impugned news item has not violated any Norms of Journalistic Conduct. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Adjudication Dated 29.5.2019

64) Shri Ashok Kumar Rastogi, Vs. The Editor,
Meerut, Dainik Jagran,
Uttar Pradesh. Daily Hindi News
Meerut edition
Uttar Pradesh.

Facts:

This complaint dated 20.06.2018 has been filed by Shri Ashok Kumar Rastogi, Meerut, Uttar Pradesh against the Editor, Dainik Jagran, Daily Hindi News, Meerut Edition for allegedly publishing misleading and defamatory news item under the caption “अस्पताल मे नहीं मिली एंबुलेंस, ई-रिक्सा से ले गए शव” in its issue dated 27.05.2018 "Ambulance not found in the hospital, dead bodies taken by the e-riksha” (English translation of the impugned item).

It has been reported in the impugned news item that there is no dignity of the patients in the Pyare Lal Sharma, District Hospital. The photos expose

the corrupt administration of the district hospital, where some time dead bodies are carried on shoulder and sometime carried on e-riksha. This situation came into light in the District Hospital when an old lady lost her life in the hospital due to negligence of the doctors. The hospital has not provided ambulance to the family members for taking her body to their home, while there were two ambulances available at that time. Her family member took her dead body on e-riksha. It has also been published in the news item that the Chief Medical Superintendent of the District Hospital has denied any such incident took place in the said hospital stating that two Ambulances are always available in the hospital and nobody contacted him in this regard.

The complainant has alleged that neither the name and address of deceased has been given nor the name and address of the person who brought the deceased published in the news item. The complainant has further alleged that by doing such act, the journalists have defamed government hospital, hurt its dignity and tried to terrorize the doctors and other staff working at the mentioned hospital. The complainant has informed that on 29th May, 2018 he sent a complaint to the Editor of Dainik Jagran, Meerut via e-mail as well as via speed post at the Meerut address but no reply has been received so far.

The complainant in his letter dated 28.09.2018 has alleged that on 28.9.2018, Shri Madan Mauria, journalist of Dainik Jagran came to the P.L. Sharma, District Hospital at Meerut and he flashed upon him three time near the Causality Department and when he objected he threatened him to face serious consequences.

The complainant vide his letter dated 22.09.2018 has alleged that two more impugned news articles on the same pattern have also been published in the Dainik Jagran, Meerut Edition under the captions “जिला अस्पताल मे चिकित्सा बदहाल” and “जिला अस्पताल मे फर्श पर घंटो लेटा रहा मरीज” in its issues dated 27.06.2018 and 07.07.2018 respectively.

In its issue dated 27.06.2018 it has been reported in the impugned newspaper item that the patient has been found in creeping position on the ground of the Isolation Ward and due to non-availability of stretcher an old women seen in the arms of her guardian. It has been reported in the news item that a team of the Dainik Jagran reached at the Hospital and found a large

number of patients are in the OPD Block but there was no Doctor. Also seen a large number of patients who were standing in the medicine counter of the hospital and three days medicines were given to them. The Chief Medical Superintendent has denied any irregularities in the hospital stating that proper treatment is being given to the patients. Many patients are mentally disturbed and despite having beds in the hospital they sleep on the floor.

It has been published in the impugned newspaper dated 07.07.2018 that an injured patient found on the floor and no hospital staff took care of him. It has been also reported in the news item that one of the hospital staff told that the said patient was admitted in the Isolation Ward of the hospital but due to negligence of the hospital staff/doctors he left the ward. It has also been reported in the news item that Sh. P.K. Bansal, Chief Medical Superintendent of the hospital told that the said mentally disturbed patient was not admitted in the hospital.

The complainant vide his letter dated 28.5.2018 drew the attention of the respondent newspaper but received no response.

No Written Statement

A Show Cause notice was issued to the respondent Editor, Dainik Jagran, Meerut edition on 17.8.2018, followed by a reminder dated 15.11.2018 but no response has been received so far.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The complainant appears in person. The respondent is represented by its counsel. The Inquiry Committee has perused the complaint and all connected papers and is of the opinion that the grievance made by the complainant is frivolous. The Inquiry Committee, accordingly, recommends for dismissal of the complaint.

Held

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

Adjudication

Dated 29.5.2019

- 65) Shri Vigyan Deep Sharma, Vs. The Editor,
Divya Yog Mandir Trust, Pharmacist Times,
Patanjali Yogpeeth Maharishi Nagpur (Maharashtra).
Dayanand Gram,
Haridwar (Uttarakhand).

Facts

This complaint dated 13.2.2018 has been filed by Shri Vigyan Deep Sharma, Divya Yog Mandir Trust, Patanjali Yogpeeth Maharishi Dayanand Gram, Haridwar (Uttarakhand) against “Pharmacist Times”, Nagpur (Maharashtra) for allegedly publishing false, misleading and defamatory news item in its issue dated December 14-20, 2017 under the caption “आयुर्वेदिक कालेजों में प्रोफेसर का फर्जीवाडा” along with photograph with caption “स्वस्थ भारत का सपना होगा ध्वस्त”. The impugned news item while publishing about the misconduct and the anomalies on the part of the Private Ayurvedic Colleges in general and also irregularities in relation to the appointment of professors and the lecturers working in the college also reported that the appointed faculty starts their own independent clinic, due to which they are unable to take proper classes in the colleges, resulting in the students suffering. It has been further reported that the lecturers getting their salaries by sitting at home.

