

Item no. 4

**Press Council of India**

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## Press Council of India

Sl. No. 1

F.No.13/74/16-17-PCI

**Compliant of Shri G.H. Kaloo, President, Jammu & Kashmir Press Association, Srinagar against Police Authorities, Jammu & Kashmir.**

### Adjudication dated 26.09.2018

The Council took suo-motu cognizance on email dated 16.7.2016 of Shri G.H. Kaloo, President, J&K Press Association, Srinagar stating that the Press has come under attack in the Valley of Kashmir. He has further informed that all links of communication stand snapped but even then the publishers of newspapers have been working against all odds and their newspapers hitting the stands up on 15.7.2016. He alleged that the J&K Govt. imposed curbs on the publication of newspapers and raided some newspaper offices during wee hours and seized copies of newspapers without any advance notice. The Council took consideration the news reporting that Police raided the offices of newspapers, Greater Kashmir, Kashmir Uzma, Kashmir Reader, Tameel-E-Irshad, Kashmir Times, Rising Kashmir and several others in the early hours of Saturday and prevented printing of the newspapers and confiscated already printed copies.

The Council vide letter dated 18.7.2016 requested the Govt. of Jammu & Kashmir followed by reminder dated 4.8.2016 to file a report with regard to attack on press in the valley of Kashmir.

### Reply of Director General of Police

Shri Kulbir Singh, AIG (CIV) for Director General of Police, J&K, vide letter dated 20.11.2017 has informed the Council that report sought from the DIG CKR-Srinagar reveals that no newspaper office was either raided or sealed by the District Police Budgam. However, the District Magistrate Budgam vide Order issued under endorsement No. DMS/PS-44/1701-12 dated 15.7.2016 imposed ban on publication and circulation of "Kashmir Uzma" and "Rising Kashmir" newspapers within the territorial jurisdiction of District Budgam. The report further reveals that to give effect to the order the District Police Budgam informed the office bearers of the newspapers. However, no harassment to any media person, as alleged in the instant complaint, has been reported within the District during the period.

A copy of this report has been forwarded to the complainant on 14.12.2017

### Report of the Inquiry Committee

The matter came up for final hearing before the Inquiry Committee on 25.6.2018 at New Delhi. Neither the complainant nor the respondent has chosen to appear.

This proceeding was initiated on the basis of the mail sent by Shri G.H. Kaloo, President of the Jammu & Kashmir Press Association. It related to the Police crackdown on various offices of the newspapers. It was the allegation of Mr. Kaloo that the authorities prevented the publication of the newspapers in Kashmir. The report has been called for and from the perusal of the report, it seems that District Magistrate, Budgam had imposed ban on publication and circulation of two newspapers, namely Kashmir Uzma and Rising Kashmir within the territorial jurisdiction of the Budgam District. In the report, harassment to any media person has been denied.

As the District Magistrate has exercised its statutory power, the Inquiry Committee is not inclined to interfere with the same.

However, the Inquiry Committee would like to observe that the power to stop publication and circulation of the newspaper be exercised only in grave circumstances. With the aforesaid observations, the Inquiry Committee disposes of the matter.

**Held**

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

## **PRESS COUNCIL OF INDIA**

Sl. No. 2

F.No.13/169/16-17-PCI

### **Suo-motu cognizance w.r.t. assault on photo journalists by Tata Group Security Guards a Mumbai**

#### **Adjudication dated 26.9.2018**

The attention of the Council was drawn towards an incident of assault on photo journalists by Security Guards of Tata Group in Mumbai by one of its members whereby three photo-journalists were injured and hospitalized and police had registered a case in the matter.

While taking suo-motu cognizance of the matter a report on facts of the cases was called for from the Commissioner of Police, Mumbai vide Council's letter/e-mail dated 8.11.2016 simultaneously Shri H.N. Cama the then member of the Council was also requested to make discreet enquiry in the matter.

#### **Report of Shri H.N. Cama**

Shri H.N. Cama, the then Member, PCI vide e-mail dated 9.11.2016 filed his report in the matter. He has stated that a very large and unruly group of photographers were pushing their way towards Mr. Mistry as he was entering the premises. He obliged them as much as he could. In their frenzy, one photographer accidentally hit a guard with a camera and pushed him. This led to events that followed. He has also stated that the photographers here are rather aggressive but it seems as if the guards did use excessive force but there was some degree of provocation.

#### **Report of Dy. Commissioner of Police**

In response to the Council's letter of even number dated 8.11.2016 and subsequent reminder dated 9.12.2016, the Deputy Commissioner of Police, Zone-I, Mumbai vide letter dated 8.12.2016 submitted its Report of Facts and stated that the incident was happened at around 14.15 hrs. at Bombay House, 24, HomiMody Street, Fort, Mumbai when Tata Group Chairman, Shri Cyrus Mistry arrived and all the photo journalists had flocked together to take photographs at entrance of Bombay House and it was all crowded. While clicking the photographs one of the security personnels got injured below his right eye. Keeping in mind the angered security personnels started thrashing one of photo journalists, Shri Atul Kamble throwing him on the ground and kicking and hitting with blows and his camera was almost damaged. The complainant and his colleagues Arijit Sen had almost covered thrashing done by security personnel and then they both intervened to solve the dispute raised but the security personnel then collectively attacked both, Mr Shanta Kumar Sampashivan, the complainant was injured and his left leg was almost injured by the kicks of the security personnel and Arijit Sen's camera was damaged and he was also injured. The policemen who were present on duty had attended them and took complainant and others to Saint George Hospital for medical treatment and were admitted. He has further stated that after the medical treatment Mr. Shanta Kumar Sampashivan, the complainant lodged compliant against six to seven personnel of Tata Security vide C.R. No.282/16U/s141, 143, 147, 323, 325, 427 I.P.C. along with Mumbai Police Act 37(1) (3) 135 M.P. Act at Mata RamabaiAmbedakar Marg Police Station, Mumbai on the same day. As per the complaint given by the complainant, the offence had been registered and statements of all the witnesses have been recorded and accused persons had been arrested and were presented at Hon'ble Metropolitan Court. The court had released them on the Bail Bond of Rs.10,000/- each. He has also stated that the CCTV footage has been collected from the place of offence, and Medical Reports of the

complainant and his colleagues will be submitted as earliest after collecting all records from the hospital. Other evidences of the offence have been collected and charge sheet in the same will be filed in the Hon'ble Metropolitan Court as earliest as possible.

#### **Hearing of the I.C on March 14.3.2017**

The I.C in its hearing dated on March 14.3.2017 while noting that the security guards of the TOPS groups (Total Security Solution) who have been found guilty during course of the investigation have been charge sheeted were working under the control of Associated Building company, The I.C directed to issue notice to the Associated Building Company through Mr F.P Talati, C.E.O and Mr. Shashidharan M.D to file their show cause. The show cause notice dated 25.4.2017 was issued to them by the Council.

#### **Reply from The Associated Building Company Limited**

Shri Siddharth Sharma, Advocate and Authorised Representative of Shri F.P. Talati, Chief Executive, the Associated Building Company Limited vide written statement dated 11.7.2017 has stated that the incident dated 4.11.2016 was unfortunate and Tata Group's spokesperson had immediately issued a statement expressing regret and apologising to the Press and their families for the incident. However, they denied any suggestion or allegation that there was an attempt on behalf of the respondent to suppress press freedom. The respondent has further stated submitted that the Press Council lacks jurisdiction in the matter and therefore, ought to close these proceedings. The respondent is a private entity and not an authority in respect of which the Press Council is empowered to make observation under Section 15(4) of the PCI Act, 1978. Further, the suo-motu complaint does not state as to how the action of the respondent amounts to curtailment of the freedom of the press. He has submitted that the matter is currently sub-judice before the Court of Competent Jurisdiction in Mumbai of which the Council has taken Suo-motu cognizance.

A copy of written statement was forwarded to the other parties on 23.8.2017 for information.

#### **13.7.2017**

The matter came up for hearing before the I.C again on 13.7.2017 after adjournment in the matter was granted by the I.C on the request of Associated Building Company in the hearing held on 16.5.2017. They filed its Written Statement dated 11.7.2017 in the matter before the Inquiry Committee.

Taking the above stated written statement on record, the I.C without going into merit of the case suggested to the parties for resolution of the dispute amicably. For that it suggested that a meeting between the concerned journalists or their representative, the senior officers of Associated Building Co Ltd and TOPS Group Agency be held within six weeks at the place and venue to be decided by the parties and adjourned the matter.

#### **Hearing of the Inquiry committee on 20.9.2017 at New Delhi**

The Inquiry Committee held its hearing on 20.9.2017 at New Delhi. The I.C noted that the parties are likely to arrive at the settlement in pursuance of its directions dated 13.7.2017 and adjourned the matter.

#### **Reply of Chairman, Mumbai Press Club**

In pursuance of I C's direction, the Council has received a letter dated 14.2.2018 from the Chairman, Press Club Mumbai wherein it has been stated that they have amicably resolved the entire matter with Tops Security Ltd. Tops Security has voluntarily agreed to make an ex gratia contribution, totaling Rs. 30 lakh, to the corpus of the journalists' Welfare Fund maintained by the Mumbai Press Club and the Bombay News Photographers Association. It is further stated that the concerned journalists have consented to the withdrawal of the criminal proceedings pending before the Ld. Addl. Chief Metropolitan Magistrate, Mumbai. They have further requested to close the proceedings in the matter.

The matter came up for final hearing on 26.6.2017 following an adjournment dated 20.9.2017.

#### **Communication from Siddharth Sharma**

Shri Sidharth Sharma, Advocate, Counsel for the Associate Building Company Ltd., vide letter dated 20.6.2018 has submitted that in pursuant to the suggestion given by the Hon'ble Chairman and members of the Inquiry Committee, the matter has already been amicably resolved between the parties concerned. The same was communicated to the Council vide letter dated 14.2.2018 jointly written by Mumbai Press Club and Tops Security Ltd. He has further submitted that the photojournalists unconditionally consented to the quashing of the criminal proceedings against the Security Guards. Accordingly, proceedings were quashed by the Hon'ble High Court of Bombay. He has requested the Council to close the proceedings in the matter.

#### **Communication from Assistant Police Inspector**

Shri Sandeep Sawant, Assistant Police Inspector, M.R.A. Marg Police Station Mumbai, vide email dated 25.6.2018 has informed the Council that in the present complaint of Mr. Shantakumar Sampashivan, Photo Journalist, the cases have been registered under sections 141, 143, 147, 149, 323, 325, 427, IPC r/w 37(1) (3), 135 MP Act at M.R.A Marg Police Station Mumbai. He has further submitted that they have arrested seven accused and filed charge sheet against them in the Court of Addl. Chief Metropolitan Magistrate 38<sup>th</sup> Court Ballard pier Mumbai. After filing the charge sheet, the accused, complainant and other witness filed a writ petition vide criminal Application No. 125/2018 at Honorable Mumbai High Court for quashing of FIR mutually, after hearing Honorable Mumbai High Court quashed the FIR on 4.2.2018.

#### **Report of the Inquiry Committee**

The matter came up for final hearing before the Inquiry Committee on 26.6.2018 at New Delhi followed by four adjournments.

The Council took Suo-Motu cognizance in the case on the basis of the report that some of the photo-journalists were assaulted by the Tata Group Security Guards and called for a report from the Commissioner of Police, Mumbai. At the hearing of the Inquiry Committee on 13<sup>th</sup> July 2017, it was suggested to the parties for resolution of the dispute amicably. The Inquiry Committee is happy to note that the dispute has been amicably resolved. This would be evident from the letter of the Chairman of the Mumbai Press Club. He has stated that Tops Security has voluntarily agreed to make an ex- gratia contribution, totaling Rs. 30 lakh to the corpus of the journalists Welfare Fund maintained by the Mumbai Press Club and the Bombay News Photographers Association. In the letter, the Chairman has further stated that the concerned journalists have consented to the withdrawal of the criminal proceedings. On the aforesaid premise, the Chairman of the Mumbai Press Club has requested the Council to close the proceedings. The Inquiry Committee takes notes of the aforesaid communication 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 in the matter.

**Press Council of India**

Sl. No. 3

File No.13/224/16-17-PCI.

**Suo-motu cognizance with regard to attack on a journalist-Shri N. Nagarjuna Reddy in Prakasam District (Andhra Pradesh)**

**Adjudication dated 26.9.2018**

The Council's attention was drawn by one of the former members regarding brutal attack on a freelance journalist-Shri N. Nagarjuna Reddy in Prakasam District (Andhra Pradesh) on 5.2.2017 by the brother of a local MLA-Shri Amanchi Krishna Mohan and his henchmen. It was informed that the MLA was angry with Shri Nagarjuna Reddy for his critical reportage published in a local newspaper. The journalist was brutally beaten up with rods and they dashed him with their car and he is hospitalized.

The Council took suo-motu cognizance of the matter and a report on facts of the case was called for from the Government of Andhra Pradesh and Shri Amanchi Krishna Mohan, MLA, Chirala Constituency, Prakasam District on 9.2.2017.

**Written Statement from The S.P., Prakasam District**

The Superintendent of Police, Prakasam District, Ongole in his written statement dated 1.3.2017 has submitted that strong ill-feelings arose between Shri N. Nagarjuna Reddy, freelance journalist and Shri Amanchi Krishna Mohan, MLA, Chirala with regard to stoppage of GENCO Ultra Thermal Mega Power Plant issue at Nayanipalli Village of Vetapalem Mandal and Shri Amanchi Srinivasrao @ Swamulu suspected that Shri N. Nagarjuna was acting as police informer and caused huge loss to their sand transportation business. He has further submitted that Shri N. Nagarjuna Reddy had published a Telegu article in January-February 2017 in Matti Chethula Bassa, monthly journal against Shri Krishna Mohan and his family members about tarnishing their image in public. He has stated that on 5.2.2017 at 1230 hrs at Clock Tower Centre, Chirala, Shri N. Nagarjuna Reddy and Shri Amanchi Srinivasrao (Brother of MLA, Chirala) were sighted each other and some altercation had taken place between them. At the time of wordy quarrel, Amachi Srinivasrao and his henchmen assaulted and beat the said journalist with sticks and caused bleeding injuries. He has further stated that on the complaint of N. Nagarjuna Reddy, a case in Cr. No. 17/2017 u/s 143/147/148/324/307 r/w 149 IPC was registered on 5.2.2017 at 15.05 hrs at Chirala I Town P.S. at first instance. He has further stated that the medical officers, Chirala rendered treatment of the said journalist and issued medical certificates stating that the injuries are simple in nature. He has further submitted that during the course of investigation, on 11.2.2017 based on the medical certificates issued by the medical officers, the I.O. altered the section of law to 324 R/W 34 IPC by deleting 143/147/148/307 IPC. On 17.2.2017, Sec. 41(A) Cr. P.C. notices were served against A1 to A-4. He has submitted that the case is under investigation.

A copy of the same was forwarded to the concerned journalist, Shri N. Nagarjuna Reddy.

The Inquiry Committee in its hearing held on 15.3.2017 had directed for personal appearance of the superintendent of police Prakasam District A.P on next date and simultaneously directed through Dr C.Prem Kajal S.D.P.O Chirala to the hearing of case, No coercive action till hearing of the case against the concerned journalist.

**Letter from Shri K. Amarnath, Former Member, PCI**

Shri K. Amarnath vide his e-mail dated 26.3.2017 stated that the concerned journalist, Shri N. Nagarjuna Reddy was arrested in SC/ST atrocities case on Saturday and produced before the Court which remanded him to judicial custody till 7<sup>th</sup> April despite the directions of Hon'ble Chairman. He has requested to take up the case immediately and take suitable steps in the matter.

The Council vide its letter dated 30.3.2017, while forwarding the orders of the Inquiry Committee to the respondents, informed them about the arrest of the journalist Shri N. Nagarjuna

**Communication from Shri Naidu Nagarjuna Reddy**

Voluminous documents(enclosed A to E) along with related DVDs has been filed by Shri Naidu Nagarjuna Reddy, Freelance Journalist at the time of one of the hearings of the I.C held on 13.7.2017. In support of his contention he has furnished written statement dated 13.7.2017, inter alia submitting that

- A. He wrote an article "Chirala Cheeda Purugu" published in BAASA monthly magazine related to illegal and criminal activities of the local M.L.A Shri Amanchi Krishna Mohan and his men. In a result, he along with his son was beaten up with the deadly weapons. The matter was reported to the Police but nothing had happened due to influence of M.L.A. In turn, the aforesaid M.L.A. lodged a false report against the Journalist. Supported DVD/A 1, 2, 3 are enclosed as a part of representation.
- B. The journalist in this part has given the reference of old cases registered against him, Cr. No. 6/2010, Cr. No. 73/2012, Cr. No. 52/2015 and Cr.No. 87/2016 are the cases filed by A. Krishna Mohan (MLA).
- C. In part C, the Journalist has given the reference of cases those were filed by him against the said M.L.A. All the cases are pending for investigation by the Police and charge sheet is not filed so far. There are some non-bailable Warrants pending against the followers. The Journalist has filed 9 cases against the followers of M.L.A. Some of the cases were withdrawn by the Govt. of Andhra Pradesh through MLA's political influence. The journalist has requested the Council to take necessary action in the matter.
- D. In part D, the Journalist, in support of his contention, has submitted that there is a case (Election petition) pending against MLA before Hon'ble High Court of Andhra Pradesh E.P.No. 34/2014. The journalist is the crucial witness in the said election petition pending before the Court, due to which they are trying to kill him. There are other cases i.e. land grabbing, forest case, case of abusing SP & DSP, under pending investigation.
- E. In this part, the journalist has submitted that a fact finding committee consisting of representatives (journalists) has given its report in this regard. A copy of the report is enclosed herewith. He has further submitted that in spite of the same, the Police officials not enquired into the matters till today and the said complaints even after registered as crimes are kept abeyance. The journalist has submitted that even after the directions of Press Council of India not to arrest in false crimes, he was arrested by the Police and sent to judicial custody, obtained bail later on false crimes. He has requested the Council to take strict action against the said MLA and his associates and punish them according to law.

### **Communication from Superintendent of Police, Prakasam**

Mr. B.Satya Yesubabu, IPS, Superintendent of Police, Ongle A.P, vide letter dated 24.6.2018 in response of notice of hearing issued to him has given detail of cases related to Mr. N. Nagarjuna being involved in several criminal cases and offences related to Maoist activities. He has submitted that as per investigation there were some differences between Mr. Reddy, Journalist and MLA, Chirala since long time. Mr. Reddy used to publish news items against the MLA and his brother Mr. Swamulu and followers by assassinating their characters. Mr. Reddy is active in social media like WhatsApp and Facebook and has been posting vulgar and abusive comments against his opponents. He has further stated that DSP, Chirala could not hear the Order due to language problem passed by the Inquiry Committee on 15.3.2017 asking not to take coercive action against Mr. Reddy till next date. He has stated that even efforts made by Mr. Reddy to secure anticipatory bail turned futile before the Hon'ble High Court as the SC/ST cases are time bound and investigation agency felt that arrest of the accused is needed. He has further requested to close the proceeding into the matter.