Denying the allegations, the complainant has alleged that the impugned news item is totally false, baseless, misleading and defamatory. According to the complainant, Divya Yog Mandir Trust having its office at Patanjali Yogpeeth Maharishi Dayanand Gram, Haridwar and its vision and objective is to make a disease free world through a scientific approach towards Yoga and Ayurveda and by imparting quality education in the said field. The Trust organizes Yoga camps to propagate Yoga. The complainant has submitted that the respondent newspaper published the image of the front part of the building of the college mentioning “Patanjali Ayurved College” in bold letters which forms part of the image. This gives an impression to the

general public that the allegations and insinuations made in the article published in respondent newspaper refers to the college alone. The complainant has further submitted that bare reading of the contents of the article and viewing the image of the building of the college together gives an inference in the mind of the readers and subscribers that the college run by the complainant is also involved in similar activities. Despite no mentioning of the name of the college in the content of the article, the image of the college was utilized without any prior approval or permission from the concerned authorities of the college.

The complainant has submitted that he issued a notice dated 21.12.2017 to the respondent newspaper with the request to publish an unconditional apology but received no reply. He has requested the Council to take necessary action in the matter.

No Written Statement

Show-Cause notice was issued to the respondent-Editor, Pharmacist Times, Nagpur on 9.4.2018 but the same has been received back undelivered from the postal authorities with the remarks “left”. Thereafter, the same has been issued through email on 25.6.2018 but no response has been received.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The Inquiry Committee has heard Mr. Gautam Talukdar, on behalf of the complainant and the Editor of the respondent newspaper in person, Mr. Ajay Badri Narain Soni. He states that the photographs of the complainant's college has inadvertently been published in the story. He states that an expression of regret shall be published in the newspaper with due prominence within two weeks. In view of the aforesaid, the Inquiry Committee is not inclined to proceed in the matter any further. The respondent after publication of an expression of regret shall forward a copy of the same to the complainant and to the office of the Council. The Inquiry Committee recommends for disposal of the complaint with the aforesaid directions.

August 2018, Journalist of Gunj Uthi Ranbheri allegedly wrote a defamatory article captioned “Gau taskari ke sath ..jamino ki heraferi bhi karta hain Suryakant Jalan”, in this news item the journalist allegedly accuses Mr Suryakant Jalan for illegally grabbing land in the name of Gaushala. The article further accuses Shri Suryakant Jalan of not having a very clean past and mentions about his alleged police records regarding his illegal activities including animal trafficking. Shri Suryakanth Jalan is using the name of the Gau Seva Ayog to carry out his illegal activities and defaming the Gau Seva Ayog.

The complainant further stated that a Notice was served to the respondent dated 27.08.2018 pointing out the false allegations made against his organisation in the newspaper's impugned article authored by Shri Amit Maurya, however no response was received on the same.

The complainant has requested the Council to take necessary action against the misuse of freedom of the press by the respondent newspaper and for allegedly publishing defamatory news item against the complainant's organisation with the intention to extort money.

Reply Filed by the Respondent

A Show Cause Notice dated 17.10.2018 has been issued to the respondent newspaper. The respondent newspaper through its undated letter denied all the charges of the complainant and submitted that no journalistic ethics were violated while covering the present story. The alleged defamatory news item has been written by Mr Amit Maurya who is an investigative journalist and well known for bringing out the reality and revealing truth in public and the same is done in this matter too. The journalist has done intensive research before writing the alleged impugned article to bring out the truth in public where social organisations in the name of cow protection is actually carrying out illegal activities which deserves to be known by the public. The journalist does not hold any personal grudge against anybody and never had any intention to malign someone's reputation. Generally the source of information is never revealed however the journalist in the alleged impugned article has revealed the sources that confirms the news is not baseless. It is a work of a fearless investigative journalist who wrote the truth

in public interest. It has also been stated in the written statement that the same issue has been covered by other newspapers too like Amar Ujala. The respondent has requested the Council to dismiss the complaint.

Further Communication received from the respondent

Smt. Shrestha Singh, Editor, Gunj Uthi Ranbheri, vide letter dated 27.3.2019 has informed the Council that Shri Pankaj Kumar Pandey, Advocate and Shri Amit Kumar will represent her case. A letter dated 29.3.2019, enclosed with the said letter, while reiterating the Written Statement filed earlier, states that strict action be initiated against the complainant for filing false Declaration as he had already filed a complaint in the Court of Additional Chief Metropolitan Magistrate at Varansi in connection with the subject matter of this complaint.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The complainant has not chosen to appear. Shri Pankaj Kumar Pandey represented the respondent newspaper, Gunj Uthi Ranbheri.

The complainant in his letter dated 4th March, 2019 has stated that he has filed a complaint in the Court of Additional Chief Metropolitan Magistrate at Varanasi in connection with the subject matter of this complaint. As the subject matter of the complaint is sub-judice before a Court of law, the Inquiry Committee is not inclined to proceed in the matter any further. Accordingly, the Inquiry Committee recommends for disposal of the complaint.

Held

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

Adjudication
Dated 29.5.2019

67) Shri Bhanu Prakash Mishra, Vs. The Editor,
Gorakhpur, Amar Ujala,
(U.P.). Gorakhpur (U.P.).

Facts

This complaint dated 27.7.2018 has been filed by Shri Bhanu Prakash Mishra, Gorakhpur (U.P.) against “Amar Ujala” for allegedly publishing false and defamatory news item under the caption “मुनीम को गोली मार डेढ लाख लूटे” in its issue dated 23.6.2018. It has been reported in the impugned news item that three masked bike-riders shot an accountant, Shri Tilak Ram, who worked for Samajawadi Party's leader, Shri Bhanu Mishra and looted Rs. 1.50 lakhs. It has been further reported that Shri Bhanu Mishra had contested Assembly election from Sadar Legislative Assembly. He is also a registered money lender and gives money on interest.

The complainant has alleged that the respondent published false news item deliberately and has objected to the fact that the respondent referred him as registered money lender, which is totally false. The complainant has alleged that the respondent deliberately published his name to make the news sensational. The complainant has stated that due to publication of impugned news item, his image has been tremendously damaged in the society. The complainant vide his Notice dated 27.7.2018 has requested the respondent to publish contradiction. He has requested the Council to take necessary action in the matter.

The complainant vide his letter dated 30.10.2018 has informed that the respondent newspaper in its issue dated 27.9.2018 published the clarification under a small heading/captioned “भूलसुधार” with a view to resolve the matter.

Show-Cause Notice was issued to the respondent-Editor, Amar Ujala, Gorakhpur on 25.9.2018.

Written Statement of Amar Ujala

Shri Pandey Rajeev Rajhans, Advocate for the Amar Ujala vide written statement dated 23.11.2018 while denying the allegations levelled in

the complaint has stated that the impugned publication was not made with reckless disregard of incidence and all the contrary allegations made by the complainant are false. The respondent has further stated that the impugned news item was a general news and was published within the ambit of journalistic norms and ethics, in good faith and without any malice against anyone. He has further submitted that the impugned news item was published on the basis of information received from the police officials. The respondent has submitted that after receiving information and clarification from the complainant, Amar Ujala has published the corrigendum on 27.9.2018 under the caption “भूलसुधार”. The said fact of corrigendum was duly intimated to the complainant on 9.10.2018 to the Notice of the complainant. The respondent has stated that the Amar Ujala has no personal grudge or vendetta against the complainant. He has requested the Council to dismiss the complaint.

A copy of the written statement was forwarded to the complainant on 11.12.2018 for information/counter comments.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The complainant appeared in person. Shri Neeraj Kapoor, Advocate and Shri Karan Heera, Dy. Manager represented the respondent newspaper, Amar Ujala.

The only grievance of the complainant is that the corrections published has not been published with the same prominence as that of the original news. Shri Neeraj Kapoor appears on behalf of the respondent and states that the same corrections shall be published with due prominence and of the same font and size as annexed in the reply filed to the Council.

In view of the aforesaid assurance, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee directs that such corrections be published within two weeks and disposes of the complaint.

Held

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

Adjudication

Dated 29.5.2019

68) Shri Hari Ram Mahrolia, Vs. The Editor,
Chief Commercial Inspector, Chambal Sandesh,
Kota Junction, Nayapura,
Kota, Rajasthan. Kota, Rajasthan.

Facts:

This complaint dated 16.08.2018 has been filed by Shri Hari Ram Mahrolia, Chief Commercial Inspector, Kota, Rajasthan against the Editor, Chambal Sandesh, Kota, Rajasthan for allegedly publishing fabricated, false, misleading and defamatory news item under the caption “रेल यात्रियों से अवैध 20-20 रुपये वसूल रही थी महिला, अधिकारी ने पकड़ा” in its issue dated 13.8.2018.

It has been reported in the impugned news item that Kota Railway Officer caught red handed a lady employee for illegally collecting of Rs.20 each from the passengers at the Railway Station. The lady employee returned the said money on the direction of the Railway Officer. The husband of said lady works in the railway department and posted at this Railway station. The incident came to the notice when the vigilance department took the action.

The complainant vide his letter 14.09.2018 has alleged that the respondent has also published following false and misleading news items regarding railways:-

SI No.	Impugned news item
1	बिना बताये अनुपस्थित 500 रेलकर्मियों की बर्खास्तगी पर जीएम ने लगाई मुहर
2	रेलवे बुकिंग कार्यालय में नहीं हुआ रोस्टर लागू हवा में उड़ाए सीनियर डी०सी०एम० के आदेश
3	महिला टीटीई पर 20 हजार रुपए छीनने का आरोप
4	मिल्क पार्लरो की शिकायत रेल मंत्री से
5	रेल आरक्षण केन्द्र 22 साल बाद हुआ दलाल मुक्त

6	रेलवे स्टेशन पर स्टाल संचालक ग्राहकों से वसूल रहे अधिक राशि
7	अब भी ट्राली वाले ही बेच रहे खाद्य सामग्री, नहीं हो रही कार्रवाई
8	रेलवे विजिलेंस ने अवेध रूप से टिकट बेचते पकड़ा
9	रेलवे विजिलेन्स ने की कार्यवाही , गैरों को पकड़ा अपनों को छोड़ा
10	कल से सुचारु हो सकता है रेल यातायात

Denying the allegations levelled in the impugned news items, the complainant alleged that the respondent newspaper has been continuously publishing series of fabricated, misleading and defamatory news items for the last one year. According to the complainant, journalist of respondent newspaper, Shri Ashok Saini is also contractor of departmental canteen and he is selling food in the trains in Kota through his illegal vendors. With a view to pressurise the railway authorised food contractors, he has been continuously publishing false and fabricated news so that they cannot raise their voice against him. The complainant has alleged that Shri Ashok Saini publishes false and misleading news with the connivance of some railways employees. The complainant has further alleged that Shri Ashok Saini is harassing him by publishing false and defamatory news. In this regard, he published news item dated 13.08.2018 by referring his wife, who is also Head Booking Clerk in Kota Junction. The complainant has informed that he is also going to file a suit against Shri Ashok Saini.