### **Report of the Inquiry Committee**

The matter came up for final hearing before the Inquiry Committee on 26.6.2018 at New Delhi followed by adjournments dated 14/15.3.2017, 15.5.2017, 13.7.2017 and 20.9.2017. Mr. M. Naga Raghu, Chief Legal Advisor and Dr C. Prema Kajal, SDPO, Chirala appeared on behalf of the Superintendent of Police. Mr. K. Jaya Rao, Special Officer, A.P. Bhawan also represented the respondent.

A former member of the Council brought to the notice of the Council about the attack on a freelance journalist, Shri Nagarjuna Reddy in Prakasam District on 5<sup>th</sup> February 2017. The Council accordingly took suo-motu cognizance of the matter and called for a report from the authorities concerned. When the Inquiry Committee heard the matter on 15.3.2017, it directed Dr. Prem Kajal, SDPO, Chirala that till next hearing of the case, no action be taken against the concerned journalist i.e. Mr. N. Nagarjuna Reddy. Despite that, Mr. N. Nagarjuna Reddy was arrested on 24<sup>th</sup> March, 2017. Today, Dr. G.Prem Kajal, SDPO, Chirala appears along with her counsel and expresses her regret for the arrest of the journalist. She submits that the arrest had taken place under a mistaken belief. She tenders unqualified apology for the same.

The Superintendent of Police of the Prakasam District has placed on record the list of cases lodged against said Nagarjuna Reddy at different police stations since 2001. The Inquiry Committee takes note of regret expressed by Dr. Kajal 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 in the matter.

## **Press Council of India**

Item No. 4

File Nos.13/77/16-17/PCI  
13/158/16-17-PCI  
13/39/17-18-PCI

### **Complainants**

Dr. Sebastian Paul,  
Former Member, Press Council of India,  
Former M.P. (Lok Sabha),  
Kochi (Kerala)

Shri Anirudha Karindalam,  
Sub-Editor,  
The Week,  
Kochi (Kerala)

### **Respondents**

The Chief Secretary,  
Government of Kerala,  
Thiruvananthapuram,  
Kerala.

The Registrar,  
High Court of Kerala,  
Ernakulam (Kerala).

## **Adjudication dated 26.9.2018**

### **Complaint of Dr. Sebastian Paul, Kerala against the Government of Kerala**

Dr. Sebastian Paul, Advocate, Hon'ble High Court of Kerala vide his email dated 7.9.2016 has informed that the Reporters, both from newspapers and television, are being prevented from entering the court premises, i.e. the High Court and District Courts, in Kerala, for the purpose of gathering news from July 19, 2016 onwards. According to him, on 19<sup>th</sup> July, journalists and the lawyers confronted each other violently in front of the High Court in Kochi and on subsequent days in Thiruvananthapuram Court premises. He has further informed that it all started with the reporting by the media of the arrest of a government pleader on a charge of misbehavior with a woman in public place. He has also informed that neither the government nor the judges are taking any initiative to resolve the impasse. The advocates throughout the State are questioning the right of the journalists to enter court premises for the purpose of reporting court matters. He has stated that the media seems to have passively succumbed to this illegal pressure without even a slight resistance. According to him, the violent exclusion of the media from court proceedings is not something which can be taken lightly. Tomorrow more frustrated institutions and disappointed organizations may decide on the basis of their organized strength to outlaw the reporters. The right of the press to collect and disseminate news from an important and sacred source has been denied. Further, media rooms in the High Court in Kochi and the District Court in Thiruvananthapuram are closed. Reporters are physically prevented by the police and advocates from entering court premises. There is no direct reporting from the courts and nothing but news with vested interest is fizzled out. While submitting the Declaration regarding non-pendency of the matter in any court of law, he has requested the Council to intervene in the matter.

### **Communication received from Shri Anirudha Karindalam, Sub- Editor/Reporter, The Week, Kochi regarding attack on Journalist in Kerala**

Shri Anirudha Karindalam, Sub-Editor, The Week, Kochi vide his complaint dated 15.10.2016, received through Office of the Hon'ble Minister of Information & Broadcasting, also drew the attention of the Council towards the continuous attacks on the media persons in District Court in Trivandrum by the lawyers during coverage of court proceeding.

## **Suspension of lawyers for representing the journalists by the Thiruvananthapuram Bar Association**

S/Shri K. Amarnath, S.N. Sinha and Prabhat Dash, Members, Press Council of India and Shri Amar Devulapalli, Secretary General, IJU and V.B. Rajan, President, Kerala Journalists Union vide their joint e-mail dated 13.6.2017 have also drawn the attention of the Council towards the act of the Thiruvananthapuram Bar Association who has suspended nine of its members for accepting the brief of some journalists and media organisations in Kerala on 13<sup>th</sup> June. It has been informed that the Bar Association President said “it was done on account of flouting the decision of the Association General Body” which earlier decided that no lawyer would represent any journalist or media organisation in any case in the State. It has further informed that the decision came in the wake of nine lawyers accepting the brief of journalists representing 49 media organisations who were accused in a defamation case filed against former PCI Member and former MP, Dr. Sebastian Paul. Earlier, Dr. Paul, who was also a practising advocate, was suspended from the membership of the Bar Association.

A Status Report of the matter was called for from the Chief Secretary, Government of Kerala and the Registrar, High Court of Kerala, Ernakulam vide Council's letter dated 16.9.2016 followed by reminder dated 17.10.2016.

## **Response from High Court of Kerala**

Shri Ashok Menon, Registrar General, the High Court of Kerala vide his response dated 22.6.2017 has submitted that the subject of grievance of the complainant has been taken cognizance of by the Hon'ble High Court of Kerala on its own motion (WP (C) 24499/2016) and is pending consideration before a Full bench. Other writ petitions (WP (C) 21108/2014 and WP (C) 21336/2013), seeking directions on the matters to be reported and manner in which those are to be published with regard to Court proceedings, are also being heard along with the sou-motu proceedings. He has further submitted that a writ petition (WP (C) 24511/2016) seeking action against the lawyers who indulge in obstructing the media persons from carrying out their work in the High Court of Kerala along with the other petitions. He has stated that the matter is sub-judice before the Hon'ble Supreme Court of India (WP (C) 829/2016) also. The Hon'ble Supreme Court is awaiting the decision of the High Court of Kerala, to fix the issue. He has further stated that since July, 2016, the relation between the Bar and the Journalists is totally strained. Criminal and other proceedings are pending. There has not been any improvement in the situation and Lawyers alleged that wrong and defamatory reports are being published repeatedly by the media. He has further stated that the Government has announced the appointment of a Commission of enquiry headed by a retired Judge of the High Court to enquire into the occurrence of the incidents in which the Lawyers and Journalists are accusing each other. He has further stated that presently, following the conciliatory attempts made by the Hon'ble Chief Justice and other Judges, journalists are attending the Courts and are having facility and freedom to report court proceedings. The High Court, whole recognising the freedom of media, has been requesting that there should be accuracy in the reports. But this request has fallen on deaf ears and in fact the media has even gone to the extent of alleging that the lawyers are acting with the tacit support of Judges. Despite sincere efforts made by the Chief Justice and other judges to bring an amicable solution to the problem, there has not been much of an improvement.

A copy of the aforesaid response was forwarded to other parties vide Council's letter dated 21.7.2017 for information.

### **Report of the Inquiry Committee**

The matter came up for final hearing before the Inquiry Committee on 26.6.2018 at New Delhi followed by an adjournment dated 20.09.2017. Mr. Wills Mathews, Advocate appeared on behalf of the complainant. Mr. T.G.N. Nair, Advocate represented the respondent.

It is common ground that issue relating to the closure of the Media Room in the premises of the Kerala High Court is under consideration of the Hon'ble Supreme Court. In that view of the matter, the Inquiry Committee is not inclined to proceed in the matter any further and drops the case without expressing any opinion on the merit of the case.

### **Held**

The Press Council on consideration of records of the case and Report of the Inquiry Committee and decides to drop the proceeding as the matter is under consideration of the Hon'ble Supreme Court.

**Press Council of India**

Item No. 5

F.No.13/162/16-17-PCI.

**Complainant**

Ms. Sarvesh,  
Freelancer Photo-journalist,  
New Delhi.

**Respondents**

The Chief Secretary,  
Government of U.P.,  
Lucknow.

The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow.

District Collector,  
District Mathura (U.P.).

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

Acharya Mridulkant Shastri,  
S/o Sh. Vishnu Kant Shastri,  
Patharpura, Vrindavan,  
Mathura (U.P.).

**Adjudication dated 26.9.2018**

This complaint dated 20.10.2016 has been filed by Ms. Sarvesh, Freelancer Photo-journalist, New Delhi against Acharya Mridulkant Shastri, Mathura for allegedly beating her during coverage of news. According to her, she visited Vrindavan on a professional assignment on 14.10.2016 for covering the “Nastik Sammelan” and when she was clicking pictures of the event, a person named; Acharya Mridul Kant Shastri and his associates pushed her away and asked her to stop clicking. The complainant further informed that when she said that she is doing her job, he slapped her multiple times and manhandled her. The complainant has stated that she has also the video footage of the incident and the same was submitted by her to the Sr. Superintendent of Police, Mathura and Ms. Ira Jha, Member, National Commission of Women also. She has requested the Council to take necessary action in the matter.

**Reply of the respondent**

The respondent, Acharya Mirdul Kant Shastri, vide his letter dated 20.9.2017 has informed the Council that all the allegations made by the complainant, Smt. Sarvesh, are baseless. He has further submitted that the complainant had a facebook I.D. with name of “Sarvesh Tai Nastik” which was deleted later and same could be verified by the cyber expert. He has submitted that the complainant turned up at the Nastik Sammelan as a participant not as a journalist. He has further submitted that she misbehaved with him that is why he forced her to go away from the place.

**Reply of Senior Superintendent of Police**

The Senior Superintendent of Police, Mathura, U.P, vide letter dated 17.9.2017 has informed the Council that Shri Vijay Shankar, Circle Officer, had been appointed to investigate the matter and it has come out in the investigation that an event called “Nastik Sammelan” was organised in Ammaji Restaurant, Vrindavan, by Shri Balender. He has

further informed that the complainant, Smt. Sarvesh, Freelancer photo journalist, was also present at the event, started shooting but some saints raised objection over shooting the event. He has submitted that the allegations of assault on the complainant by the respondent, Shri Mirdul Kant, could not be proved.

The Senior Superintendent of Police, Mathura, U.P. vide another letter dated 24.6.2018 has informed the Council that an affidavit has been filed by Mr. Govindanand Ji Maharaj stating that he does not want to proceed against the respondent Mr. Balendu and Yatender. A final report with S.NO. 245/17 dated 9.10.2017 has been filed which is under consideration in the Hon'ble Court.

### **Report of the Inquiry Committee**

The matter came up for final hearing before the Inquiry Committee on 26.6.2018 at New Delhi. The complainant, Smt. Sarvesh, Photo journalist appeared in person. Shri Mahendra Kumar, Inspector handed over a letter of S.P. Mathura to the Inquiry Committee. Shri Rahul Yadav, Dy. Collector also represented the respondent.

The Inquiry Committee has heard the complainant as also the representative of the respondents and perused the complaint and all connected papers. Taking into consideration the facts and circumstances of the case, the Inquiry Committee is not inclined to proceed in the matter any further. The Inquiry Committee, accordingly, dispose of the matter.

### **Held**

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

**PRESS COUNCIL OF INDIA**

Item No.6

F.No. 13/234/15-16-PCI  
Tagged with File Nos. 13/206/15-16,  
13/185/15-16 & 13/207/15-16

**Suo-motu cognizance w.r.t. arrest of a journalist, Shri Prabhat Singh in Chhattisgarh**

**Adjudication dated 26.9.2018**

A news clipping under the caption “Latest journalist arrest in Chhattisgarh is for a Whatsapp dig at a cop” appeared in the Indian Express issue dated 23.3.2016 regarding arrest of a journalist-Shri Prabhat Singh, Jagdalpur, Chhattisgarh. Expressing grave concern over arrest of journalist by the police for allegedly posting an “obscene message” about a senior police officer on Whatsapp Groups, Council took Suo-motu cognizance of the issue and called a Report on facts of the case from the Govt. of Chhattisgarh on 28.3.2016 followed by a reminder dt. 17.5.2016. A Press Release was also issued on 29.3.2016.

**Reply of Sh. S.K. Ranjan, JS, Home(Gen)Deptt. Chhattisgarh Govt.**

In response to Council’s letter dated 28.3.2016, the respondent, Joint Secretary, Home (Gen.) Deptt. Govt. of Chhattisgarh vide letter dated 24.5.2016 informed that one Shri Santosh Tiwari, Journalist, Indian News, Jagdalpur has filed a report on 5.3.2016 that “*बस्तरन्यूजग्रुप*” is admin of Whatsapp Group which has public-representatives, administrative officers, and women of social repute as its members. The group has been sharing day to day news among themselves. It was alleged that on 1.3.2016, Shri Prabhat Singh posted a vulgar message through mobile in the said Whatapp Group. On the basis of this Report, a complaint No. 79/2016 U/S 292 IPC, 67, 67(क) I.T.Act has been registered in police station.

1. On 4.8.2015, Shri ShivnathBaghel, NayebTehsildaar and Executive Magistrate, Geedam filed a report in Police Station, Geedam that Shri Prabhat Singh and four persons were illegally charging Rs.20/- each from villagers towards making of Aadhar Cards. Police Station, Geedam in this regard has registered a case no. 7/2015 U/S 420, 120B, 34 of IPC and U/S 3(1)(Vक) of SC/ST Atrocity Act, 1989. After investigation in the matter on the basis of evidence found against them they were arrested on 9.12.2015. Further, a bail application filed by Shri Prabhat Singh, in court of Dantewara, Bastar, the Judge after hearing in the matter, in his order has mentioned that accused has illegally charged money from poor tribes in connection with Govt. run schemes.

2. Mr. RanjeetTeekam, resident of Geedam on 8.8.2015 filed a report in Police Station, Geedam that Shri Prabhat Singh alongwith another person without permission, illegally entered examination hall of Govt. High School, Geedam and forcibly started taking photographs. On being asked not to do so, he misbehaved and threatened the teachers thereby created hindrance in conducting examination. The Police Station, Geedam on the basis of report, registered a case no. 9/2015 U/S 448, 385, 353, 186 & 34 IPC and U/S 6 of Chhattisgarh Public Examination Act. Shri Prabhat Singh was arrested on 22.3.2016 on basis of evidence found against him in the matter.

Another case was also registered U/S 420 of IPC against Shri Prabhat Singhfor making Aadhar Card on behalf of Choice Kendra, Balsore (Agency) and illegally charging money from people for preparing Aadhar Card in Balsore, Chhattisgarh. He was arrested on 22.3.2016.

The complainant alleged that Shri Prabhat is not performing his journalistic duties fairly and has been demanding money from the officers by threatening them in the garb of journalism. The respondent further informed that the complainant (accused) being a young local journalist, who will not influence witnesses, should not be the basis for being released on the bail. The bail application of the complainant is rejected and the matter is sub-judice.

### **Report from Addl. General of Police, Chhattisgarh**

The Additional Director General of Police, Crime Research Department, Police Headquarter Chhattisgarh, Naya Raipur, vide letter dated 21.11.2017 has produced report about the attack on Ms. Malini Subramaniam and other journalists.

1. A case No. 44/2016 Under Sections 451, 427 IPC was registered in Police Station Kotwali, Jagdalpur, Chhattisgarh, after unknown accused threw stone and damaged the car of Ms. Malini Subramaniam in her house. Efforts were made to arrest the accused but the whereabouts of the accused could not be known and the matter with serial no. 11/2017 dated 17.4.2017 was sent for closure.
2. National highway no. 30 was obstructed with trees and digging land by the Maoists in Darabha Police Station, Bastar. Accordingly, a case no. 50/15 U/S 147,148,149,341,120-B, 431, 307, 302 IPC, 25, 27, Arms Act, 3,4, Explosive Substances Act was registered. In the investigation, the complainant Shri Santosh Yadav was found to have connection with Maoists and after confirmation his involvement he was arrested on 30.9.2015 and taken into judicial custody. During the investigation, Shri Santosh Sharma has not presented any evidence of his being journalist.
3. On 25.6.2015 few people having connection with Maoists looted many things from Chotekadma village, Kodinar Police Station, Bastar. A case no. 53/15 under section 395, 435 IPC, 25, 27 Arms Act was registered and the investigation was started. During investigation sufficient evidence were collected against Shri Somaru Ram Nag and was arrested accordingly on 19.7.2015. A petition no 71/2015 was filed in the Court on 12.10.2015 and the Court acquitted the accused.
4. Shri Santosh Tiwari, Reporter Indian News, Jagdalpur, filed a complaint that "Bastar News Group" is the Admin of the Whatsapp and on 1.3.2016 Shri Prabhat Singh posted some obscene messages on it. Accordingly, a case no. 79/2016 Under Section 292 IPC, 67, 67(a), IT Act, was registered and investigation was initiated. After finding sufficient evidence against Shri Prabhat Singh, he was arrested on 22.3.2016 and was produced (Case no. 552/16) before Hon'ble Court on 19.5.2016

### **Response from Govt. of Chhattisgarh**

A letter dated 18.4.2017 has been received from the Under Secretary, Govt. of Chhattisgarh wherein he has informed that a criminal case no. 24/2015 u/s 420 IPC in Barsur PS and another criminal case no. 77/2015 u/s 420/120B/34 IPC in Geedam PS was registered against Shri Prabhat Singh, journalist for extorting money illegally from the villagers in the name of preparing their AADHAR cards. He has further informed that another criminal case no. 79/2015 u/s 448/385/353/186/34 IPC and Sec 6 of Chhattisgarh Social Examination Act in Geedam PS was also registered against the accused journalist Prabhat Singh for forcefully entering in the examination hall of Shaskiya Uchhtar Madhyamik Vidyalaya, Geedam and creating problems in the examination by clicking photographs. He has stated that in all the above cases, Chargesheet have been filed before the Magistrate after the evidences found against the accused Prabhat Singh during investigation and Prabhat Singh was sent to judicial custody. At present, the cases are pending before the Court. He has further stated that a letter

dated 18.1.2017 was received from the students of Delhi and Jawahar Lal Nehru University in respect of the security of Prabhat Singh and the same has been forwarded to the Superintendent of Police, Dantewada for necessary action.

### **Minutes of meeting of the High Level Coordination Committee**

In response to Council's communication dated 17.3.2017 and 5.4.2017, Shri B.B.Sharma, Under Secretary, Home Department, Raipur, Govt. of Chhattisgarh vide letter dated 1.5.2017 filed a copy of Minutes of the Coordination Committee . The gist of the Minutes is given herein below:

- a. Additional Director General of Police, Crime research, Crime research Police Headquarter has started sending numeric quarterly report on regular basis with respect to cases registered in connection with the journalists.
- b. Secretary, Home Department, Police has given assurance to direct departmental officers to constitute a high level Coordination Committee for proper maintenance of record regarding cases to be considered by the Committee and for providing requisite record expeditiously as and when demanded.
- c. Regarding decision of Coordination Committee in its meeting dated 9.9.2016 for fixing responsibility for not following prescribed procedure laid down in circular dated 31.1.2006 regarding Shri Santosh Yadav, Shri Samaru Nag and Shri Prabhat Singh, it has been stated that action is being taken by the Police Headquarter for issuing letters to concerned persons in this regard.
- d. In pursuance of Committee decision dated 9.9.2016 for taking action in the light of circulars issued by the State Govt. regarding beating, Durg based reporter of ETV, Shri Narendra Markandey, Superintendent of Police and Inspector General of Police sent report after inquiry, which was placed before Committee for consideration. Members of the Committee, on being satisfied with the action taken by the Inspector General of Police,Durg, decided to close the matter.
- e. The Committee considered the process laid down by the Police Investigating Officer to verify the identity of concerned reporters before registering criminal cases against them. After considering the matter, members of the Committee decided that if a person claims to be a reporter in front of Police investigating Officer, then it would be the duty of the Investigating Police Officer to send the record of evidences to the Public Relation Officer and get the information.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.7.2018 at Bhopal. Following adjournments dated 13.07.2016, 06.09.16,15.12.16, 06.02.13 and 04.10.17. There was no appearance on behalf of the respondents.

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 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.

## **Press Council of India**

Sl. No. 7

File No.13/206/15-16-PCI

Tagged along with File Nos.  
13/234/15-16, 13/185/15-16 & 13/207/15-16

### **Suo-motu cognizance with regard to attack on a senior journalist-Ms. Malini Subramaniam in Bastar (Chhattisgarh)**

#### **Draft Adjudication dated 26.9.2018**

A Member of the Council vide his email dated 19.2.2016 drew attention of the Council towards attack on a senior journalist-Ms. Malini Subramaniam in Bastar (Chhattisgarh). In this regard, news appeared in The Hindu was forwarded wherein it was reported that the freelance journalist Ms. Subramaniam was forced to vacate her home on 18.2.2016 by her landlord allegedly under pressure from the police in Jagdalpur, Bastar district (Chhattisgarh) and she was forced to leave Jagdalpur town. Earlier, there was an attack on her residence on 7.2.2016 by a group called Samajik Ekta Manch, reputed to be a vigilante group created by the police. Ms. Subramaniam is a senior journalist of print and electronic media for the last three decades and hounding her out of Jagdalpur is a clear case of attack on freedom of the media. She seemed to have been targeted because of her reportage which exposed some of their illegal and extra constitutional actions. He requested to take suo-motu cognizance of the case.

Some concerned citizens have also filed joint petition detailing the situation with regard to freedom of press in Bastar. They have requested the Council to intervene to preserve the journalists' right to livelihood and their physical security in the region.

While taking a suo-motu cognizance of the matter, a report on facts was called for from the Government of Chhattisgarh vide Council's letter dated 29.2.2016.

#### **Response from Govt. of Chhattisgarh**

The Joint Secretary, Govt. of Chhattisgarh vide his letter dated 28.7.2016 has submitted his response in which he has stated that a case no. 44/2016 u/s 451/427 IPC has been registered on 9.2.2016 against unknown accused in the written complaint filed by Ms. Subramaniam in police station on 9.2.2016 against unknown persons for breaking the glass of her car by throwing stone. He has further stated that during the investigation, statement of maid of Ms. Subramaniam, Land lord Shri Manoj and other neighbours have been taken but no information has been received with regard to the name of person who broke the glass. He has submitted that the accused in the matter is unknown and search is going on. The matter is pending at present.

#### **Minutes of meeting of the High Level Coordination Committee**

In response to Council's communication dated 17.3.2017 and 5.4.2017, Shri B.B.Sharma, Under Secretary, Home Department, Raipur, Govt. of Chhattisgarh vide letter dated 1.5.2017 filed a copy of Minutes of the Coordination Committee . The gist of the Minutes is given herein below:

- a. Additional Director General of Police, Crime research, Crime research Police Headquarter has started sending numeric quarterly report on regular basis with respect to cases registered in connection with the journalists.
- b. Secretary, Home Department, Police has given assurance to direct departmental officers to constitute a high level Coordination Committee for proper maintenance of

record regarding cases to be considered by the Committee and for providing requisite record expeditiously as and when demanded.

- c. Regarding decision of Coordination Committee in its meeting dated 9.9.2016 for fixing responsibility for not following prescribed procedure laid down in circular dated 31.1.2006 regarding Shri Santosh Yadav, Shri Samaru Nag and Shri Prabhat Singh, it has been stated that action is being taken by the Police Headquarter for issuing letters to concerned persons in this regard.
- d. In pursuance of Committee decision dated 9.9.2016 for taking action in the light of circulars issued by the State Govt. regarding beating, Durg based reporter of ETV, Shri Narendra Markandey, Superintendent of Police and Inspector General of Police sent report after inquiry, which was placed before Committee for consideration. Members of the Committee, on being satisfied with the action taken by the Inspector General of Police, Durg, decided to close the matter.
- e. The Committee considered the process laid down by the Police Investigating Officer to verify the identity of concerned reporters before registering criminal cases against them. After considering the matter, members of the Committee decided that if a person claims to be a reporter in front of Police investigating Officer, then it would be the duty of the Investigating Police Officer to send the record of evidences to the Public Relation Officer and get the information.

#### **Endorsement copy from Govt. of Chhattisgarh**

A endorsement copy dated 24.3.2017 addressed to the Director General of Police has been received in the Council from Shri Tanuja Salaam, Under Secretary, Govt. of Chhattisgarh, Home Department, Mantralaya, Raipur, wherein the DGP has been directed to investigate the matter and produce the report before the Press Council of India.

Another endorsement copy dated 23.3.2017 addressed to Director Public Relations, Indravati Bhawan, Naya Raipur, Chhattisgarh, received in the Council from Shri B.B. Sharma, Under Secretary, Home Department, Raipur, wherein, the Director Public Relations has been directed to conduct an enquiry in respect to attack on journalist Ms. Malini Subramaniam before 30.3.2017.

#### **Response from Govt. of Govt. of Chhattisgarh dated 30.8.2017**

In response to Council letter dated 29.2.2016 & 28.3.2016, Shri Karmela Lakda, Under Secretary, Home (Gen.) Department, Govt. of Chhattisgarh, Raipur vide his letter dated 30.8.2017 has informed that as per the report dated 8.8.2017 received from the Police Headquarters, Chhattisgarh, Raipur, the matter was placed before High Level Coordination Committee comprising of the Director, Directorate of Public Relations and Member Secretary. He has further informed that as no criminal case has been filed against Ms. Malini Subarmaniam by the Police, the matter is not found suitable to be considered by the High Level Coordination Committee

#### **Report from Addl. General of Police, Chhattisgarh**

The Additional Director General of Police, Crime Research Department, Police Headquarter Chhattisgarh, Naya Raipur, vide letter dated 21.11.2017 has produced report about the attack on Ms. Malini Subramaniam and other journalists.

1. A case No. 44/2016 Under Sections 451, 427 IPC was registered in Police Station Kotwali, Jagadalpur, Chhattisgarh, after unknown accused threw stone and damaged the car of Ms. Malini Subramaniam in her house. Efforts were made to arrest the accused but the whereabouts of the accused could not be known and the matter with serial no. 11/2017 dated 17.4.2017 was sent for closure.

2. National highway no. 30 was obstructed with trees and digging land by the Maoists in Darabha Police Station, Bastar. Accordingly, a case no. 50/15 U/S 147,148,149,341,120-B, 431, 307, 302 IPC, 25, 27, Arms Act, 3,4, Explosive Substances Act was registered. In the investigation, the complainant Shri Santosh Yadav was found to have connection with Maoists and after confirmation his involvement he was arrested on 30.9.2015 and taken into judicial custody. During the investigation, Shri Santosh Sharma has not presented any evidence of his being journalist.
3. On 25.6.2015 few people having connection with Maoists looted many things from Chotekadma Village, Kodonar Police Station, Bastar. A case no. 53/15 under section 395, 435 IPC, 25, 27 Arms Act was registered and the investigation was started. During investigation sufficient evidence were collected against Shri Somaru Ram Nag and was arrested accordingly on 19.7.2015. A petition no 71/2015 was filed in the Court on 12.10.2015 and the Court acquitted the accused.
4. Shri Santosh Tiwari, Reporter Indian News, Jagdalpur, filed a complaint that “Bastar News Group” is the Admin of the Whatsapp and on 1.3.2016 Shri Prabhat Singh posted some obscene messages on it. Accordingly, a case no. 79/2016 Under Section 292 IPC, 67, 67(a), IT Act, was registered and investigation was initiated. After finding sufficient evidence against Shri Prabhat Singh, he was arrested on 22.3.2016 and was produced (Case no. 552/16) before Hon’ble Court on 19.5.2016

#### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.7.2018 at Bhopal followed by adjournments dated 9.6.2016, 8.8.2016, 15.12.2016, 6.2.2017, 4.10.2017. There was no appearance on behalf of the respondents.

The Inquiry Committee has perused the record and in view of the subsequent development, is not inclined to proceed in the matter any further. The Inquiry Committee accordingly 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 decides to drop the proceeding.

**Press Council of India**

Sl. No. 8

File No.13/185/15-16-PCI.

**Complainant**

Shri Kamal Shukla,  
Patrakar Suraksha Kanoon  
Sanyukt Sangharsh Samiti,  
Kanker,  
Bastar (Chhattisgarh)

**Respondent**

The Chief Secretary,  
Government of Chhattisgarh,  
Naya Raipur (Chhattisgarh)

The Secretary,  
Home (Police) Department,  
Government of Chhattisgarh,  
Naya Raipur (Chhattisgarh)

The Director General of Police,  
Chhattisgarh Police,  
Naya Raipur (Chhattisgarh)

The Superintendent of Police,  
Bastar (Chhattisgarh)

**Adjudication dated 26.9.2018**

Shri Kamal Shukla, Patrakar Suraksha Kanoon Sanyukt Sangharsh Samiti, Kanker; The Media Foundation, Delhi and others vide Representation dated 26.11.2015 addressed to Shri Arun Jaitly, Hon'ble Minister of Information & Broadcasting informed about the arrests and custodial torture of two Hindi language journalists namely; Shri Santosh Yadav and Shri Somaru Nag from the Darbha Block of Southern Bastar in Chhattisgarh on the charge of supporting Maoists. The Ministry of Information and Broadcasting vide letter dated 6.01.2016 has forwarded the grievance to the Council for necessary action. According to Shri Shukla, Shri Santosh Yadav was arrested by the police on 29.9.2015 and Shri Somaru Nag, an Adivasi journalist, was arrested on 16.7.2015. Shri Yadav used to report for multiple Hindi newspapers including Dainik Navbharat and Dainik Chhattisgarh. Shri Nag was a stringer-cum-agent with Rajasthan Patrika. While Shri Somaru Nag has been charged under the IPC and the Arms Act, Yadav has been charged under the IPC, the Arms Act, the Unlawful Activities Prevention Act and the Chhattisgarh Public Security Act. They have further informed that there is no clarity as to the charges filed against them, or the evidence on which the police have accused them for their alleged association with the Maoists. While referring to reports in this regard, the petitioners have stated that Shri Yadav's name was added to a case where 18 villagers were arrested and charged with an encounter, which took place on 21.8.2015 during a road-opening operation by the security forces in which a Special Police Officer was killed. Shri Nag was charged with keeping a look out on the movements of the police, while a group burnt a crusher plant deployed in road construction in Chote Kadma on 26.6.2015. According to them, local lawyers and members of the People's Union of Civil Liberties said that police had been harassing Shri Yadav for several months now, ever since he began reporting on the conflict between the police and the Maoists. While the police personnel stated that he had links with the Maoists, civil liberties activists alleged that the police was pressurising Shri Yadav to become an informer for them. They have stated that their arrests have contributed to a deep sense of insecurity amongst journalists in the state and a fear that, not just their work, but their own lives, will be in danger if they venture out to do any independent investigation, or stories that are critical of either the security forces or of the Maoists. They have further stated that these arrests suggest that journalists cannot expect any protection under the law from the police and security forces.

According to them, in order to protest their right to work and report freely, the local journalists have formed a “Patrakar Suraksha Kanoon Sanyukt Sangharsh Samiti” and this body demands-

1. that both the journalists be immediately released
2. that the state create conditions for reporters to work and travel freely, and without fear or harassment
3. that the practice of fake arrests stop and that the Chhattisgarh Public Security Act be repealed or not used against reporters; and
4. an investigation into the methods adopted by senior police official S.R.P. Kalluri, who has created an atmosphere of terror in Baster region, especially against the media.

A report on facts was called for from the Government of Chhattisgarh vide Council's letter dated 22.1.2016

#### **Response from Govt. of Chhattisgarh**

The Under Secretary, Govt. of Chhattisgarh vide his letter dated 1.8.2016 has submitted his response in which he has submitted the information received from the Police Headquarter, Raipur that Shri Santosh Yadav was found involved in the incident during investigation and upon having sufficient evidence, he was arrested on 30.9.2015 and Charge Sheet was presented before the Hon'ble Court on 17.2.2016 in case no. 04/2016. The matter is presently pending.

The Secretary, Govt. of Chhattisgarh vide his letter dated 4.2.2016 referred to the December 24, 1986 circular which was re-issued on 3.2.2006 concerning guidelines to be adhered while filing of cases against journalists so as to safeguard freedom of press and all the Superintendents of Police were asked to ensure its compliance. He further stated that apart from this, a Co-ordination Committee was also constituted for the purpose of examining the cases between the journalist and the Administration. He also furnished the names of the members of the Co-ordination Committee.

A copy of the aforesaid response was forwarded to the complainant on 29.11.2016 for information.

#### **Minutes of meeting of the High Level Coordination Committee**

In pursuance to the direction dated 6.2.2017 of the Inquiry Committee when the matter was head in Kolkata called for a Report of a Coordination Committee vis-à-vis Grievance Committee set up for journalists.

In response thereto, Shri B.B.Sharma, Under Secretary, Home Department, Raipur, Govt. of Chhattisgarh vide letter dated 1.5.2017 filed a copy of Minutes of the Coordination Committee. The gist of the Minutes is given herein below:

- a. Additional Director General of Police, Crime research, Crime research Police Headquarter has started sending numeric quarterly report on regular basis with respect to cases registered in connection with the journalists.
- b. The Secretary, Home Department, Police has given assurance to direct departmental officers to constitute a high level Coordination Committee for proper maintenance of record regarding cases to be considered by the Committee and for providing requisite record expeditiously as and when demanded.

- c. Regarding decision of Coordination Committee in its meeting dated 9.9.2016 for fixing responsibility for not following prescribed procedure laid down in circular dated 31.1.2006 regarding Shri Santosh Yadav, Shri Samaru Nag and Shri Prabhat Singh, it has been stated that action is being taken by the Police Headquarter for issuing letters to concerned persons in this regard.
- d. In pursuance of Committee decision dated 9.9.2016 for taking action in the light of circulars issued by the State Govt. regarding beating, Durg based reporter of ETV, Shri Narendra Markandey, Superintendent of Police and Inspector General of Police sent report after inquiry, which was placed before Committee for consideration. Members of the Committee, on being satisfied with the action taken by the Inspector General of Police, Durg, decided to close the matter.
- e. The Committee considered the process laid down by the Police Investigating Officer to verify the identity of concerned reporters before registering criminal cases against them. After considering the matter, members of the Committee decided that if a person claims to be a reporter in front of Police investigating Officer, then it would be the duty of the Investigating Police Officer to send the record of evidences to the Public Relation Officer and get the information.

A copy of the Minutes provided by Govt. of Chhattisgarh was forwarded to Shri Kamal Shukla for information on 9.5.2017.

#### **Report from Addl. General of Police**

The Additional Director General of Police, Crime Research Department, Police Headquarter Chhattisgarh, Naya Raipur, vide letter dated 21.11.2017 has produced report about the attack on Ms. Malini Subramaniam and other journalists.

1. A case No. 44/2016 under Sections 451, 427 IPC was registered in Police Station Kotwali, Jagdalpur, Chhattisgarh, after unknown accused threw stone and damaged the car of Ms. Malini Subramaniam in her house. Efforts were made to arrest the accused but the whereabouts of the accused could not be known and the matter with serial no. 11/2017 dated 17.4.2017 was sent for closure.
2. National highway no. 30 was obstructed with trees and digging land by the Maoists in Darabha Police Station, Bastar. Accordingly, a case no. 50/15 U/S 147,148,149,341,120-B, 431, 307, 302 IPC, 25, 27, Arms Act, 3,4, Explosive Substances Act was registered. In the investigation, the complainant Shri Santosh Yadav was found to have connection with Maoists and after confirmation his involvement he was arrested on 30.9.2015 and taken into judicial custody. During the investigation, Shri Santosh Sharma has not presented any evidence of his being journalist.
3. On 25.6.2015 few people having connection with Maoists looted many things from Chotekadma Village, Kodanar Police Station, Bastar. A case no. 53/15 under section 395, 435 IPC, 25, 27 Arms Act was registered and the investigation was started. During investigation sufficient evidence were collected against Shri Somaru Ram Nag and was arrested accordingly on 19.7.2015. A petition no 71/2015 was filed in the Court on 12.10.2015 and the Court acquitted the accused.
4. Shri Santosh Tiwari, Reporter Indian News, Jagdalpur, filed a complaint that "Bastar News Group" is the Admin of the Whatsapp and on 1.3.2016 Shri Prabhat Singh posted some obscene messages on it. Accordingly, a case no. 79/2016 Under Section 292 IPC, 67, 67(a), IT Act, was registered and investigation was initiated. After finding sufficient evidence against Shri Prabhat Singh, he was arrested on 22.3.2016 and was produced (Case no. 552/16) before Hon'ble Court on 19.5.2016

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.7.2018 at Bhopal. There was no appearance from either side. The complainant however vide e-mail dated 23.7.2018 expressed his inability to present before the Inquiry Committee at Bhopal as he apprehends action by the respondent police authorities.

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 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 as matters in question in complaint are sub-judice.

**Press Council of India**

**Sl.No. 10**

**F.No.13/249/16-17-PCI.**

**Complainant**

Shri Abhishek Awasthi,  
Journalist,  
Dainik Patrika,  
Vidisha (M.P.).