The complainant vide his letter dated 03.10.2018 drew the attention of the respondent newspaper towards impugned news items and asked to publish the rejoinder.

A Show Cause Notice dated 25.10.2018 was issued to the respondent Editor, Chambal Sandesh, Kota, Rajasthan.

Written Statement

The respondent vide written statement dated 21.12.2018 while denying the allegation levelled in the complaint has informed that the

complainant has sent a letter along with some news clippings published by the Chambal Sandesh, Kota to his office through dak in the month of October, 2018 whereby he has informed that he is a Commercial Inspector of Kota Division of the Indian Railway. The complainant has objected to the said news items. The respondent has further informed that the said news items were with regard to the incidents happened with the rail passengers, irregularities of the Railway Station and action taken by the Railway Vigilance Department and violation of the Railway Rules. The respondent has further stated that he discussed with the Head of the Department of the Kota Division Railway Station over telephone about the complainant's letter. The respondent has informed that he has clarified the Railway department that he has no prejudice or malice towards any railway officers. The respondent has further stated that there is no name of the complainant in the impugned news items. He has further stated that the respondent newspaper is ready to discuss about the objectionable news items but the complainant did not care to discuss about the objectionable news items.

A copy of the written statement was forwarded to the complainant vide letter 31.12.2018 for information.

Counter comments

The complainant in his counter comments dated 31.12.2018 while denying the written statement of the respondent has alleged that the respondent newspaper published imaginary impugned news items about the irregularities in the Kota Railway Station by holding him responsible as a Chief Commercial Inspector. The complainant has further stated that his image has been damaged due to publication of the impugned news items.

A copy of the counter comments was forwarded to the respondent Editor, Chambal Sandesh on 07.02.2019 for information.

Communication received from the complainant

The complainant vide letter dated 22.3.2019 submitted that he had filed a complaint against Shri Ashok Saini, Reporter. After the complaint, the

action has been initiated by the respondent Editor against him. The matter, therefore, has been mutually settled between them and he has requested the Council to drop the proceedings in the matter.

Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 29.3.2019 at New Delhi. The complainant has not chosen to appear. Shri Pawan Kumar Ahuja, Editor, Chambal Sandesh represented the respondent newspaper.

The complainant in his communication dated 22.3.2019 has stated that on account of the compromise, he is not willing to pursue the complaint.

The Inquiry Committee accedes to his prayer and dismisses the complaint.

Held

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

Paid News

Adjudication

Dated 29.5.2019

69) Shri Surender Singh Jain, Harda Vs. The Editor,
Dainik Jagran,
Bhopal, M.P.

Facts:

The Council in its meeting held on 21.9.2017 adjudicated the complaint of Shri Surender Singh Jain, Harda against the Editor, Dainik Jagran, Bhopal, M.P., wherein while dismissing the complaint on merit, the respondent paper was found guilty of publishing paid news in its supplement

published on July 2016, which the Council came across during hearing. The Dainik Jagran was Censured by the Council.

Review petition from the City Chief, Dainik Jagran

Shri Mrigendra Singh, City Chief, Dainik Jagran vide letter dated 1.12.2017 has filed a review application whereby, he has submitted that the Summon dated 2.8.2017 was received by him on 10.8.2017 to attend the hearing on 16.8.2017 at Ahmedabad. He further submitted that since he could not attend the meeting on 16.8.2017, he may be given an opportunity to appear as per Council's convenience.

It is submitted that a Summon dated 2.8.2017 was issued to the respondent Editor. An email dated 3.8.2017 was also sent to the Editor, Dainik Jagran asking him to appear for hearing on 16.8.2017. Besides, the Editor has not made any adjournment request to the Council.

Communication dated 27.12.2017 from City Chief, Dainik Jagran

Shri Mrigendra Singh, City Chief, Dainik Jagran vide 27.12.2017 has submitted that Shri Rajiv Mohan Gupta, Editor, Dainik Jagran has filed a Writ Petition in the Hon'ble High Court of Delhi challenged the Council's decision dated 21.9.2017 Censuring the newspaper for publishing "Paid News". He has further submitted that in the above petition, Hon'ble High Court issued Order dated 22.12.2017.

Delhi High Court Order dated 22.12.2017

Hon'ble Mr. Justice Vibhu Bakhru in the High Court of Delhi at New Delhi passed an Order dated 22.12.2017 in the matter wherein it has been stated that the Court considers it opposite to remand the matter for fresh enquiry subject to payment of costs of Rs. 50,000/- to the Press Council of India. It is further submitted that the Inquiry Committee shall give due notice to the petitioner and make its recommendation after affording the petitioner due opportunity to be heard. The matter is disposed with the aforesaid directions.

The respondent Editor deposited Rs.50,000 to the Press Council of India under the T.R. No. 19660 in light of the direction of the Delhi High Court. Accordingly, the matter was placed before the Inquiry Committee for

fresh hearing on 24.7.2018 at Bhopal, the respondent assured in writing to the Inquiry Committee that he will publish the “Undertaking”. Accordingly, the respondent-newspaper in its issue dated 28.7.2018 published “Undertaking” under the caption “हरदा विकास अंक-मैगजीन संबंधी स्पष्टीकरण” mentioning that “जुलाई 2016 में हरदा विकास अंक के नाम से छपी दैनिक जागरण की मैगजीन में कुछ विज्ञापन हैं, जिन्हें प्रेस काँसिल आफ इंडिया ने पेड न्यूज माना है। आलेख वाले पेज में विज्ञापन लिखना था, जिसे भूलवश नहीं लिखा गया। भविष्य में इस तरह की गलती न हो इसका पूरा ख्याल रखा जाएगा। मैगजीन में छपा आलेख विज्ञापन के रूप में था। पीसीआई से अनुरोध है कि 'सेसर' समाप्त करने की कृपा करें.....संपादक”.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 13.2.2019 at New Delhi. Shri Mrigendra Singh, Incharge-Editor represented the respondent Editor.