**Respondents**

The Chief Secretary,  
Government of Madhya Pradesh,  
Bhopal (M.P.).

The Secretary,  
Home (Police) Department,  
Government of Madhya Pradesh,  
Bhopal (M.P.).

The Director General of Police,  
Madhya Pradesh Police,  
Bhopal (M.P.)

The District Collector,  
District Vidisha (M.P.).

The Sr. Superintendent of Police,  
District Vidisha (M.P.).

The Dy. Superintendent of Police,  
Ajaak,  
District Vidisha (M.P.).

Shri Raju Ahirwar,  
Sarpanch, Village-Ambanagar,  
Vidisha (M.P.).

Shri Bhagat Singh,  
Gram Panchayat Secretary,  
Ambanagar, District Panchayat  
Basauda,  
Vidisha (M.P.)

Shri Prayag Raghuvanshi,  
Member,  
District Panchayat Ganjbasauda,  
Vidisha (M.P.).

**ADJUDICATION**

**Dated: 26.09.2018**

This complaint dated 8.3.2017 has been filed by Shri Abhishek Awasthi, Journalist, Dainik Patrika, Vidisha (M.P.) against the police authorities and Shri Raju Ahirwar, Sarpanch, Village-Ambanagar, Vidisha for allegedly registering false case due to publication of critical writings. According to the complainant, he published some news regarding illegal activities being executed with the help of the police. Annoyed with this, the police registered a false case against him in Basauda Police Station on 23.2.2017 under Sections 327/294/506

IPC and 3(1)(r)&(s) of SC/ST Act, 1989 on the basis of a false complaint filed by one Shri Raju Ahirwar, Sarpanch, Village Ambanagar, Vidisha. The complainant stated that he was not present at the place of incident on that day i.e. 21.2.2017. In this regard, the complainant sent a complaint to the Sr. Superintendent of Police, Vidisha on 25.2.2017 and informed that the matter is being investigated by the Deputy Superintendent of Police, Ajaak, District Vidisha. He further alleged that annoyed with exposure of irregularities in government schemes, one of the members of District Panchayat attacked him. The complainant filed an FIR on 21.3.2017 in Police Station-City Basauda in this regard. He has requested the Council to take necessary action against the guilty.

Notices for Statement in Reply were issued to the respondents on 14.7.2017.

#### **Reply of Shri Raju Ahirwar**

Shri Raju Ahirwar, Sarpanch, Gram Panchayat-Ambanagar, Vidisha vide his written statement dated 14.7.2017 while denying the allegations has submitted that the complainant contacted him for getting information regarding development works in the area and also demanded money for not publishing news against him. The respondent further alleged that the complainant also threatened to remove him from his post. According to the respondent the news items published by the complainant against him are totally false and misleading. He submitted that on the day of incident, the complainant misbehaved with him. In this regard, he gave an application to the S.H.O., Police Station-Ganjbasauda and after finding the allegation correct, an FIR was lodged against the complainant.

A copy of the written statement was forwarded to the complainant on 28.8.2017.

#### **Reply of Superintendent of Police, Vidisha**

In response to Notice for Statement in Reply dated 14.07.2017, Shri Vineet Kapoor, Superintendent of Police, District Vidisha vide letter dated 31.08.2017 addressed to the Secretariat and copy endorsed to the complainant submitted that the matter was investigated by the Sub-Divisional Office: Police, Ganjabasauda. According to the report, Shri Raju Ahirwar, Sarpanch, Village Panchayat Ambanagar had lodged a complaint on 23.02.2017. On the basis of his complaint, a case was registered against Shri Abhishek Awasthi under Sections 327/294/506 IPC and 3(1)(r)&(s) of SC/ST Act and is being investigated by the Deputy Superintendent of Police, Ajaak, District Vidisha. Further the complainant in his complaint has alleged that criminal case has been registered against him as a reprisal measure for his critical writing. In this regard, he stated that the impugned news item is related to the same incidents occurred in the area and were not specifically connected to a particular person, therefore, complainant's this grievance has not been established. Regarding complainant's grievance that no enquiry has been conducted for tower location of his mobile and call details, the matter is under process as a criminal case is registered against him and matter is under investigation. He also submitted that the facts stated by the complainant in his defence has also become part of the record in investigation which is being conducted by the DSP, Vidisha and further action will be taken accordingly. A copy of the reply of the Superintendent of Police, Vidisha was forwarded to the complainant on 23.9.2017 for information.

#### **Reply of Dy. Superintendent of Police, Ajak, District-Vidisha**

Shri Mukesh Chaube, Dy. Superintendent of Police, Ajak, District-Vidisha vide letter dated 28.08.2017 while endorsing copy to the complainant submitted that the matter has been handed over to him for investigation. He has taken on records statements of complainant/witnesses/cdr of the alleged person/café/call details w.r.t. the incident in question. The investigation will be concluded shortly. He further submitted that criminal

case is not registered against the complainant by the police authority with any kind of bad intention or conspiracy.

A copy of the reply of Dy. Superintendent of Police, Ajak, District-Vidisha was forwarded to the complainant on 25.9.2017 for information.

### **Reply of ADG of Police, Bhopal**

The Addl. Director General of Police, Bhopal vide letter dated 20.7.2018 while reiterating statement of Superintendent of Police, Vidisha submitted that the matter was disposed of on 30.01.2018 for non-availability of proof against the complainant. Reply of Collector, Distt.Vidisha.

The Collector, District Vidisha vide letter dated 20.7.2018 while reiterating statement of ADG of Police submitted that the SHO, P.S.-Basoda has been directed to dispose of the matter.

### **Recommendation of the Inquiry Committee**

Following adjournment dated 30.7.2017, the matter came up for final hearing before the Inquiry Committee on 23.07.2018 at Bhopal. Shri Vinod Kumar Singh Chauhan, Addl. S.P., Vidisha, Shri Anil Kumar,IPS, ADG, Shri Devendra P.S., Rajput, Shri Prakash Nayak, SDO(A), Shri B.K.Jada, represented the respondent side.

The complainant has filed this complaint *inter alia* alleging that because of the critical writings, he has been falsely implicated in a criminal case on the basis of the information given by the Sarpanch.

Despite service of notice, the complainant has not chosen to appear. The Additional Superintendent of Police, Vidhisha is present and states that after the investigation, the investigating agency has found no evidence in support of the allegations and accordingly given the final report, which is under consideration of the jurisdictional Magistrate. The Inquiry Committee takes note of the aforesaid statement of the Additional Superintendent of Police and is not inclined to proceed in the matter any further.

The Inquiry Committee accordingly recommends for disposal of the complaint.

### **Held**

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

**Press Council of India**

**Sl. No. 11**

F.No.13/172/13-14-PCI

Shri Anoop Saxena,  
Journalist,  
District Correspondent,  
Dainik NaiDunia,  
Madhya Pradesh.

1. The Chief Secretary,  
Government of Madhya Pradesh,  
Bhopal (M.P.)
2. Shri M.B. Ojha,  
Collector,  
District Vidisha,  
Madhya Pradesh.

**Adjudication dated 26.9.2018**

This compliant dated 2.1.2014 has been filed by Shri Anup Saxena, District Correspondent, Dainik Nai Dunia & Free Press, Bhopal against the District Collector, Rajgarh alleging harassment due to publication of critical news items and for seeking information from the administration under RTI Act. The complainant has submitted that respondent, DM had tried to force him to stop his publication so that the corrupt activities of the DM, Vidisha do not get exposed. The complainant further submitted that he had made complaint to the Madhya Pradesh Administration regarding assets and purchase of lands are by him and due to this complaint, he was implicated in false cases by the DM, Vidisha No.44/12 under Section 294,384,506 and under Section 3(1) 10 of the SC/ST Act but the court vide its judgement dated 15.7.2013 acquitted him of the charges which proved that the respondent has been harassing him.

It is submitted that the complainant earlier filed his complaint on the same issue in March 2013 F.No. 13/21/13 which stands closed/reported for not being pursued as the complainant has not filed his Declaration as per mandatory requirements. Now the complainant has filed his Declaration in the instant matter saying that the case which was under consideration of the Court has been decided. The complainant has stated that though he has been acquitted by the Court but still he is apprehending his implication in false cases. He has also stated that respondent is creating obstruction in discharging his journalistic duties. He has requested an urgent necessary action in the matter.

Notice for Statement in Reply was issued to the respondents on 15.5.2014.

**Reply received from Shri B.M. Ojha, Collector & District Magistrate**

In response to the Council's Notice for Statement in Reply, the respondent vide letter dated 11.6.2014 filed his Statement in Reply wherein he has stated that the Declaration filed by the complainant is completely wrong and a case RT No. 7222/12 under section 500 IPC filed by respondent's father is pending consideration in the court of law. Similarly, his sister has also filed another case under section 499, 500 IPC registered against the complainant for defamatory writings. He submitted that the complainant is not in the list of accredited journalist of the State and has been indulging in criminal activities since 1993. He has further stated that the complainant has made complaint having similar contents against him in various forums including Lokayukt and tried to damage his reputation in the eyes of family, public and friends but all such complaints have been found baseless and thus dismissed. He has requested the Council to dismiss the complaint and take action against the complainant for filing false Declaration before the Council.

A copy of the comments was forwarded to the complainant on 26.6.2014 for counter comments.

### **Complainant's counter-comments**

In response to the Council's letter dated 26.6.2014 the complainant vide letter dated 28.7.2014 filed his counter comments and submitted that reply of respondent is incorrect and misleading. He has stated that the respondent got a case under section 500 registered against him knowing very well that in departmental enquiry by M.P. Administration on his complaint against the respondent would not be possible as he is holding a powerful position. DM's wife is a class one officer who has yet not declared her assets which is violation of relevant government instructions. This fact gives a strong reason to believe that DM, Vidisha indulges in corrupt activities and has disproportionate assets as both of them have many properties in Bhopal. He reiterated his complaint and submitted that he is expecting some more proofs against the DM, Vidisha for his corrupt activities and will shortly file the same.

A copy of the counter comments was forwarded to the respondent on 27.8.2014 for information.

### **Further reply of the respondent No. 2**

The respondent in his further reply dated 29.9.2014 submitted that the language used by the complainant in his letter to Press Council of India is of very serious nature. He has submitted that he always favour press freedom and the complainant who is not an accredited journalist of the state has made false and frivolous allegations against him and his family members. The respondent submitted that the complainant has suppressed all the original facts of the case and thus complaint is liable to be dismissed.

A copy of the letter was forwarded to the complainant on 17.12.2014 for counter comments.

### **Complainant's counter**

The complainant vide his counter comments dated 26.12.2014 submitted that the Collector, District Vidisha is a corrupt man and from last three years he has also pressurised him to withdraw the complaint. Referring to the respondent's allegations, that the (complainant) has been misusing the letter head of journalists and also filed so many baseless allegations on the complainant. The complainant stated that the respondent implicated him in false case but court acquitted him which proved that the respondent has been harassing him due to his critical writings.

A copy of the letter dated 26.12.2014 was forward to the respondent on 2.2.2015 for information.

### **Respondent's reply**

The respondent vide letter dated 17.3.2015 stated that the language used by the complainant against the respondent is very indecent and derogatory. Further, the complainant also published the sarcastic cartoon of the respondent on first page in his publication dated 24-30 September, 2014. He has apprised the Council that he had filed a complaint against the complainant on 17.12.2014 in Vidisha Court and the complainant filed a false complaint before the Press Council of India.

A copy of the letter was forwarded to the complainant on 11.5.2015 for information and asked him to file his reply specifically with regard to the allegation of the respondent that he has filed a false declaration regarding non-pendency of the matter in the Court of Law and also to apprise the Council about the present status of the case pending before the judicial Magistrate First Class, Vidisha, Madhya Pradesh.

### **Further Response from Shri M.B. Ojha**

Shri M.B. Ojha, Collector, Vidisha vide his further response dated 26.6.2015 has submitted that the complainant had filed this baseless and false complaint against him as on receipts of several complainants against the complainant in the office of Collector, a case was registered against the complainant in which the Court sent the complainant to the jail. He further submitted that the complainant has also filed a false Declaration in the Council. He has requested the Council to take action against the complainant and dismiss the complainant as he has also filed a criminal case against him before the Court for defamation in which the complainant is on bail.

A copy of the communication was forwarded to the complainant on 19.5.2016 for information.

### **Letter from the Chief Secretary, All India Small Newspapers Association**

A letter dated 15.3.2016 has been received from the Chief Secretary, All India Small Newspapers Association, Bhopal, M.P. in which he has stated that the complainant, Shri Anoop Saxena has misled the peoples by saying that he is a designated official of the said organisation. He informed that Shri Anoop Saxena is neither the official nor the member of this organisation. He alleged that the complainant is a fraud and a criminal blackmailer. He further informed that Shri Anoop Saxena is not a correspondent of Nai Dunia or any Journalist Organisation.

A copy of the same was forwarded to the complainant on 19.5.2016 for his information.

### **Response from Under Secretary, Government of M.P.**

The Under Secretary, Government of M.P. vide his letter dated 10.4.2017 submitted that the government has not worked under any pressure from Shri Ojha. He further informed that the State Government concluded the investigation in the matter through the Commissioner, Bhopal Sambhag who presented his report on 25.4.2014 and it was found in the report that the complaint filed by the complainant is completely baseless and deserved to be dismissed. He has further stated that the complainant has filed this complaint after being aggrieved by the action of police on him. It seems from the documents that the complainant is not an accredited journalist, he added. It has been found in the report that the complainant was expelled out of the District by Shri Anand Kumar Sharma, the then Collector and not by Shri Ojha.

A copy of the same was forwarded to the complainant on 7.6.2017 for information.

### **Complainant's Further Response**

The complainant vide his further response dated 28.4.2017 has informed that a Misc Criminal Case No.12392 of 2016 has been filed by him against the respondent for quashing the private complaint filed by Shri Ojha against him u/s 500 IPC. He further informed that the said private complaint has been quashed by the Gwalior Bench of High Court of M.P. He has furnished the Order of the Court in support of his contention and further requested the Council grant him justice.

A copy of the aforesaid response was forwarded to the respondent on 7.6.2017 for information.

### **Response from Lokayukta, Bhopal**

The matter was initially placed before the Inquiry Committee on 16.3.2016 at New Delhi whereby the Hon'ble Lokayukta, M.P. was requested to get the matter enquired only with to the allegations of Harassment levelled by the complainant.

In response to the Council's reminder dated 28.9.2017 and 9.3.2018, the Council has received an endorsement of a communication dated 19.6.2018 addressed to the Chairman, Office of Lokayukta, Bhopal, by Mr. Madhusudan, Legal Advisor-4, Office of Lokayukta, Bhopal stating that after investigating the matter in question, the same has been closed on 31.5.2018 following the Order of Hon'ble Lokayukt.

No report is enclosed with the letter sent by Mr. Madhusudan, Legal Advisor, Office of Lokayukta, Bhopal.

#### **Communication from the complainant**

The complainant, Shri Anoop Saxena, vide letter dated 19.6.2018, received in the Council on 27.6.2017, has submitted that the news published in the newspaper was completely wrong, baseless and he was told to publish the news in order to defame Mr. B.M. Ojha and his family. The complainant has informed that he has apologised to Mr. M.B. Ojha before the Court. He has further requested to the Council to close the proceedings in the matter.

A copy of this communication was forwarded to the respondent parties for information on 3.7.2018.

#### **Communication from Under Secretary, Government of M.P.**

Shri Sudhir Kumar, the Under Secretary, Govt. of Madhya Pradesh vide letter dated 20.7.2018 has informed the Council that in the complaint No. 214/2016 registered with the Lokayukt, they have been informed vide letter dated 19.7.2018 that the investigation in the matter has been completed on 31.5.2018. He has further submitted that the complainant was forced to publish against the respondent, Shri M.B. Ojha. He has submitted that the complainant has tendered a written apology before the Court of law and expressed regret for publishing baseless news against the respondent.

#### **Communication from the complainant**

The complainant, Shri Anoop Saxena vide letter dated 23.7.2018 has requested the Council to dispose of the matter as the matter has been settled between the parties amicably.

#### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.7.2018 at Bhopal following five adjournments. Shri Anoop Saxena, complainant appeared in person. Smt. Archana Solanki, Deputy Secretary represented the respondent State Government.

In this complaint, the complainant had made serious allegations against one of the officers of the State Government, namely Shri M.B. Ojha, who at the relevant time was the Collector of Vidisha. Seeing the gravity of the allegation, the Council requested the Hon'ble Lokayukta to make investigation in the case. The Inquiry Committee places on record its appreciation for the Hon'ble Lokayukta for having accepted the Council's request. The office of the Lokayukta vide communication dated 20.7.2018 had stated that the complainant did not support the allegation made against Mr. Ojha. Mr. Saxena, the complainant also states that he has no grievance against Mr. Ojha right now.

The Inquiry Committee takes note of the aforesaid facts 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 for the matter being settled between the parties.

**Suo-motu cognizance with regard to arrest of Shri Vinod Verma, freelance journalist and digital editor of Amar Ujala by Chhattisgarh Police.**

**ADJUDICATION**

**Dated: 26.09.2018**

The Council came across news items dated 27.10.2017 regarding arrest of Shri Vinod Verma, freelance journalist and Digital Editor of Amar Ujala by Chhattisgarh Police. According to the news report, a senior journalist believed to be working on an investigative story on the Chhattisgarh Government was arrested from his home in Ghaziabad, near Delhi on charges of extortion. The case was registered against Shri Verma at the Pandari police Station of Raipur District under Section 384 and 506 IPC. It is stated in the news clipping that he was a part of a team working on an investigation of a Minister in the Chhattisgarh Government. It is further stated in the news clipping that Shri Vinod Verma, who is a member of the Editor Guild of India, was picked up for questioning from his residence and later charged and arrested by a police team from Raipur. The police claimed that they have seized hundreds of CDs and a pen drive from his home. His colleagues say he was a part of a fact-finding team of the Editors Guild to look into the intimidation of journalists in Chhattisgarh. Sources said the police believe Shri Verma had incriminating CDs featuring a Chhattisgarh Minister. A complaint had been filed by an aide of the Minister, based on which Shri Verma was arrested. The Chhattisgarh Government claims Shri Verma was working with the State's opposition Congress to discredit the ruling BJP. It claims that the journalist is related to State Congress Chief, Shri Bhupesh Vaghel but Shri Vaghel denied it.

While taking suo-motu cognizance of the matter, a report on facts of the case was called for from the Government of Chhattisgarh through its Chief Secretary, the Secretary Home; the Director General of Police and the Sr. Superintendent of Police, Raipur vide Council's letter dated 27.10.2017. Simultaneously, Hon'ble Chairman, Press Council of India also addressed a D.O. letter dated 27.10.2017 to Hon'ble Chief Minister of Chhattisgarh in this regard.

**Report from Police Authorities**

The Superintendent of Police vide his report dated 16.11.2017 has informed that on a written complaint from Shri Prakash Bajaj against an unknown person regarding extortion and threat to distribute obscene CDs of his boss, a case No. 340/17 under Section 384/506 of IPC has been registered in Pandari Police Station. According to Report, the Police reached Delhi for searching the accused and found that Shri Vinod Verma made 1000 CDs from Superton Digital (video maker) with the help of just dial on 25-26/10/2017. It has been further stated that master copy of the CD was in the shop and the CD was found to be obscene. The male in the CD was look alike of a Minister from Chhattisgarh Government. He has stated that CD was seized and Police went to Shri Verma's house in Ghaziabad (address informed by the Shopkeeper), where Shri Verma was questioned before the witnesses and memorandum was taken. Shri Verma has informed that he has made 1000 copies of CD of which 500 CDs have been given to his partner, Shri Vijay Bhatia on 26.10.2017 for telecast. It is also stated in the report that police has found 500 CDs, 1 Pen Drive, laptop, Diary, 2 mobiles and Rs. 2,24,000 from his house. The Superintendent of Police has further stated that Shri Verma was arrested under Section 67-A of IT Act on the basis of evidences. He has also

stated that presently, Shri Vinod Verma is in Judicial Custody in Central Jail of Raipur, Chhattisgarh under Thana Pondari, crime No. 340/17 Section 384/506/507/292/120B of IPC and 67-A of IT Act.

The Superintendent of Police, Raipur was requested vide Council's letter dated 31.5.2018 to update status of the case but no reply has been received.

### **Communication received from Chief Minister, Chhattisgarh**

Dr. Raman Singh, Hon'ble Chief Minister of Chhattisgarh vide his letter dated 27.11.2017 has stated that the Additional Chief Secretary, Chhattisgarh Government, Home Department has been directed to take necessary action and to present factual report in the matter. He has further stated that the Council will be intimated accordingly by the Home Department.

### **Recommendation of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.07.2018 at Bhopal. Shri Sukhnandan Singh Rathore, Addl. Superintendent of Police represented the Director General of Police, Chhattisgarh Police, Naya Raipur.

The Superintendent of Police, Raipur has submitted its report *inter alia* stating that the matter has been entrusted for investigation to the Central Bureau of Investigation. As the subject matter of 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.

## **Press Council of India**

Sl. No. 13

F.No.13/95/17-18-PCI

### **Suo-motu cognizance with regard to death threats to the journalists by the Maoists in Chhattisgarh.**

#### **Adjudication dated 26.9.2018**

A former Member of Press Council of India vide his email dated 28.9.2017 forwarded a link of “Hindustan Times” issue dated 28.9.2017 under the caption “‘Kill journalists reporting on Maoists’: Audio clip surfaces, police begin probe”. It was reported in the news item that –

“A gathering of Maoists at an undisclosed place in Chhattisgarh. Media persons say security forces are threatening journalists and Maoists are also killing them branding them as police informers. An audio clip of an alleged conversation to gun down journalists covering the Maoist conflict in Chhattisgarh’s Bastar surfaced on Wednesday. The 30 second clip released by the Bijapur Press Club is now under scrutiny as police claim it could be an old doctored clip. In the audio clip, male voice saying that “stay alert, and if you notice any journalist reporting on Maoists, kill them”. However, in 2005 a similar clip surfaced when a few journalists had gone inside the jungle for reporting. Police are investigating whether it is the part of the same clip or different. The DIG, Bastar said that “Prima facie it seems to be an attempt to tarnish the relationship between the police and press by some mischievous elements as they have circulated an old or fabricated audio clip. However, considering the seriousness of the matter, we will conduct a thorough investigation in this regard. After proper investigation, prompt action will be taken”.

While taking suo-motu cognizance of the matter, a report on facts of the case was called for from the Government of Chhattisgarh on 5.10.2017.

#### **Reply received from Superintendent of Police, Bastar**

In response to Council’s Notice for Statement on Reply, Superintendent of Police, Bastar vide his letter dated 22.02.2018 has informed that information has been gathered from all the Police Stations in the District regarding threats, if any, to the reporters by Chhattisgarh Maoists but no specific complaint has been registered by the reporters in any police station in the Bastar district, Jagdalpur against the Maoists.

#### **Reply of the Director General of Police, Chhattisgarh**

Shri R.K. Vij, Addl. Director General of Police, Office of DGP, Police Headquarter, Naya Raipur vide his letter dated 4.6.2018 has informed that a three-member Inquiry Committee under the Chairmanship of Dy. Superintendent of Police, Bijapur was constituted to examine the authenticity of the viral audio. Statements of the journalists, S/Shri Ganesh Mishra, Mukesh Chandrakar, Satyendra Pant, Abdul Salam, Yakub Khan, Ashok Mishra, Arun Kumar Sharma, Mohd. Tahir Khan and Gupteshwar Joshi have been recorded. According to him, it has been found after completion of the investigation that the audio tape in question (10 minutes and 20 seconds) is 12 year old edited version, which was made viral (41 seconds). He has further informed that the persons, who made the tape viral could not be identified and it is also difficult to conclude that the audio tape was released by the naxalists. He has also informed that there is no incident of attack on journalists by the naxalists in Bijapur has been reported. According to him, it appears that the audio tape was made viral with a view to tarnish the image of the police and it is an ineffective attempt to spoil the relation between the police and journalists.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.7.2018 at Bhopal. There was no appearance on behalf of the respondents.

The video clip which prompted the Council to take Suo-motu cognizance, according to the report of the Director General of Police, is 12 years old. The Inquiry Committee takes note of the aforesaid report 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.

**Press Council of India**

SI No. 14

F.No.13/53/17-18-PCI

**Complainant**

**Respondents**

<p>Shri Vaidhya Ramesh Chander, Chief Editor, Vashishth Times, Korea (Chhatisgarh)</p>	<p>The Chief Secretary Govt. of Chhattisgarh, Chhattisgarh</p> <p>The Secretary Home (Police) Department, Govt. of Chhattisgarh, Raipur, Chhattisgarh</p> <p>The Director General of Police, Madhya Pradesh Police, Police Headquarters, Raipur, Chhattisgarh.</p> <p>Shri Himanshu Gupta, Inspector General of Police, Ambikapur, Sarguja (Chhattisgarh)</p> <p>The Superintendent of Police, Benkhuthpur, Korea (Chhattisgarh)</p> <p>Smt. Nivedika Pal Sharma, Additional Superintendent of Police, Benkhuthpur, Korea, Chhattisgarh.</p> <p>Smt. Sonia Ooke, Deputy Superintendent of Police, Benkhuthpur, Korea, Chhattisgarh.</p> <p>Shri Anand Ram, Station House Officer, Police Station-Benkhuthpur, Korea (Chhattisgarh)</p>
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**Draft Adjudication dated 26.9.2018**

This complaint dated 3.7.2017 has been filed by Shri Vaidhya Ramesh Chander, Chief Editor, Vashisht Times, Korea (Chhattisgarh) against anti-social elements for allegedly registering false cases against him and his family with the connivance of the police due to publication of critical writings. The complainant submitted that he had published news items regarding electricity theft in the area. Annoyed with this, S/Shri Somesh Patel and Sameer Miyan filed a false case against him and his family members maliciously. The complainant has stated that both the persons are of criminal nature and many criminal cases are registered against them. The complainant had complained against them to the higher police officers and also sent report on electricity theft but no action was taken. He alleged that these persons are being protected by the police. The complainant has further alleged that the police is also continuously harassing him by registering false cases against him due to publication of critical writings. He has requested the Council to take necessary action in the matter.

Notices for Statement in Reply were issued to the Government of Chattisgarh on 22.12.2017.

### **Reply of Inspector General of Police, Sarguja Range**

The Inspector General of Police, Sarguja Range vide his reply dated 9.1.2018 has informed that the Superintendent of Police, Korea submitted a report dated 5.1.2018 in the matter informing that on the complaint of complainant's wife, a case No.147/17 under Section 294/506/323/34 was registered against Sameer Sheikh and others in Police Station-Benkuthpur and a Challan No.282/17 dated 27.12.2017 has been ready in the matter, which is yet to be produced before court of law. Report further states that a case No.117/17 under Sections 294/506/323/34 IPC was registered against the complainant and his wife and daughter in Police Station Benkuthpur for allegedly manhandling Smt. Mobina (wife of Sameer Sheikh) during a dispute relating to fetching water. The complainant has filed the complaint before the Council to evade police action. The Report further states that the complainant published a news item against Shri Somesh Patel due to which there is rift between them and they file cross complaints against each other. It has also been informed that the complainant in his newspaper issue dated 9.8.2017 published an office order/advertisement on behalf of Inspector General of Police, Ambikapur without prior permission and also sent a bill of Rs.5,000/- and the complainant himself while admitting his mistake has regretted for the same. The complainant's name is not mentioned in the list of District Level Accredited Journalists and he is habitual of filing the false and baseless complaints against the higher officers.

A copy of the written statement was forwarded to the complainant on 29.1.2018.

### **Reply of Addl. Superintendent of Police and Dy.S.P, Korea**

The Additional Superintendent of Police, Korea and the Deputy Superintendent of Police, Korea vide their reply dated 19.1.2018 and 16.2.2018 respectively while reiterating the above said reply of the Inspector General of Police, Sarguja alleged that the complainant is of criminal nature and many cases are pending against him.

### **Counter Comments of the complainant**

The complainant vide his counter comments dated 19.2.2018 while expressing disappointment on his implication in false cases due to publication of critical writings, has alleged that the reply of the respondent is false and baseless. He has further alleged that the police registered these false cases under a conspiracy. He has requested for an impartial inquiry and dismissal of cases filed against him.

A copy of the counter comments was forwarded to the respondents on 9.3.2018.

### **Reply of Addl. Director General of Police, Raipur**

The Additional Director General of Police, Raipur vide his reply dated 21.6.2018 has informed that one Mrs. Mobina Shaikh filed a complaint in Police Station Benkhathpur Case No.117/17 under Section 294/506/323/34 IPC against the complainant, his wife and daughter and the same is under investigation. The respondent further stated that during the investigation it has also been found that there was a dispute between the complainant and Shri Somesh Patel. Annoyed with this, the complainant filed this complaint against Shri Somesh regarding extortion of money.

### **Reply of Additional Superintendent of Police:**

Ms. Nivedita Pal, A.S.P, Korea, Chhattisgarh filed a report dated 23.7.2018 at the time of hearing at Bhopal on 23.7.2018 whereby she, while reiterating faith of the investigation conducted in the matter, has submitted that the complainant is of criminal nature and there are many cases registered against him. Lately, in case no. 123/14 under section 325, he has been acquitted on the basis of compromise in the matter. In case no. 90/08 under sections 294, 341, 506 and 323, he has been sentenced six months jail with a fine of Rs. 1000. Further, she has submitted that the allegations levelled against Police authorities are baseless and false.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.7.2018 at Bhopal. Shri Vijay Yadav, Advocate appeared on behalf of the complainant. Smt. Nivedita Paul Sharma, A.S.P, Korea, Chhattisgarh represented the respondent police authorities.

It is the allegation of the complainant that because of his critical writings, a large number of criminal cases have been registered against him. Report has been submitted by the Superintendent of Police, the Inspector General of Police and the Additional Director General of Police. The Inquiry Committee has perused the complaint, the report of the officers concerned and has also heard Shri Vijay Yadav on behalf of the complainant. The Inquiry Committee is not inclined to accept the assertion of the complainant that he has been implicated in false cases for his critical writings. The Inquiry Committee accordingly recommends for dismissal of the complaint.

### **Held**

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

## **Press Council of India**

Sl. No. 15

F.No.13/15/18-19-PCI.

**Suo-motu cognizance with regard to filing of sedition case against Shri Kamal Shukla, Editor, Bhumkaal Samachar in Chhattisgarh.**

### **Adjudication dated 26.9.2018**

The Press Council of India has come across through various news reports regarding filing of sedition case against Shri Kamal Shukla, Editor, Bhumkaal Samachar in Chhattisgarh. It was reported in the news item that a Bastar based journalist and editor of Bhumkaal Samachar, Shri Kamal Shukla has been booked under the sedition law for allegedly posting a cartoon lampooning the country's judiciary and government on Facebook and a Case under Section 124-A (sedition) of IPC has been registered against him in Kotwali Police Station in Chhattisgarh's Kanker district on the basis of a complaint filed by a resident from Rajasthan. According to the news reports, the Superintendent of Police, Kanker confirmed that the case pertained to a "derogatory cartoon" against the Indian judiciary and government on the social networking site. The cartoon pertains to the controversial death of CBI judge, Shri B.H. Loya.

While taking suo-motu cognizance of the matter, a report, on facts of the case, was called for from the Government of Chhattisgarh through the Chief Secretary, the Secretary Home, the Director General of Police and the Superintendent of Police, Kanker on 2.5.2018. Simultaneously, Shri Kamal Shukla was also requested to provide the details of the incident.

### **Reply of Superintendent of Police, North Bastar Kanker**

The S.P., North Bastar Kanker vide his reply dated 18.5.2018 informed that Shri Shelendra Sahu, Constable, Office of Superintendent of Police (Cyber Cell), Kanker filed an written application forwarding therewith copy of official mail received in connection with unconstitutional comments made along with photos of His Excellency President, Hon'ble Prime Minister of India, Hon'ble Chief Justice of India, National President of BJP and RSS Chief. On the basis of the written application and official mail, a case No.156/2018 under Section 124-A of IPC was registered against Shri Kamal Shukla in the Police Station Kanker, which is under investigation.

### **Reply of Shri Kamal Shukla**

The affected Editor of Bhumkaal, Shri Kamal Shukla @ Kanhiyalal Shukla, Kanker (Chhattisgarh) vide his letter dated 2.6.2018 informed that a case No.156/2018 dated 28.4.2018 under Section 124-A of IPC has been registered against him in Police Station Kanker for allegedly posting a cartoon lampooning the country's judiciary and government on Facebook. He has further informed that the comments stated to have been written by him are as follows:-

“कार्टूनजिसनेभीबनायाहैबहुतहीभयावहकहानीब्यांकरताहैमगरसच्चाईयहीहै”.

He stated that the said impugned cartoon does not attract the Section 124-A of IPC. The complainant has alleged that the police registered the case with a view to harass and terrorise him. According to Shri Shukla, he has been writing news to champion the cause of victimised families, whose members have been killed for being termed as Naxalite and as a reprisal measure such action is taken by the Government. He has requested the Council to take up his matter with the government for getting the case dismissed against him.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 23.7.2018 at Bhopal. Neither Shri Kamal Shukla, Editor nor any respondent appeared before the Inquiry

Committee. The Inquiry Committee took note of the e-mail dated 23.7.2018 received from Shri Kamal Shukla informing that he is unable to appear before the Committee and that he has filed a petition before the Chhattisgarh High Court to grant him bail in various matters.

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 to allow the matter to rest.

**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 allow the matter to rest.

**Press Council of India**

Sl.No. 16

F.No. 13/52/17-18-PCI

**Complainant**

Shri Nilesh Kumar Jain,  
Correspondent,  
Jabalpur Express,  
Seoni, Madhya Pradesh

**Respondent**

The Chief Secretary,  
Government of Madhya Pradesh,  
Bhopal (M.P.)

The Secretary,  
Home (Police) Department,  
Government of Madhya Pradesh,  
Bhopal (M.P.)

The Director General of Police,  
Madhya Pradesh Police,  
Police Headquarter,  
Bhopal, (M.P).

The Inspector General of Police,  
Jabalpur Division,  
Jabalpur (M.P.).

The District Magistrate,  
District-Seoni,  
Madhya Pradesh,

The Superintendent of Police,  
District Seoni,  
Madhya Pradesh.

The Station House Officer,  
Police Station-Dhanora,  
Seoni, MP.

**ADJUDICATION**

**Dated: 26.09.2018**

This complaint dated 12.7.2017 has been filed by Shri Nilesh Kumar Jain, Correspondent, Jabalpur Express, Seoni (M.P.) against the police authorities for allegedly implicating him in false case. According to the complainant, on getting information about manhandling with the policemen of Dhanora from the villagers of Nai Pipriya, Dhanora on 9.6.2017, he reached at the spot and started videography of the incident and also made efforts to settle the issue. The complainant has further informed that he informed the Superintendent of Police, Seoni about the incident over mobile and also sent video-footage on Whatsapp on 10.6.2017 with a view to co-operate in the investigation. The complainant stated that when he came to know about his name in the FIR by the Dhanora Police, he put forth his side along with complete information of the incident by giving complaint to the Superintendent of Police, Seoni on 13.6.2017 and the Inspector General of Police, Jabalpur Sambhag on 23.6.2017. The complainant alleged that while covering the incident through video recording, his mobile was confiscated by the police. The CD of the incident was already provided to the Superintendent of Police, Seoni; Sub-Divisional Officer and Dhanora Police. According to the complainant, he had published news about the Dhanora Police in Jabalpur Express issues dated 10.12.2016 and 2.2.2017 and also posted video of

police misbehaviour with the drivers during Challans on Whatsapp and sent it to the senior Officers.

The complainant vide letter dated 18.8.2017 has informed that the Challan in the instant matter has not been filed in the court of law. Under pressure but he was produced before the court purporting to have surrendered and court granted him bail. He has further informed that the police going to file Challan in the matter.

Notices for Statement in Reply were issued to the Government of Madhya Pradesh on 1.9.2017.

#### **Reply of Superintendent of Police, Seoni**

The Superintendent of Police, Seoni vide letter dated 6.10.2017 informed that the matter was investigated by the Sub-Divisional Officer, Ghansaur and found that on receiving the information about an accident where two persons were injured on 9.6.2017, two policemen reached the spot. The policemen called JCB machine for releasing one of the injured persons, who was buried under a dumper and motorcycle. Somebody stated that the accident occurred during vehicle checking by the police. In the Report, it has been alleged that the complainant and his supporters abused and manhandled the policemen and also threatened them to set them on fire by pouring petrol. It has been further alleged that the complainant and his associates spread rumours against the police and created ruckus in front of crowd. A Case No.106/7 under Section 294/323/506/353/186/47/148/149 has been registered against the complainant and other, which is under investigation. It has also been stated that the activities of the complainant and his associates were witnessed on the spot by the policemen. It has been stated in the report that the complainant is of a criminal nature and a case is pending consideration against him before court of law. The complainant has filed this complaint with a view to save himself in the garb of journalism.

A copy of the comments was forwarded to the complainant on 14.11.2017 for information/counter comments.

#### **Reply of Home (Police) Department, Govt. of M.P.**

Shri D.S. Mukati, Under Secretary, Home (Police) Department, Govt. of Madhya Pradesh, Bhopal vide his reply dated 5.4.2018 has informed that as per report of the Superintendent of Police, Seoni, the complainant is of criminal nature and seven different cases are registered against him. He has stated that the complainant is making an effort to save himself from police action by getting his name removed from the FIR by filing a complaint as journalist before the Council.