Taking note of the clarification published by the newspaper, the Inquiry Committee is not inclined to take any further action and drops the proceedings.

Held

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

Communal, Casteist, Anti National And Anti-Religious Writings

Adjudication

Dated 29.5.2019

- 70) Shri Prem Kumar Singh, Vs. The Chief Editor,
Advocate , E-905, Block E, Indian Express (P) Ltd.,
S G Grant Phase-1, Mezzanine Floor,
Raj Nagar Extension, Express Building,
Ghaziabad - 201017. Bahadur Shah Zafar Marg,
New Delhi.

Facts:

This undated complaint received in the Secretariat on 26.12.2017 has been filed by Shri Prem Kumar Singh, Delhi against The Indian Express, New Delhi for unnecessary and excessive use of the term “Dalit” and other caste related term/words that allegedly attempts to spread hatred amongst the Hindus and social unrest.

The complainant is aggrieved with the respondent newspaper, in particular, because of excessive usage of the term 'Dalit' and unnecessarily referring to the Dalit community in reporting any incident to install dissatisfaction and social unrest.

The complainant accuses the respondent of presenting news in a manner which is prejudicial to the maintenance of harmony between different religious groups or caste or communities. The complainant claims that the more than 25 news items were reported by the newspaper in relation to the people of SC/ST community are sensational in nature and likely to disturb the harmony and public tranquillity. It clearly violates the norms/guidelines set by the Press Council of India.

The complainant claims that the respondent newspaper while reporting incidents involving castes/community, deliberately highlighted 'Dalit' word and made a general link to the entire Dalit community. However, in similar kind of incident, if the victim is from general caste, then no such caste reference is made in the news item as, it does not receive such weightage and mostly never covered by the respondent newspaper.

The complainant expresses his objection against the continuous publication of such biased news items highlighting Dalits community unnecessarily in the news that can *jeopardize* the peace situation in the society. A brief of the alleged impugned news items is given accordingly,

Sl. No.	Caption	Date of issue	Brief	Complainant's version
1	Dalit lynched by upper caste mob in Gujarat.	9.7.2016	<p>A tension like situation arose in Sodhana village in Gujarat when a family of a Dalit man refused to claim his dead body who was lynched by 46 members of Mer community.</p> <p>According to the FIR filed, the victim was allegedly beaten to death using clubs and axes when he was showing castor seeds on a plot in the village located 30 km away from Porbandar.</p>	The case was related to the unauthorised occupation of the person of SC community on the village land for a long time. Facts of the case does not show that the person was lynched because of being a person from SC community.
2	Dalit Couple Hacked to Death over Rs 15 in Uttar Pradesh.	28.7.2016	<p>A couple belonging from Nat community was attacked with axe by Ashok Misra, owner of a grocery store, when they refused to pay him Rs 15. Which he was demanding for buying some intoxicants and a heated argument led to the gruesome killing of the couple.</p>	<p>In reality the entire incident took place because the couple owed Rs 15/- to the shop owner Ashok Misra for which they borrowed a packet of biscuit. Failing to pay him back Rs 15 led to the killing.</p> <p>The reference to the community was wholly irrelevant and irritational.</p>

3	Dalit IAS Officer accuses top bureaucrat of caste bias.	12.7.2016	<p>An IAS officer being ridiculed by the discriminatory practices followed by the higher authorities of the Govt. in Madhya Pradesh wrote a letter to the CM alleging that he is not being given the work that is suited to him.</p> <p>He had submitted an audio record which he claimed to be a sufficient evidence to issue warrant against the perpetrator under SC/ST Act.</p> <p>The CMO stated that soon a Show Cause Notice will be served to IAS That as his allegation has been found to be baseless. From the deposited evidence of audio record it has been found that the allegation does not holds a ground.</p> <p>He even in past threatened for committing suicide because of existing discriminatory practices in the government departments.</p>	
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4.	MP Govt. show causes Dalit Officer for leaking complaint.	13.7.2016	It reports that IAS officer Ramesh There has been served with Show Cause Notice because of leaking his complaint to the media against another senior officer even before the Chief Secretary could have taken cognizance of the same. According to the govt. rules there has violated service conduct rules by allegedly releasing the complaint to the media before it reached CM office. In reply there to denied such allegation of leaking complaint to media.	Respondent wanted to present through the report that the M.P. Govt. is anti-Dalit because it is serving show cause notice to the Dalit officer for his misconduct. So the complainant questions the respondent newspaper why it is so important to highlight specifically the caste of the officer when Govt. according to its working procedure serving an officer for misconduct irrespective of his caste or creed.
5.	Dalit IAS officer attacks MP Chief Minister.	15.7.2016	Puzzled Dalit IAS officer Ramesh There has written to the CM for withdrawal of the Show Cause Notice served to him by the Govt. and threatened with " <i>Rohit Vemula type of incident</i> " if the	According to the complainant how an IAS officer be called as Dalit when he had much more ahead of many of the general castes people in respect to reputation in the society. Many Govt. officials

			<p>notice is not withdrawn. He also demanded that the accused officer who according to Ramesh Thete had been discriminating him on the basis of his caste by entrusting him the responsibility of the implementation of Swachh Bharat Abhiyan – construction of toilets, be removed from his posts and a criminal case be filed against such officer having castist mindset.</p>	<p>working under him must be from general castes too, even after that if he is being identified by his caste than it is misusing of the caste based reservation system.</p>
6.	Man Who abducted , raped Dalit Woman held.	24.4.2016	<p>The rape accused surrendered after two days of leaking of a video showing a girl being dragged out of a computer centre and then abducted. The accused Jagdeep Singh dragged a 24 year old girl who hailed from Scheduled Caste and the footage was captured by the camera. Aid of the</p>	<p>From reading the contents of the news it is nowhere apparent that the girl was abducted and raped because of her being from SC community. Then how the word dalit came into picture. It has been further submitted by the complainant that crime can be committed by and against any person</p>

			accused in the crime is still absconding. The victim along with her mother has filed a complaint at the National Commission for Scheduled Castes in Amritsar.	for any personal motive then how this incident became a matter of Dalit and other caste.
7.	Dalit Women tortured, killed in Kerala: police.	3.5.2016	A 30 year old girl was found dead at her home in Ernakulam where she used to live with her mother. The victim was a law graduate. Police is in search of the perpetrator.	The news item nowhere gives a sense that the reference to Dalit community was required. Even from the news it does not give a sense that the women was victimised because she was from SC community.
8.	Dalit Women's rape murder.	4.5.2016	(News clipping not filed, but briefed in the complaint)	Nowhere in the news indicates that the motive of the crime was to carry out atrocity particularly against the SC community thus the respondent newspaper is using sensational headlines to grab attention.
9.	Housing for all SC/STs by 2019, says	27.3.2016	It reports about the housing scheme of the Fadnavis Government who	However, the respondent claims that facts are presented in distorted

	Fadnavis.		assures that houses will be built and given to the SC/ST people of the State by 2019.	manner.
10.	AAP condemns attack on Dalit councillor.	9.6.2016	This reports the tussle between the AAP party councillor and other party councillors in Delhi during a joint session of three municipal corporations.	Again this is not a dalit issue as per the content of the news item.
11.	For last six years no scheduled caste Judge sent to Supreme Court.	29.5.2016	This reports that since the retirement of Chief Justice of India K G Balakrishnan in 2010 no Judges belonging from SC/ST community has been elevated to the Supreme Court of India. It also points out that there is lack of representation of female Judges in the Supreme Court of India. None of the Chief Justices of the State High Courts belongs from SC/ST communities.	

12.	7 of Dalit family beaten up for skinning dead cow.	12.7.2016	This reports that a group of Gau Rakshaks beaten up 7 members of a Dalit family for skinning dead cow in Una Town of Gir. Also it gives the version of the victim who got the dead cow from another village and while he alongwith his family were skinning the dead cow a person in a vehicle stopped there to ask him why are they slaughtering the cow. On protesting they were abused, assaulted publicly and those who sustained the injury are alive. A police complaint has been filed and 3 out of 6 accused are arrested.	The respondent newspaper took much interest in following this matter for long time and reported every development almost regularly or every subsequent day in its newspaper. Though as per chargesheet filed by the police in this case it came out to be a criminal conspiracy. Finally, on September 7, 2016 the respondent newspaper under caption "in a village of Una attack accused, upper castes angry, Dalit afraid" published another news item which the complainant claims is nothing but injecting fear amongst the SC/ST community people against general castes which may spread disharmony in the society.,
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Likewise, as per complainant's claim that several news items making unnecessary reference to the Dalit community and trying to pose that atrocities are being carried out against SC community in sensational manner are listed below:-

Sl No.	Caption	Dated
13.	Another Dalit Student gangraped	4.5.2016
14.	Communal tension Azamgarh village, Cops hurt	15.5.2016
15.	Dalit woman's rape murder, Protest rock Kerala police yet to track culprit	3.5.2016
16.	Dalit student in hospital after being ragged, family files police complaint	21.6.2016
17.	823 SC student in JEE (Advanced) general list, 22 in top 2000.	12.7.2016

The complainant also claims that the newspaper deliberately wants to show Hindu community in bad light. The respondent newspaper while reporting any incident specifically uses the word Hindu in the headlines giving a negative connotation to it. Examples are listed below,

18.	CBI searches houses of Hindu outfit members.	1.6.2016.
19.	Sikh Politician in Pak killed by Hindu riva	24.4.2016
20	Pakistan arrest Hindu leader in murder of Sikh Politician.	25.4.2016

In view of the aforesaid alleged misrepresentation of the castes/ community names that may fuel social unrest, the complainant refers to the provisions of the legislatures that ensures that no one may create any kind of hatred or animosity between the different community or religion in the country through reporting.

It has been submitted by the complainant that he wrote to the respondent newspaper vide letter dated 5.4.2016 and 12.9.2016, to desist from such kind of distorted publication of news, however, no reply on the same was received, neither it discontinued publication of news sensationalising the word 'Dalit.'

Thus the complainant appeals to Censure the Indian Express for being involved in anti-social and anti-national publication and take other necessary action as may deem fit and proper in the facts and circumstances of the case.

Show-Cause notice was issued to the respondent-Editor, Indian Express, New Delhi on 11.1.2018.

Written statement

The respondent in his written statement dated 19.2.2018 submitted that the word 'Dalit' came to mean things or persons who are cut, split, broken. By coincidence, there is in Hebrew a root 'dal' meaning low, weak, poor. It must be remembered that Dalit does not mean Caste or low-Caste or poor; it refers to the deplorable state or condition to which a large group of people has been reduced by social convention and in which they are now living. The respondent submitted that they have not used these words Dalit, Scheduled Caste, OBC, Hindu and Sikh in a derogatory context. According to the respondent, the complaint contains wild and baseless allegations and is filed with *mala-fide* and ulterior motives and it is absolutely denied that the newspaper is anti national or anti social. Such allegation is vexatious and baseless. The respondent submitted that the complaint deserves to be dismissed.