A copy of the reply of Government of Madhya Pradesh was forwarded to the complainant on 20.4.2018.

#### **Reply of Special Director General of Police, Bhopal**

Shri K.N.Tiwari, Special Director General of Police (complaint/human rights), Police Headquarter, Bhopal vide letter dated 23.7.2018 while reiterating report of the Superintendent of Police, Seoni submitted that the complainant is not enrolled in the list of accredited journalist for any kind of the State or the district level.

#### **Recommendation of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 24.07.2018 at Bhopal. The complainant alongwith Shri Naval Kishore appeared in person whereas Shri Atul Dain, Shri Darshan Singh, Shri Anil Kumar, ADG(comp), Shri Devender, P.S., Rajput, ALC-comp., Shri K.P. Sharma, SDOP, Shri Ram Kishore Vishwakarma represented police authorities.

Complainant claims to be the Correspondent of Jabalpur Express and his allegation is that he had gone to cover an incident as a journalist but has been falsely implicated in a criminal case. The Additional Director General of Police, Human Rights is present before the Inquiry Committee and he states that after investigation, the police has submitted charge sheet against the complainant and the matter is pending for trial before a competent Court.

As the subject matter of inquiry is sub-judice before the Court of Competent jurisdiction, 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 drop the proceedings for matter being sub-judice.

**Press Council of India**

**Sl.No. 17**

**F.No. 13/31/17-18-PCI**

**Complainant**

Shri Sunil Jain Kalakar,  
Chief Editor, Guna Ki Dhara; and  
Bureau Chief of Dainik Achran,  
Ashok Nagar, M.P

**Respondent**

The Chief Secretary,  
Government of Madhya Pradesh,  
Bhopal (M.P.).

The Secretary,  
Home (Police) Department,  
Government of Madhya Pradesh,  
Bhopal (M.P.).

The District Magistrate,  
District Ashok Nagar (M.P.).

The Superintendent of Police,  
Ashok Nagar (M.P.).

Shri P.K. Singh,  
Chief Municipal Officer,  
Municipal Council,  
Ashok Nagar (M.P.)

Shri Akhilesh Jain,  
Sub-Divisional Officer (Revenue),  
Ashoknagar (M.P.)

**ADJUDICATION**

**Dated: 26.09.2018**

This complaint dated 23.5.2017, addressed to the Superintendent of Police, Ashoknagar, a copy thereof endorsed to Press Council, has been filed by Shri Sunil Jain Kalakar, Chief Editor, Guna Ki Dhara; and also Bureau Chief of Dainik Achran, Ashoknagar (M.P.) against Shri Akhilesh Jain, Sub-Divisional Magistrate, Ashok Nagar and Shri P.K.Singh, Chief Municipal Officer, Municipal Council, Ashok Nagar for allegedly misbehaving and manhandling him and his journalist brother and for implicating him in false case maliciously. The complainant has alleged that the respondents demolished the shop allotted to his family 25 years back by Municipal Corporation as a reprisal measure adopted by them for publishing critical news against respondents and due to which they have faced loss of Rs.50,000/-. While levelling the allegations of manhandling and misbehaviour with him and his journalist brother during this said episode of demolition, the complainant has informed that on the complaint of respondent-Chief Municipal Officer, a false case has been registered against him and his brother without any enquiry, whereas no case was registered on the complaint made by his family members.

The complainant has informed that in the past a High mast Light scam worth Rs.58.76 lakh was exposed during the tenure of the respondent-Chief Municipal officer, Shri P.K. Singh, who had given testimony before Lokayukt Police and on that basis an FIR dated 30.1.2017 was registered by Lokayukt. The complainant alleged that the respondent has taken action against him as a reprisal measure so that he may give testimony in favour of the respondent-CMO. The complainant, while sending clipping of critical news item published in his newspaper "गुनाकीधारा" dated February 1-7, 2016 under the caption

“आधादर्जनपरहोगीएफआईआर-नगरपालिकाकाहाईमास्टघोटाला” has requested the Superintendent of Police, Ashok Nagar for taking action in the matter.

The complainant vide his another letter dated 4.7.2017 has informed that his younger journalist brother, Shri Manoj Jain has taken video-recording of the shop demolition on 20.5.2017 from his mobile as a proof of alleged reprisal measure for publishing the news item, but his mobile was snatched by the respondent-Shri Akhilesh Jain, In-charge of encroachment campaign, which was never returned to him till today and its video-footage is also with him. The complainant has stated that he filed a complaint in Police Station, Ashok Nagar in this regard. The FIR for the same is also registered in Police Station-Lokayukt under Section 13(1)d/13(2)/420/467/468/471/120B on 30.01.2017.

Notices for Statement in Reply were issued to the respondents-Government of M.P. and concerned on 18.7.2017.

**Reply of Shri Akhilesh Jain, SDO(Revenue), Ashok Nagar, M.P.**

The respondent-Shri Akhilesh Jain, SDO(Revenue), Ashok Nagar, M.P. vide his reply dated 11.8.2017 informed that as per Govt. order, encroachment drive was initiated by Municipal Corporation, Ashok Nagar and for this legal Munadi (announcement) was also undertaken by the Corporation. In this regard, the complainant was given sufficient time for removing the encroachment, but he did not do so. The shop of the complainant was demolished by the Encroachment Team on which family members of the complainant started quarrelling and abusing the officials. The Chief Corporation Officer, therefore, has filed complaint against them for disrupting the corporation's work.

A copy of the reply was forwarded to the complainant on 21.8.2017 for information/counter comments.

**Reply of Superintendent of Police, Ashok Nagar,**

The Superintendent of Police, Ashok Nagar vide letter dated 14.8.2017 informed that the complaint was investigated by the SDOP, Ashok Nagar and the complainant was called for his statement in this regard but he did not appear. The respondent further submitted that the complainant and his brother were selling goods by encroaching space outside a shop in the main market. When the complainant and his brother were directed to remove encroachment, the complainant manhandled and threatened a Municipality employee by throwing weight of being a journalist. A written complaint dated 20.5.2017 therefore was filed by Shri Prabhat Kumar Rajput, Chief Municipal Officer against the complainant and his brother which was registered as C.No.321/17 under Section 353/332/186/294/506/34. The respondent also informed that the complainant is absconding ever since the incident took place. The revolver licence of the complainant has been revoked of by the District Magistrate vide order dated 8.6.2017. The respondent stated that the complainant filed the complaint to evade arrest.

A copy of the reply was forwarded to the complainant on 12.9.2017 for information/counter comments.

**Reply of the District Collector, Ashok Nagar**

The District Collector, Ashok Nagar vide letter dated 8.9.2017 has reiterated the comments filed by the Superintendent of Police, Ashok Nagar.

A copy of the reply was forwarded to the complainant on 25.9.2017 for information/counter comments.

**Reply of Dy.Secretary(Personal), M.P.Govt.**

Shri Sudheer Kumar Kochar, Dy.Secretary, M.P. Govt. vide letter dated 23.7.2018 submitted thereby report of the Collector, Ashok Nagar dated 8.9.2017 and the Superintendent of Police, Ashok Nagar dated 14.08.2017.

**Recommendation of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 24.07.2018 at Bhopal. Shri Sunil Kumar Jain, Chief Editor, Shri Manoj Jain, complainant's brother and Shri Devendra Tamrakar, Reporter appeared in person whereas Ms. Archana Solanki, Dy. Secretary (Personnel), Shri M.K.Batav, Under Secretary, Dr.M.Sharma, Collector, Ashok Nagar, Shri Akhilesh Jain, SDO(R), Shri Hemant Tiwari, SDOP represented the respondent authority.

It is the allegation of the complainant that for his critical writings, the Sub Divisional Officer of Ashoknagar, Sub Division and Shri P K Singh, Chief Municipal Officer had misbehaved with him and in fact manhandled him. He has also stated that for his critical writings his shop, has been demolished. The concerned Sub Divisional Officer and the District Magistrate of Ashok Nagar are present in person. It seems that a portion of the shop which the complainant had encroached had been removed during the drive. Further, in relation to the incident, a case has been registered against the complainant and his brother. It has been brought to the notice of the Inquiry Committee that the police after investigation had submitted the charge sheet and the matter is pending before a competent court of law.

As the subject matter of the inquiry is sub-judice before a competent Court of Law, the Inquiry Committee is not inclined to proceed in the matter any further.

The Inquiry Committee accordingly 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 drop further proceeding as the matter being sub-judice.

**Suo-motu cognizance with regard to murder of Shri Sandeep Sharma, journalist of a regional channel by sand mafia in Bhind (M.P.)-reg.**

**ADJUDICATION**

**Dated: 26.09.2018**

The Press Council of India has come across through various news reports regarding brutal murder of Shri Sandeep Sharma, journalist of a regional news channel by sand mafia on 26.3.2018. It was reported in the news items that a 35-year old journalist, Shri Sandeep Sharma investigating illegal sand mining cases in Bhind district of Madhya Pradesh was run over by a truck. According to the news report, the police said that they formed an SIT to investigate the case. Sources said they have detained the truck driver and he is being interrogated. The Bhind Press Club has also demanded an impartial probe in the case. Shri Sandeep Sharma had filed a complaint four months ago citing threat to his life from a police officer after a 'sting operation' against him. Shri Sandeep had filed a story accusing the officer of being hand in gloves with the sand mafias. An audio conversation of the officer in question was aired by his channel after which the officer was transferred. According to the reports, Shri Sharma's two-wheeler was hit by the truck from behind killing him on the spot. The truck was found abandoned a few kilometers away. A CCTV footage that surfaced within a few minutes of the crime shows Sharma riding a motorbike which vanishes under a truck that mows him down on a busy stretch in the Bhind town. CCTV footage shows the bike overtaking the dumper on the left and then turning to the right. Dumper driver would not have seen the bike till it swerved and came in front. Sharma's death triggered a panic among other journalists in the region. It is alleged that police responded after 15 to 20 minutes despite the spot being a few meters from the police station.

Shri Amarnath Kosuri, former Member, PCI vide his email dated 27.3.2018 also drew the attention of the Council in this regard.

The Council took suo-motu cognizance of the matter and a report on facts of the case was called for from the Government of Madhya Pradesh through its Chief Secretary, the Secretary (Home), the Director General of Police, the District Magistrate, Bhind and the Superintendent of Police, Bhind on 27.3.2018. Simultaneously, the President of Press Club Bhind was requested to provide detail of the case.

**Reply of Press Club Bhind**

Shri Satyanarayan Sharma, President, Press Club Bhind vide his letter dated 29.4.2018 informed that Shri Sharma was journalist of News World (TV News Channel) and he telecast some sting news regarding illegal nexus between the sand mafia and police. On 25.10.2017, a sting news about taking bribe by the former S.D.O.P.-Shri Indraveer Singh Bhadoriya was telecasted. Annoyed with this, Shri Bhadoriya started to threaten Shri Sharma. He further informed that Shri Sharma complained to the police, district and state administration in this regard but not action was taken. He alleged that during the coverage of a rally of Bhind Sena, Shri Sharma was also manhandled by some miscreants on the provocation of police. Shri Sharma went to the police station for filing the complaint in this regard but on the contrary police filed a case against him. Shri Sharma also filed a complaint before the Hon'ble Press Council in this regard. He has submitted that on 26.3.2018 Shri Sharma was crushed by a truck and the police detained the truck driver and during the interrogation it was found that the truck was being used for transportation of sand. He further submitted that the police is yet to arrive at conclusion in the matter and on the contrary they have given clean-chit to Shri

Bhadoriya. According to him, Chief Minister announced CBI inquiry of the matter but no written order has yet been issued.

### **Reply of Govt. of Madhya Pradesh**

The Under Secretary, Home (Police) Department, Government of Madhya Pradesh, Bhopal vide his reply dated 24.4.2018 informed that the matter was forwarded to the Secretary, Department of Personnel and Training, Ministry of Personnel & Public Grievance & Pension, Government of India, New Delhi for investigating the incident by the CBI.

Accordingly, the Secretary, Department of Personnel and Training, Ministry of Personnel & Public Grievance & Pension, Government of India, New Delhi was requested vide Council's letter dated 30.5.2018 to update the status of the matter but received no reply.

### **Reply of Addl.Dir.Gen.of Police, Bhopal**

Shri Anil Kumar, Addl. Dir.General of Police, Bhopal vide letter dated 23.7.2018 submitted that after receiving complaint of the accident on 26.03.2018, the alleged truck driver was arrested on the same day under Section 304, 427 along with 3/181, 5/180 Motor Vehicle Act in Police Station-Bhind. The truck owner was also arrested on 30.03.2018. Although the matter was forwarded to the Govt. for India for investigation through CBI but the agency declined for it. On the basis of allegation as alleged by family members of the deceased and other media persons, SIT under the supervision of Shri Rakesh Chhari, DSP was constituted. The matter was submitted to the court on 24.05.2018 which is sub-judice. He also submitted that the deceased was not accredited for any kind of state and district level by the Madhya Pradesh Samachar Patra Pratinidhi Adhimanyata Niyam 2002.

### **Recommendation of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 24.07.2018 at Bhopal. Shri Anil Kumar, Addl.DG (complaints), Shri D.P.S.Rajput, ALC-complaint, and Shri Rakesh Kumar Chhari, DSP HQ, Bhind appeared on behalf of respondent Police Authorities.

The Council took suo-motu cognizance of the matter when it came to its notice that one of the journalists had been killed at the instance of the Sand Mafia. The Additional Director General of Police appears before the Inquiry Committee and states that the matter was referred to the Central Bureau of Investigation for investigation but latter has declined to investigate the case. It has further been brought to the notice of the Inquiry Committee that after investigation it was found to be a case of accident and the person found responsible for the same has been charge sheeted and the matter is pending before the court. The Inquiry Committee takes note of the aforesaid statement 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 as the matter being sub-judice.

**Press Council of India**

Sl. No. 19

F.No. 13/162/15-16-PCI

Shri Shivnaresh Pandey,  
Chief Editor,  
Ekta Hamari Prachin Parmpara Hai,  
Deoria, UP

The Chief Secretary,  
Govt. of Uttar Pradesh,  
Lucknow (U.P.).

The Secretary,  
Home (Police) Deptt.,  
Govt. of Uttar Pradesh,  
Lucknow (U.P.)

The Director General of Police,  
Uttar Pradesh,  
Lucknow (U.P.)

The District Collector,  
Deoria (U.P.)

The Superintendent of Police,  
Deoria (U.P.)

**ADJUDICATION**

**26.9.2018**

This complaint dated 7.11.2015 was addressed to Chief Minister of UP and copy endorsed to PCI amongst others has been filed by Shri Shivnaresh Pandey, Chief Editor, 'Ekta Hamari Prachin Parmpara Hai', UP against the anti-social elements alleging harassment by them due to his critical writings.

According to the complainant, he had exposed wrong-doings of a mafia headed by Shri Akhlak Ahmad in his newspaper ten years ago. As a reprisal measure, he along with his family members have been harassed by mafia and his associated since then. He made complaint in year 2013, 2014 and 2015 in this regard to the District Collector, Deoria, Superintendent of Police, Deoria and UP Administration immediately, who on the contrary have been supporting two Muslim MLAs and a Hindu MLA who are patronising mafia men including Shri Ekhlak Ahmed. Present situation is that now his printing press heading towards closure and conspiracy is under way to grab land of printing press. The complainant submitted that he had to suffer heavy financial loss and mental agony due to the harassment being meted out to him. He further submitted that the copies of the critical news items were wiped out from his office by Shri Akhlakh Ahmed. While apprehending danger to his and his family life, the complainant has sought security and financial help.

Notices for statement were issued to the Government of U.P. on 3.3.2016. In response thereto, the Superintendent of Police (PG), Office of D.G.P., Uttar Pradesh, Lucknow addressed a letter dated 29.3.2016 to the Superintendent of Police, Deoria for filing the reply in the matter.

**Reply of the Police Authorities, U.P.**

Shri Prabhakar Choudhary, Superintendent of Police, Deoria vide his comments dated 12.5.2016 submitted that the investigation in the matter was conducted by Shri Sushil Kumar Singh, Circle Officer, Janpad, Deoria who in his Investigation Report has mentioned that the complainant has filed this complaint with vague allegations for the reasons that some amount of the complainant was due on Shri Satyendra Kushwaha and the same was not paid by

Shri Satendra Kushwaha inspite of the settlement. It has been further mentioned that in order to maintain law & order, the police has initiated action u/s 107/116 against Shri Satyendra Kushwaha and Shri Akhlakh Ahmad. The allegations made by the complainant were not find true in the first instance and recommended that no further action is required in the matter.

A copy of the aforesaid report was furnished to the complainant at the time of hearing i.e. on 9.6.2016.

#### **Investigation Report filed by the S.P., Deoria**

The Superintendent of Police, Deoria vide his another letter dated 7.4.2017 has stated that the investigation in the matter has been conducted by the Dy. Superintendent of Police, Deoria and it has been stated in the investigation report that the reason for shutting down of his printing press is the resignation of his employees from the job due to non-receipt of their 14 month's salary and not the reason as stated by the complainant. Hence the allegation of the complainant is false and baseless. It has been further stated that the further allegation of the complainant that the police have forcefully made Satyendra Ksuhwaha as witness is baseless as neither the complainant produce any evidence in this regard nor Mr. Kushwaha has filed any complaint in this regard.

A copy of the aforesaid report received in the Secretariat of the Council on 20.4.2017 was forwarded to the complainant on 27.4.2017 for information.

#### **Communication from the complainant dated 7.7.2017 & 10.7.2017**

An endorsement dated 7.7.2017 addressed to the Additional Superintendent of Police, Deoria , has been forwarded to the Council whereby complainant has stated that two Muslim M.L.A and a Hindu M.L.C. have been harassing him and his family for last twelve years. The complainant reported the matter to the Police but the matter has been suppressed due to the influence of these people. The investigating Officers are trying to divert the attention towards non payment of bill for supplying milk provided by Shri Satender Khuswaha. The complainant has submitted that if something wrong happens to him or to his family then Ekhlahk Ahmed, District magistrate and Police Administration will be held responsible.

The complainant, Shri Shivnaresh Pandey, vide his another letter dated 10.7.2017 has submitted that Police are escaping from its responsibilities. This is the reason S.P. of Deoria, instead of presenting himself, sent Sub Inspector before the Inquiry Committee. He has further submitted that if he has not paid the due amount to milkman, Shri Satender Kushwaha, why there is not an F.I.R registered against him. He has alleged that Police have not responded to few of his questions.