A copy of the written statement was forwarded to the complainant on 12.3.2018 for information/counter comments, if any.

Counter comments

In response to the written statement, the complainant vide his counter comments dated 28.3.2018 stated that the clarification given by the respondent regarding the news reports is totally misleading. He has stated that the respondent editor has failed to answer as to what is promoting him to use and glorify the caste and community name when the two sections of the Hindu community specially one strong and another weak are at loggerhead. The complainant submitted that the respondent editor avoided the answer as to what kind of social harmony it is encouraging amongst the society by using the words like upper caste and Dalit specifically and in bold letters. The complainant further stated that by mentioning the caste names in the news reports, the respondent is trying to create a class conflict among hindu society and trying to weaken the social harmony.

A copy of the counter comments was forwarded to the respondent on 10.4.2018 for information.

Communication dated 4.5.2018 received from the respondent

In response to the counter comments the respondent vide communication dated 4.5.2018 submitted that there is no excessive use of word dalit and there is no bar in referring to caste or community when the same is connected with or relating to the offence alleged. He has further submitted that even the Hon'ble Prime Minister, Mr. Narendra Modi has used the word dalit as seen in the some news reports and twitter. Further, the complainant has no answer to the fact that no dalit leader or dalit reader has objected to the use of word Dalit or schedule caste in news coverage of 2016, which is subject matter of the complaint. According to the respondent the complaint is obvious attempt to silence Dalits, Dalit Voices, complaint by Dalits and awareness of atrocities against Dalits. The respondent stated that the complainant has targeted one newspaper while many of the other newspaper have used the word Dalit in their reporting. It is absurd to allege that the word “Dalit” used by the press, while reporting atrocities against the Dalit, is dividing society and harming the unity and integrity of the nation. He has further requested the Council to dismiss the complaint.

A copy of the communication was forwarded to the complainant on 21.5.2018 for information.

Additional Written Statement from the respondent

The respondent-The Indian Express vide its additional written statement dated 14.9.2018 has stated that the Ministry of I&B recently issued an advisory to the media for refraining from using the nomenclature 'Dalit' and instead use only the Constitutional term 'Scheduled Caste'. While furnishing a copy of news report covering the Ministry of I&B's advisory published in their newspaper issue dated 4.9.2018, the respondent has stated that the Dalit Community are opposing this advisory saying that the word 'Dalit' is an empowering word, denoting a sense of pride. According to the respondent, the Minister of State, Social Justice & Empowerment, Mr. Ramdas Athawale has also strongly opposed the said move stating that “...most Dalit groups don't have a problem with the usage (of the term dalit) and don't think it to be insulting in any way” and the same has been appeared in their newspaper issue dated 6.9.2018. While furnishing copies of the Editorials/columns published in their newspaper in this regard, the

respondent has stated that the Hon'ble Bombay High Court (Nagpur Bench) referred to in the advisory, decided the PIL where it was prayed, *inter alia*, for direction to media, with the Hon'ble PCI, being respondent no. 2, appears in the order dated 6.6.2018, as being unrepresented, and hence the interests of the media were also unrepresented. The respondent has further stated that the complainant does not represent the Dalit community and has no *locus* to file this complaint.

A copy of the communication has been forwarded to the complainant vide Council's letter dated 19.9.2018.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 14.2.2019 at New Delhi. The complainant has not chosen to appear. Shri Ravish Tiwari, Chief of National Bureau and Shri Abhijeet Negi, Advocate represented the respondent newspaper, The Indian Express.

The Inquiry Committee is concerned in the present case of indiscriminate and uncalled for use of the expression 'Dalit'. The Council in its meeting held on 26.9.2018 opined that “it is not advisable to issue direction/Orders prohibiting the use of word 'Dalit' in all circumstances”. But that does not mean that said expression can be used to provoke or demean a community. The Inquiry Committee is of the opinion that the respondent newspaper shall keep in mind while using the said expression 'Dalit' in future.

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

Held

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

**Subject Index of Orders passed by the Press & Registration
Appellate Board during the Quarter**

S. No.	Parties	Order Decision	Decision
1	Appeal of Shri Kishor Mhamane, Publisher/Editor Daily Kirnoday, Sangola, Dist. Solapur, Maharashtra against Order dated 11/5/2018 passed by the Sub-Divisional Magistrate, Mangalwedha, Solapur, Maharashtra. (File No. 27/39/18-19-PRAB)	30/05/2019	Set aside
2	Appeal of Shri Sudhakar, Owner/Publisher Hukkeri Times, Dist. Belagavi, Karnataka against the Order dated 3/2/2018 rejecting the verification of title passed by the Additional District Magistrate, Belagavi, Karnataka. (File No. 27/40/18-19-PRAB)	30/05/2019	Disposed of
3	Appeal of Shri S. Kannapan, Publisher Mandra Madal, T/M Chennai, Tamil Nadu against order dated 12/4/2018 passed by the Chief Metropolitan Magistrate, Egmore, Chennai, Tamil Nadu. (File No. 27/36/18-19-PRAB)	30/5/2019	Disposed of



Press & Registration Appellate Board

प्रेस और पंजीकरण अपील बोर्ड

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Lodhi Road, New Delhi – 110 003 ■ 24366745-749, Fax 24368723/726

Email : secy-pci@nic.in; pcibpp@gmail.com; Website : www.presscouncil.nic.in

Item No. 1

File No.27/39/18-19-PRAB

Appeal of Shri Kishor Mhamane, Publisher/Editor Daily Kirnoday, Sangola, Dist. Solapur, Maharashtra against order dated 11/5/2018 passed by the Sub-Divisional Magistrate, Mangalwedha, Solapur, Maharashtra.