#### **Communication from Superintendent of Police dated 8.7.2017**

A letter dated 8.7.2017 has been received from Shri Rajiv Malhotra, Superintendent of Police, Deoria , wherein, it has been submitted that the matter has been investigated by Shri Chiranjeev Nath Sinha, Additional Superintendent of Police in which it has come out that Shri Basudev Yadav and Shri Ram Uday Yadav used to work with the complainant's Printing Press. They have not been paid their salary since 2004. The complainant, even after the directions of Court, has not intended to pay the due salary. It has further submitted that the complainant had made allegations against Shri Eahlakh Ahmad and his two brothers for not letting the workers perform their duties. After investigation, it has come out that they (workers) were not being paid their salary since 2004 and due to this they have stopped working with the Printing Press. There has no influence of Shri Eahlakh Ahmad and his two brothers on the workers.

#### **Complainant's further letter dated 4.9.2017**

The complainant, Shiv Naresh Pandey, Chief Editor, Ekta Humari Prachin Parmpara hai, vide his letter dated 4.9.2017 while reiterating his complaint, has pointed out that there is a contradiction between the Inquiry conducted by the investigating Officer namely Shri Ajay Kumar, Circle Officer, Deoria and Shri Chiranjivnath, Additional Superintendent of Police, and Shri Sunder Prasad, Former Investigating officer. He has submitted that as per the inquiry conducted by Shri Sunder Prasad, the complainant has outstanding bill of Rs. 15000/- for milk and according to Shri Eahlakh's statement, who owns a hotel in front of complainant's press, the complainant has outstanding bill of Rs. 30,000/- for milk. Whereas, Shri Satyender Kushwaha, who allegedly runs a milk shop near the Press, has submitted in his statement that his father used to give milk to the complainant. He has neither supplied milk not filed any written complaint against the complainant. The complainant has further submitted that he had published against goons of Shri Eahlakh, that is why he is being targeted.

A copy of the same was forwarded to the complainant on 12.12.2017 for information/comments, if any.

#### **Communication from Superintendent of Police dated 31.8.2017 and 16.9.2017**

Shri Rajiv Malhotra, Superintendent of Police, Deoria, vide letter dated 31.8.2017 and 16.9.2017 has informed the Council that Shri Nitish Kumar Shrivastva, Inspector In-charge, has been appointed to the present the relevant facts before the Inquiry Committee hearing held on 12.7.2017. He has further requested to the Council to take back the Warrant of Arrest issued against him and grant exemption from personal appearance.

A copy of the aforesaid letters was forwarded to the complainant on 12.12.2017 for information/counter comments, if any.

#### **Communication from Complainant's Son**

An endorsement copy dated 5.12.2017 addressed to Chief Minister, Lucknow, Uttar Pradesh, has been received from the son of the complainant, Shri Karunanidhi Pandey, wherein he has pointed out that few unknown people took away L.E.D. Bulb from his printing Press and also his mobile phone due to which he has suffered a loss of Rs. 5000/-. Further, he has requested the Council to direct Superintendent of Police, Deoria, to take action on those people.

#### **Report dated 3.2.2018 received from S.P., Deoria**

An endorsement letter dated 3.2.2018 addressed to Superintendent of Police, Headquarters Director General of Police, Uttar Pradesh, has been received from Shri Rakesh Shankar, Superintendent of Police, Deoria, whereby, while reiterating the Inquiry report, he has submitted that the Inquiry in the matter has been finalised.

#### **Endorsement dated 07.03.2018 received from the complainant**

Shri Shivnaresh Pandey, Chief Editor, 'Ekta Hamari Prachin Parampara Hai' vide his letter dated 07.03.2018 addressed to Superintendent of Police, Deoaria and endorsement to the Council has stated that Shri Eklakh Ahmed (Related to Land Mafia) wants to close his printing press and trespass his land. He has further stated that he along with his family members have been harassed by mafia and his associates. He has also stated that he made a complaint about this to the Police earlier also but due to Shri Ekh lakh Ahmed's political connections no action has been taken against him. On 02.03.2018, the respondent and his associates after consuming alcohol abused the complainant and threatened him of dire consequences. He has requested the police authority to take stringent action against the respondent.

#### **Communication from Addl. Superintendent of Police**

A letter dated 22.6.2018 sent by Additional Superintendent of Police(North), Shri Ganesh Prasad Saha, Deoria, has been received at the time of hearing on 25.6.2018, wherein he has stated that a report regarding the investigation in the matter has been sent to the Council on 16.9.2017. He has further submitted that the complainant, Shri Shivnaresh Pandey gave a written statement wherein he stated that after posting of present Superintendent of Police, there has been control over anti-social elements. He along with other victims have started receiving justice now. The complainant is satisfied with the working style of the Superintendent of Police. However, he has not come across the S.P. yet.

The Superintendent of Police has requested the Council to dismiss the matter.

A copy of the aforesaid communication has been forwarded to the complainant vide Council's letter dated 24.7.2018.

#### **Communication dated 22.6.2018 from the complainant**

A letter dated 22.6.2018 signed by the complainant, Shri Shivnaresh Pandey, has been received at the time of hearing on 25.6.2018, whereby the complainant has submitted that a conversation took place on 20.6.2018 between Shri Rakesh Pandey, Editor and him. In that conversation he had said that the present Superintendent of Police, Deoria, has been taking strict action against the criminals, but never said that he is completely satisfied with the action taken by the Police. The complainant said that if his statement of being satisfied with the Police action is being used to close the proceedings that would be completely wrong.

A copy of the aforesaid communication has been provided to the Sub Inspector, appeared on behalf of the respondent, at the time of hearing on 25.6.2018.

#### **Report of the Inquiry Committee**

The matter came up for final hearing on 28.8.2018 at Lucknow followed by several adjournments. Shri Diwakar Pandey, Represented the Complainant. Shri Subhash Chandra Pandey, Kotwali Deoria appeared for the Superintendent of Police, Deoria and Shri Amit Kishore, District Magistrate, Deoria also before the Inquiry Committee.

The District Magistrate, Deoria appears and states that administration will facilitate the complainant in printing of the newspaper in the printing press in question in accordance with law. The Inquiry Committee takes note of the aforesaid statement 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.

## **PRESS COUNCIL OF INDIA**

Sl.No. 20

File No. 13/60/07-08-PCI

Shri Uttam Chandra Sharma,  
Editor, Muzaffarnagar Bulletin,  
Muzaffarnagar(U.P.)

The Chief Secretary,  
Government of Uttar Pradesh, Lucknow

The Secretary & Director,  
Information & Public Relations  
Department,  
Government of Uttar Pradesh,  
Lucknow.

The District Magistrate,  
Muzaffarnagar,  
Uttar Pradesh.

### **ADJUDICATION**

**26.9.2018**

This complaint dated 22.8.2007 was filed by Shri Uttam Chandra Sharma, Editor, Muzaffarnagar Bulletin, Muzaffarnagar (U.P.) against Information & Public Relations Department, Government of Uttar Pradesh, Lucknow alleging stoppage of advertisements to his newspaper. According to the complainant, his newspaper is being published since last 35 years as number one newspaper of the district and stands duly approved for advertisements by the DAVP and State Government of Uttar Pradesh. The complainant submitted that as a Member of the Press Council of India, he was a Convenor of Fact Finding Committee (FFC) of Press Council, he summoned many higher government officials of U.P. State Government including the Information Director Government of U.P. during Inquiry at Lucknow. Till then, his newspaper had been getting advertisements regularly from DAVP but after an inquiry of FFC, the Information & Public Relations Department passed an order for stoppage of advertisements to this newspaper. According to the complainant, he also tried to contact the Director, Information & Public Relations Department on his phone but all efforts went in vain.

The matter was heard by the Inquiry Committee of the Council and Committee observed that the complainant's case was that his newspaper was victimized by the State Authorities of the respondent, Government of U.P. for his role as Convenor of Fact Finding Committee of the PCI in the matter: Samiuddin Neelu vs. Police Authorities of Lakhimpur, Khiri, U.P. The authorities are expected to function under a fair and balanced policy and the constitutional commitment as a socialist democratic republic. The authorities are expected to abide by these principles in all its action. The Inquiry Committee also records that the advertisements are the life line of the small newspapers and it is essential to maintain their economic viability to maintain and unbiased and independent press. Therefore, the respondents should follow a uniform policy for the empanelment for advertisements and ensure the release of advertisement on rotational basis to all empanelled against the set criteria. The Inquiry Committee of the Council made this report to the Press Council.

The Council on consideration of the report of the I.C. and the facts of the case, upheld the complaint, observing u/s 15(4) of the PC Act, 1978, the respondent Government of U.P. guilty of destabilizing the complainant newspaper, financially affecting its freedom. Such action was a direct affront to the statutory discharge of the functions under Press Council Act

by the complainant. The charge of bias stood established as no responsible officer came forward to meet the queries of the Inquiry Committee and insufficient corrective steps taken by the respondent government despite protracted proceedings before the Council in restoring the legitimate advertisement support to the complainant. The Council also held that the government needs to review its Advertisements Policy so as to bring it in consonance with the DAVP Advertisement Policy and the Model Advertisement/Accreditation Policy laid down by the Press Council.

### **Re-open Order dated 10.9.2015**

On the direction of Hon'ble Chairman, Press Council of India dated 10.9.2015 the matter is being placed before the Inquiry Committee.

The complainant vide his letters dated 5.10.2012 and 8.9.2014 to the Council submitted that the Government of U.P. has not implemented the Council's decision. Shri U.C. Sharma has submitted that the information department of U.P. Government is still biased and discriminating in releasing the advertisement to his newspaper. Shri Sharma has requested the Council to take action in the matter.

Hon'ble Mr. Justice MarkandeyKatju, the then Chairman of the Council vide his D.o. letter dated 11.9.2014 addressed to the Chief Minister of Government of Uttar Pradesh while pointing out non-implementation of the adjudication rendered by the Council in January 2011 on the complaint filed by Shri Uttam Chandra Sharma, Editor, Muzaffarnagar Bulletin requested the Government of U.P. for victimization qua release of advertisements following acceptance by the Council of the Report of the FFT headed by him to inquire into harassment of Shri Samiuddin Neelu, a Lakhimpur Khiri based Journalist. As the action of the Government appeared to adversely affect the interest of the Member subsequent to the above referred inquiry of the FFT, the adjudication had found the respondent Government of Uttar Pradesh guilty of destabilizing the complainant newspaper, financially affecting its freedom, recording that such action was a direct affront to the statutory discharge of the functions under Press Council Act by the complainant. Shri U.C. Sharma has since been continuously bringing to the Council's notice the non-implementation of the decision of the Council as a reprisal measure.

Shri Uttam Chandra Sharma, Editor, Muzaffarnagar Bulletin, Muzaffarnagar vide his letters dated 11.7.2015 17.7.2015 & 30.7.2015 stated that whenever, Press Council of India writes to Government of U.P. only then the advertisement are issued to Muzaffarnagar Bulletin thereafter the Government of U.P. again stops releasing the advertisements.

A Notice for Reply letter dated 6.8.2015 issued by the Council followed by a reminder dated 16.9.2015 to the Principal Secretary (Information) Department of Information & Public Relations, Government of U.P. on the grievance of the complainant and copy thereof was endorsed to the Private Secretary to the Chief Minister of U.P. but no reply has been received so far.

### **Complainant's further letter dated 28.8.2015**

Shri Uttam Chandra Sharma, Editor, Muzaffarnagar Bulletin, Muzaffarnagar vide his letter dated 28.8.2015 stated that another newspaper Royal Bulletin got 15 fancy advertisement from the Government of Uttar Pradesh between 30.6.2015 to 22.8.2015 whereas Muzaffarnagar Bulletin has not yielded been released any advertisement.

### **Letter from Information Director**

Shri Ashutosh Niranjana, IAS, Information Director, Uttar Pradesh, Lucknow vide his letter dated 7.10.2015 informed that advertisement of Rs. 2,93,974.91 for the current financial

year and Rs. 9,58,921.95 for the last financial year and classified advertisements of Rs. 36,220.80 for the current financial year and Rs. 27,104.00 for the last financial year were issued to the Muzaffarnagar Bulletin newspaper.

#### **Complainant's Further Letter dated 24.2.2016**

The complainant vide his letter dated 24.2.2016 has submitted that the respondent was directed by the Inquiry Committee to give information with regard to the constitution of Accreditation Rules Committee but the respondent, while referring Media Advertisement Rules, 2014, framed a committee of five junior officers who will submit their report within two weeks. He further stated that the Council has never asked for a report on Advertisement Rules and the aforesaid reply of the respondent is misleading. He has submitted that the list of advertisement provided by the Information Director shows that the highest number of advertisements were given to Royal Bulletin which is 72 in number while only 36 advertisements were issued to Muzaffarnagar Bulletin. He further submitted that Muzaffarnagar Bulletin is the oldest newspaper in Muzaffarnagar and is no. 1 newspaper from every angle but despite this fact, the Information Director, whenever they want, stopped issuing advertisements to Muzaffarnagar Bulletin newspaper and in this way, the harassment of this newspaper is continued which is the violation of freedom of press.

A copy of the aforesaid letter was forwarded to the respondents on 2.3.2016 for information/counter comments, if any.

#### **Letter dated 8.3.2016 from Director, I&PRD**

An endorsement letter dated 8.3.2016 addressed to the Chief Secretary, Government of U.P. sent by the Director, I&PRD, Government of U.P. was received in which the Director has requested the Chief Secretary to constitute a Press Accreditation Committee as early as possible as several letters in this regard have been received from the Press Council of India.

A copy of the aforesaid letter was forwarded to the complainant on 5.5.2016 for information.

#### **Documents filed by complainant before the Inquiry Committee in its meeting held on 4.1.2016**

The complainant vide letter dated 4.1.2016 has stated that he wrote a letter on 17.10.2015 to the Director, I&PRD requesting to release his advertisement bills but till date received no response. He has requested the Council to resolve the problems faced by his newspaper.

The complainant vide another letter dated 4.1.2016 at the time of hearing with which he enclosed copies of 29 pages advertisement issued to a local newspaper of Muzaffarnagar named 'Royal Bulletin' for around Rs.15 lakhs but not even a single advertisement was issued to Muzaffarnagar Bulletin which is a suppression of press freedom. He further stated that the PCI has censured Royal Bulletin three times despite that 4 page advertisements in a single day was issued to it. He has requested for necessary action in the matter.

Copies of the aforesaid documents were forwarded to the respondent vide Council's letter dated 10.2.2016 for information/comments.

#### **Documents filed by respondent before the Inquiry Committee in its meeting held on 4.1.2016**

The respondent vide his letter dated 4.1.2016 while authorising Shri Atul Mishra, Assistant Director, I&PRD, Government of UP has also informed the Council that the Chief

Secretary, I&PRD, Government of UP would not attend the hearing as he is busy in Three Days Diaspora Meeting organised at Agra from 4<sup>th</sup> January, 2016 to 6<sup>th</sup> January, 2016.

The respondent vide letter dated 4.1.2016 has also filed a list of Display Advertisements issued to the complainant newspaper, Muzaffarnagar Bulletin filed by the representative of the respondent. Another communication dated 1.1.2016 filed by the Director, I&PRD, Govt. of UP while authorizing Shri Atul Misra, Assistant Director, I&PRD to attend the hearing held on 4.1.2016 and also enclosed a copy of Office Order dated 1.1.2016 which stated that a Committee has been constituted for examining the Model Advertisement Rules, 2014 framed by the Press Council and to submit its recommendation. The respondent also filed a communication dated 18.12.2003 written by Chief Secretary, I&PRD, Government of UP and addressed to Director, I&PRD, Government of UP at the time of hearing.

#### **Further Paper filed by the Respondent**

The representative of the respondent filed a letter dated 8.7.2016 of Shri Sudhesh Kumar Ojha, Information Director with which he has filed details of advertisements issued to the complainant's newspaper.

A copy of the same was sent to the complainant on 21.7.2016 for his information.

#### **Response from Information Director**

Shri Sudhesh Kumar Ojha, Information Director, Lucknow, U.P. vide his letter dated 7.4.2017 enclosed therewith a letter dated 7.4.2017 of Shri Kripa Shankar Yadav, OSD addressed to him. He has stated that according to the Administrative Order no. 523/19/1/200/156/81 T.C. dated 18.4.2000 of Information Section-1, Uttar Pradesh Advertising Accreditation Committee has been formed.

Vide Council's letter dated 5.6.2017, the respondents were informed that the orders are the old order of 2000/2010 on the manner of constitution of the Accreditation and Advertisement Committee and not the actual constitution of the Committee.

#### **Response from the respondent**

In pursuance of I.C. directions, Shri T.S. Rana, Director, U.P. State Information Centre vide his letter dated 5.8.2017 has furnished a copy of the letter no. 1203/19-1-2017-205/2002 dated 13.7.2017 in respect of setting up of a U.P. State Level Press Accreditation Committee. The said letter is addressed to the Chief Secretary, Govt. of U.P. wherein the names of the press organisation and the number of representative from such organisations have been mentioned in the Press Accreditation Committee. It has also mentioned that the Direction, Information will be the President of the Press Accreditation Committee.

A copy of the communication was forwarded to the complainant on 23.8.2017 for information.

#### **Communication dated 30.9.2017 from I&PRD, Lucknow**

Dr. Gyaneshwar Tripathi, Additional director, I&PRD, U.P vide letter dated 30.9.2017 informed the Council that the I&PRD, Uttar Pradesh, has set up an Accreditation Committee on 13.7.2017 under the chairmanship of Director of I&PRD. He has further submitted that the I&PRD had asked media Organisations to provide list of representatives to proceed in the matter. The I&PRD received list of many Accreditation granted representatives but not the representative nominated by the Council.

It is submitted that the names of five members as representatives for setting up Advt./Accreditation Committee were sent to I&PRD, Lucknow vide Council's letter dated 26.9.2017

**Communication dated 13.3.2018 from I&PRD, Lucknow, U.P.**

The Council issued a reminder dated 4.1.2018 to Secretary and the Director and Secretary, I&PRD, Lucknow asking them to inform the status of setting up Accreditation Committee. In response thereto, the Additional Director, I&PRD, Lucknow vide letter dated 13.3.2018 informed the Council that in pursuance of PCI's direction the department has constituted Advt./Accreditation Committee vide its Office Order dated 30.1.2018 and enclosed copy of the said office Order.

**Communication dated 27.8.2018 from I&PRD, Lucknow**

Director, Information & Public Relations Department Government of Uttar Pradesh vide communication dated 27.8.2018 informed the Council that Uttar Pradesh Press Accreditation Committee has been constituted vide Government Order dated 30.1.2018 and Uttar Pradesh Press Advertisement Committee has been constituted vide order dated 27.8.2018. The respondent also submitted that advertisements are not given any newspaper to strengthen his financial status but they are distributed as per government's necessity and importance. He has further submitted that as per the comparison with Royal Bulletin, the complainant newspapers got more classified advertisements.

**Report of the Inquiry committee**

The matter came up for final hearing on 28.8.2018 at Lucknow followed by adjournment dated 8.10.2015; 4.1.2016; 14.3.2016; 11.7.2016; 6.9.2016; 14.12.2016; 10.4.2017; 20.6.2017 and 3.10.2017. Shri Junaid Ahmad, representative appeared for the complainant.