Coram:

Mr. Justice C.K.Prasad :Hon'ble Chairman

Shri Uttam Chandra Sharma :Hon'ble Member

Appearance

Appellate : Absent

On behalf of Respondent(s) : Absent

On behalf of RNI : Shri Satish Nambudiripad,
Addl. Press Registrar

Order

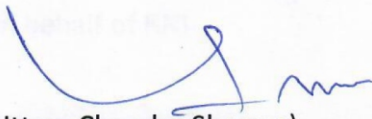
Dated : May 30th, 2019

The Appellant, aggrieved by the Order dated 11th May, 2018 passed by the Sub Divisional Magistrate, Mangalwedha, cancelling the declaration of the Daily newspaper, "Kirnoday", has preferred this appeal under Section 8 C of the Press and Registration of Books Act, 1867, 'hereinafter referred as the Act'. Despite service of notice, nobody has appeared on behalf of the Sub Divisional Magistrate nor any reply has been filed on its behalf. The Registrar of the Newspaper has filed its report and its representatives are present.

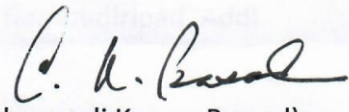
The declaration of the newspaper has been cancelled on the ground that the change of place of printing was not informed to the Magistrate within 24 hours of its change as contemplated under Section 5(3)(a) of the Act. The Sub Divisional Magistrate while cancelling the declaration has recorded a finding that the place of printing has been changed and no information as contemplated under the aforesaid provision was furnished.

The Appellant however, has asserted that infact, it was so done two days before such a direction was given to him. In the absence of any reply from the respondent, Sub Divisional Magistrate, the Appellate Board is unable to give any finding in this regard. In the facts and circumstances of the case, the assertion of the appellant needs to be examined by the Sub Divisional Magistrate himself. Accordingly, the Appellate Board sets aside the Order of the Magistrate and remits the matter back to him for reconsideration in accordance with the law learned Magistrate shall pass the order within four weeks from the date of receipt of the copy of this Order.

The appeal is allowed with the directions aforesaid.



(Uttam Chandra Sharma)
Member



(Chandramauli Kumar Prasad)
Chairman





Press & Registration Appellate Board
प्रेस और पंजीकरण अपील बोर्ड

सूचना भवन, 8 - सी.जी.ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली 110 003 -
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Email : secy-pci@nic.in; pcbpp@gmail.com; Website : www.presscouncil.nic.in

Item No. 2

File No.27/40/18-19-PRAB

Appeal of Shri Sudhakar, Owner/Publisher Hukkeri Times, Dist. Belagavi, Karnataka against the order dated 3/2/2018 rejecting the verification of title passed by the Additional District Magistrate, Belagavi, Karnataka.

Coram:

Mr. Justice C.K.Prasad : Hon'ble Chairman

Shri Uttam Chandra Sharma : Hon'ble Member

Appearance:

Appellate : Absent

On behalf of Respondent(s) : Absent

On behalf of RNI : Shri Satish Nambudiripad,
Addl. Press Registrar

Order

Dated : May 30th, 2019

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

The Appellant has preferred this Appeal against the Order dated 3.2.2018 passed by the Additional District Magistrate, Belagavi whereby his application for verification of title has been rejected.

In the absence of the Appellant, the Appellate Board is not inclined to go into the merit of the case. The Appeal is disposed of accordingly.


(Uttam Chandra Sharma)
Member




(Chandramauli Kumar Prasad)
Chairman



Press & Registration Appellate Board
प्रेस और पंजीकरण अपील बोर्ड

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Email : secy-pci@nic.in; pcibpp@gmail.com; Website : www.presscouncil.nic.in

Item No. 3

File No.27/36/18-19-PRAB

Appeal of Shri S.Kannapan, Publisher Mandra Madal, T/M Chennai, Tamil Nadu against order dated 12/4/2018 passed by the Chief Metropolitan Magistrate, Egmore, Chennai, Tamil Nadu.

Coram:

Mr. Justice C.K.Prasad : Hon'ble Chairman

Shri Uttam Chandra Sharma : Hon'ble Member

Appearance

Appellate : Absent

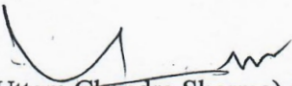
On behalf of Respondent(s) : Absent

On behalf of RNI : Shri Satish Nambudiripad,
Addl. Press Registrar
Order

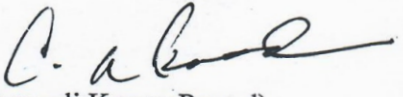
Dated : May 30th, 2019

The Appellant has preferred this appeal against the order dated 12.4.2018 passed by the Chief Metropolitan Magistrate, Egmore whereby the declaration made by the newspaper has been cancelled. The Appellant, aggrieved by the aforesaid order, had also filed CrI.O.P No. 2376 of 2019 before the High Court of Judicature at Madras and the Hon'ble Court by order dated 29.3.2019 had set aside the said order

In view of the aforesaid, this appeal has become infructuous and disposed of as such.


(Uttam Chandra Sharma)
Member




(Chandramauli Kumar Prasad)
Chairman