The Director, Information and Public Relations Department of the Government of Uttar Pradesh is present in person and has produced before the Inquiry Committee the Office Order dated 30.1.2018 and letter dated 27.8.2018 whereby the Press Accreditation Committee and Advertisement Accreditation Committee have been constituted. The Inquiry Committee takes note of the aforesaid orders 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.

**Press Council of India**

F.No. 13/99/17-18-PCI

S.No. 21

<b>Complainant</b>	<b>Respondent</b>
Shri Satish Kumar Arya Rashtriya Sanghtan Minister Bhartiya Rashtriya Patrakar Mahasangh Saharanpur, U.P.	The Director Information and Public Relations Department Govt. of Uttar Pradesh Lucknow, U.P.  The Dy. Director Information, Office of Information Saharanpur Mandal, UP.

**Adjudication dated 26.9.2018**

This complaint dated 22.9.2017 has been filed by Shri Satish Kumar Arya, Rashtriya Sanghtan Mantri, Bhartiya Rashtriya Patrakar Mahasangh, Saharanpur, U.P., against the Dy. Director- Information, Saharanpur. According to the complainant getting authentication of Declaration from the Information Department, Shahrnpur mandal has become an extremely complicated procedure. The complainant states that the Information Department Sharanpur Mandal allegedly put (verbal/written) objection on the Declaration submitted by the complainant and unnecessarily delay the process. Verbal instructions have been given that the Declarations are accepted by Dy. Director, at Vijay Nagar, Delhi Road, Shahrnpur. However no written order has been circulated till date, on the same. According to the complainant, the editor/publisher of any publication is solely liable for the Declaration filed by him which is not meant for any investigation/verification and hence any kind of enquiry cannot be conducted on it and the role of Collector or Dy. Collector is solely to authenticate the Declaration. Under such laid conditions, asking the editor repeatedly for submission of Declaration specifying if the organisation is linked to any foreign organisation, demanding for testimonials of the editors, asking for original copy of the contract letter with printing press are in violation of the Press Act and is equivalent to restricting functioning of the free press. The complainant also informed that an investigation has been carried out to verify the authenticity of the Declaration of printing press by the Information Dept., Saharanpur is against the rules. The complainant requested the Council to take necessary action against the respondent Dept. for depriving him from the facilities and information.

Notices for comments were issued to the Govt. of U.P. on 17.10.2017.

**Reply Filed by the Respondent**

In response to the Notice for Comments issued by the Council, the respondent Awadesh Kumar, Asst. Director, Information and Public Relations Department, Saharanpur, U.P. vide letter dated 9.11.2017 while denying the allegations as alleged by the complainant submitted that the complaint is false and misleading. The respondent submitted that the complainant since 2010 has been engaged in filing unnecessary complaints against the District Information Department of Govt. of U.P. and had also attempted to extort money by false reporting. The complainant has further filed a case against an employee of the Department under SC/ST Act. The respondent stated that the complainant made calls to several employees of the I& PR Department threatening them to falsely implicate in Court case thereby terrorising them, which is affecting their work. The respondent has also submitted that no verification of authenticity of Declaration was carried out as per the complaint and it is simple that the complainant is trying to harass the Govt. employees by deliberately filing false complaints with the Council. As per complainant's claim the State Information Dept. has been handed over the work of making Declaration Form since February 2017. Thus, the allegation of delaying the Declaration work for years is baseless.

The respondent further submitted that the complainant submitted Declaration form mentioning name of person as publisher who is dead without fulfilling the formalities at RNI. Hence, the complainant was informed that the District Press Officer has directed the Publisher who has attested the Declaration be present before him to authenticate the Declaration, on which the complainant stated that the Publisher will not be able to appear. With this submission, the respondent claims that the complainant had filed the present complaint with malafide intention which may be dismissed by the Council.

### **Counter Statement of Complainant**

The complainant vide letter dated 1.2.2018 informed the Council that all the allegations levelled against him by the respondent are baseless. He has submitted that the Director, I&PRD, has issued many notices to the editor which is beyond his jurisdiction. He has further submitted that the publisher/Editor whom the Director, I&PRD, declared dead is still alive. The complainant submitted that the Asst. Director, I&PRD, in his statement mentioned that the office cannot arrange sittings for reporters in his office is unfortunate and hence appeals to take necessary action in the matter.

The counter comments of the complainant has been forwarded to the respondent vide communication dated 13.4.2018.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 28.8.2018 at Lucknow. Shri Sudhir Kumar, Assistant Director Information represented the respondent, I&PRD, Govt. of U.P.

Despite service of notice, complainant has not chosen to appear. The Inquiry Committee has perused the complaint, the reply filed by respondent and the entire record. It has been brought to the notice of the Inquiry Committee that no Declaration is pending for authentication in the District of Saharanpur.

The Inquiry Committee takes note of the aforesaid statement 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.

**Press Council of India**

**Sl.No. 22**

**F.No. 13/98/17-18-PCI**

Shri Homesh Mishra,  
Local Correspondent,  
U.P. News – 24 Channel,  
Railway Road, Near Post Office,  
Hathras Junction,  
Police Station – Hathras Junction,  
Hathras, U.P.

The Chief Secretary,  
Government of U.P.,  
Lucknow, U.P.

The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow, U.P.

The Director General of Police,  
U.P. Police,  
Uttar Pradesh

The Superintendent of Police,  
Hathras, U.P.

The Station House Officer,  
Police Station – Hathras Junction,  
Hathras, U.P.

**ADJUDICATION**

**26.9.2018**

This complaint dated 29.08.2017 has been filed by Shri Homesh Mishra, Local Correspondent, U.P. News-24 Channel, Hathras (U.P.) against the mining mafia and Police Authorities for allegedly threatening him to kill and inaction of police in this regard.

According to the complainant, in the past he had complained about the illegal mining activities in the area. Exasperated over the complaint, the mining mafia on 16.07.2017 threatened him of dire consequences. The complainant in this regard filed a complaint in police station, Hathras but no action has been taken by the police against the mining mafia. On 27.07.2017, mafia again attacked complainant but no action was taken by the police. He has alleged that on 27.08.2017 respondents had forcefully entered his house and vandalised it. He has further alleged that they also snatched Rs. 8,000/- from him. The complainant has stated that he has saved his life by locking himself in a room. He has alleged that they misbehaved with his wife and sister and also beaten them. According to him, police has registered his wife's complaint by writing the facts arbitrarily. He has stated that police in connivance with accused filed a false case against him and his brother. He 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 U.P. on 17.10.2017.

**Reply of Superintendent of Police, Hathras**

The Superintendent of Police, Hathras vide his reply dated 17.11.2017 has informed that the matter was investigated by Circle Officer, Shri Sikandrarao, Hathras, who vide his report dated 15.11.2017 has apprised that complainant is also a correspondent of U.P. News/IBA News and one Shri Anil Kumar is running business of J.C.B. and both being business competitors had assaulted each other on some issue. He has stated that the

complainant on 16.07.2017 has filed a case Under Section 504/506, N.C.R. 111/17 in Hathras Junction Police Station against Shri Holu Yadav and others. He has further informed that Shri Anil Kumar on 27.08.2017 has also filed a case Under Section 384/323/504/506 of IPC against the complainant and others. The complainant has also filed a case on 27.08.2017 under Section 392/427/323/452/506 of IPC against Shri Anil Kumar and his brother-in-law. He has stated that the case was investigated by Shri Kamal Singh, who on the basis of available evidences closed the investigation under section 506 of IPC in Charge Sheet number 216 on 21.09.2017. He has also informed that a case N.C.R. No. 193/17 under Section 506 of IPC has been registered on the complaint made by his wife on 06.10.2017 against Shri Ranjit and two others. The investigating officer under Section 107/116 of Code of Criminal Procedure relating to law and order has taken appropriate action.

A copy of the Report was forwarded to the complainant on 29.11.2017 for his Counter Comments.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 28.8.2018 at Lucknow. Shri Homesh Kumar Mishra, correspondent appeared in person. Smt. Suman Kanaujiya, Deputy Superintendent of Police appeared for the respondent.

The Inquiry Committee has heard the complainant as also Mrs. Suman Kanaujiya on behalf of the respondent. The Inquiry Committee has perused the complaint, the reply and all other connected papers. It seems that on the basis of the report given by the complainant, several cases have been registered and charge sheet submitted. Similarly, on the basis of the report given by other persons, criminal cases have been registered against the complainant and charge sheets have been submitted. As the matters are pending for trial before the Competent 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.

**Press Council of India**

**Sl. No. 23**

**F.No. 13/55/17-18-PCI**

Shri Ramnaresh Yadav,  
Correspondent/Advocate,  
Desh Ke Kamere, Unnao, U.P.

The Chief Secretary,  
Govt. of U.P., Lucknow, U.P.

The District Collector,  
District-Unnao, U.P.

The Superintendent of Police,  
Unnao, U.P.

Shri Girish Kumar Mishra,  
Advocate, Chairman, Unnao Bar  
Association, , District-Unnao, U.P

Shri Sushil Kumar Shukla,  
Advocate/General Secretary,  
Unnao Bar Association,  
District-Unnao, U.P.

**ADJUDICATION**

**26.9.2018**

This complaint dated 26.7.2017 has been filed by Shri Ramnaresh Yadav, Editor/Advocate, Desh Ke Kamere, Weekly, Unnao, U.P. against the Chairman and General Secretary of Unnao Bar Association allegedly for giving death threat and threat to close the newspaper as a reprisal measure for critical writings. The complainant informed that he has published a news item about an incident of firing by an advocate during election of Unnao Bar Association on 3.5.2017 in his paper on May 13-19, 2017 captioned “कचहरीमेंदलालऔरगुंडेवकीलोंकीबाढ़” based on Press Release by some peace-loving advocates in public interest. The complainant alleged that exasperated over the impugned news item, elected Chairman-Shri Girish Kumar Mishra and the General Secretary-Shri Susheel Kumar Shukla maliciously released a notice on 1.6.2017 and pasted the same in court premises whereby he was defamed. The complainant informed that he is an editor and legal practitioner and member of Unnao Bar Association for about 35 years and entitled to vote in the Bar Association’s election. The complainant informed that a regional office of his newspaper is also located in court premises and the respondents harbour enemy with him. The complainant stated that incident of firing was also published in other newspapers but the respondents have issued the notice only against him. The complainant alleged that the respondents insulted him before General Assembly on 13.6.2017, and an order was passed to cancel his Bar membership and he was barred from selling his newspaper in court premises. The complainant further informed that The Bar Council of U.P. has termed the impugned Order as unconstitutional. The complainant alleged that the act of the respondents is an attack on freedom of press. The complainant informed that he has requested many times to the D.M. and the S.P. of the District for providing security of his life and property but no action has been taken. The complainant requested the Council to register case and dispose of the registration of the respondent and to ensure his security.

Notices for Statement in Reply were issued to the Govt. of U.P. and Shri Girish Kumar Mishra and Shri Sushil Kumar Shukla, Advocates on 4.9.2017.

### **Reply of the District Collector, Unnao**

The District Collector, Unnao vide his letter dated 3.11.2017 has forwarded report of the Superintendent of Police, Unnao dated 29.10.2017 in which it has been stated that Shri Anil Pratap Singh, Chairman, State Bar Council, Allahabad, U.P. vide his Order dated 18.6.2017 has disposed of the impugned order of the Unnao Bar Association passed on 13.6.2017. It has been further stated in the report that allegation of death threat levelled by complainant could not be proved. Further, the Incharge-of Supervisor, Kotwali Nagar has been directed to maintain peace by disposing of the matter on the basis of merit.

### **Reply of District Collector, Unnao**

The District Collector, Unnao vide letter dated 1.11.2017 has forwarded joint written statement dated 31.10.2017 of the main respondents- Shri Girish Kumar Mishra, Chairman and Shri Susheel Kumar Shukla, General Secretary, Unnao Bar Association.

The respondents while denying the allegations of the complainant submitted that legal notice was issued to the complainant for using undignified words for the advocates in the news item published by the complainant and therefore the legal notice was issued to him. Since he did not accept the notice, the same was displayed on the notice-board as per rule. The respondent further submitted that the bar-membership of the complainant was disposed of on 8.6.2017 in an Executive meeting in the presence of all members of the Governing Council. The respondent further informed that they neither threatened nor obstructed publication or selling of newspaper of the complainant. They submitted that the complainant is practising at his allotted place in Collector premises as before and no discussion was held between them relating to expulsion. According to the respondents, if the complainant submits application of clarification, his membership may be considered by the Association.

A copy of the reply was forwarded to the complainant on 5.12.2017 for information/counter comments but no response has been received so far.

### **Letter filed by the complainant on 28.8.2018**

The complainant filed documents at the time of hearing on 28.8.2018 and reiterates his original complaint. He has submitted that the written statement filed by the respondent President and General Secretary of the Unnao Bar Association is false and there are many advocates registered with the Bar Association, who have a criminal background and many cases are registered against them in different police stations. The complainant submitted that neither he sell his newspaper in the Unnao bar association nor in the area adjacent to that, due to threat perception from the respondents causing him a revenue loss in thousands. District Magistrate and Superintendent of Police have also not taken any step in the matter to provide him security as he has life threat from the respondents. He has requested the Council to take action in the matter.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry committee on 28.8.2018 at Lucknow. The complainant appeared in person. Shri Surendra, ADGC appeared on behalf of the District Magistrate and Shri Ajay Gautam, Advocate and Shri Himanshu Mishra, Advocate appeared for the respondents President and General Secretary of the Unnao Bar Association.

The Inquiry Committee has heard the complainant and the representative of the then President and General Secretary of the Association. The complainant is aggrieved by termination of his membership by the Unnao Bar Press Association. His further grievance is that the Bar Association does not allow him to circulate his newspaper in the Bar Association.

It is common ground that so far as the termination of the membership from the Bar Association is concerned, the matter is pending before the UP Bar Council. In that view of the matter, the Inquiry Committee is not inclined to express any opinion in this regard. So far as the circulation of the newspaper is concerned, the Inquiry Committee is of the opinion that the Unnao Bar Association should not create any impediment in circulation of the newspaper. The Inquiry Committee directs for disposal of the complaint, with direction to the President and the General Secretary of the Unnao Bar Association, not to create any impediment in circulation of the newspaper.

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

**Held**

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

**Press Council of India**

S.No. 24

F.No.13/143/17-18-PCI.

**Suo-motu cognizance with regard to murder of Shri Naveen Gupta, Journalist by unknown assailants in Kanpur (U.P.).**

**Adjudication dated 26.9.2018**

The Press Council of India has come across through various news reports regarding murder of Shri Naveen Gupta, journalist by unknown assailants in Kanpur. It was reported that Shri Naveen Gupta, a stringer of a Hindi daily, Hindustan, was shot dead by unidentified assailants in Kanpur's Bilhaur on 30.11.2017. The incident occurred at market near Billhaur Nagar Palika around 5:30 p.m. when three persons on a two-wheeler arrived at the family shop where Shri Naveen was sitting. It was after he came out of the shop, the assailants whipped out firearms and sprayed bullet on him. He was declared brought dead by doctors at the hospital. The Senior Superintendent of Police along with forensic team reached the site and launched an investigation in this regard. The Police have registered a case of murder against unidentified culprits and rounded up nearly half-a-dozen suspects for an early breakthrough. The Director General of Police has directed the police to solve the murder and arrest the perpetrators at the earliest.

While taking suo-motu cognizance of the matter, a report on facts of the case was called for from the Government of U.P. on 1.12.2017. Simultaneously, the Editor of Hindustan, Lucknow was also requested to share relevant information, but received no reply.

**Reply of Government of U.P.**

The Senior Superintendent of Police, Kanpur City vide his report dated 14.1.2018 and 6.2.2018 informed that the matter was investigated by the Additional Superintendent of Police (Rural), Kanpur City and he in his investigation report dated 11.1.2018 apprised that Shri Naveen Gupta was shot dead by unknown assailants and on the complaint of Shri Gupta's wife, Smt. Kiran Gupta, a case No.745/17 under Section 302 IPC was registered against unknown persons in Police Station Bilhor. It has further reported that the investigation is being conducted by the SHO, Police Station-Bilhor. It has also reported that the necessary arrangements have been made for security of the journalist's family. According to the report, suspects were inquired but no fruitful information has been received from them. Sketches of the suspects have been prepared and published in the newspapers. Neighbours of Shri Naveen Gupta were also inquired but nothing substantial come out. It has been further reported that accused, who have destroyed evidence were arrested on 18.12.2017 under Section 201 of IPC. A reward of Rs.50,000/- has also been announced and published in the newspapers against the unknown accused. The police is keeping track of mobile recordings of the accused. It has been assured in the report that investigations will be completed shortly.

Vide Council's letter dated 31.5.2018, the Sr. Superintendent of Police, Kanpur City was requested to update the status of the case No.745/17. Simultaneously, the Editor of Hindustan, Lucknow was again requested to share relevant information in this matter but received no reply from both sides.

**Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 28.8.2018 at Lucknow. Shri Rajesh Ojha, Advocate on behalf of the Hindustan Times and Shri Bhagwan Singh, Circle Officer, Bilhaur appeared before the Inquiry Committee.

The Inquiry Committee took suo motu cognizance, when it came to its notice that a journalist, namely, Shri Navin Gupta was shot dead on 13<sup>th</sup> November 2017 and called for a report from the State Government. The Senior Superintendent of Police has submitted its report, in which, he has stated that on the basis of the information given by the wife of the deceased journalist, a case under Section 302 of the Indian Penal Code was registered against unknown persons. Today, Shri Bhagwan Singh, Circle Officer, Bilhaur, Kanpur appears and states that after investigation, the police has submitted charge sheet against eight persons and the matter is pending for trial before a Competent Court of Law. The Inquiry Committee takes note of the aforesaid statement of Mr. Singh and 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 decides to drop the proceedings.

**Press Council of India**

Sl. No. 25

File No.13/68/17-18-PCI.

**Complainant**

**Shri Kanhiyalal Vishwakarma,  
Chief Editor,  
Bundelkhand Chetna,  
Lalitpur (U.P.).**

**Respondents**

**The Chief Secretary,  
Government of U.P.,  
Lucknow (U.P.)**

**The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow (U.P.).**

**The Director General of Police,  
U.P. Police,  
Lucknow (U.P.)**

**Shri Manvendra Singh,  
District Magistrate,  
Lalitpur (U.P.).**

**Shri Yogvendra Bahadur Singh,  
Additional District Magistrate,  
Lalitpur (U.P.)**

**The Superintendent of Police,  
Lalitpur (U.P.)**

**Shri Sushil Kumar Dubey,  
Tehsildar, Mehroni, Lalitpur (U.P.)**

**Shri Vinay Kumar Tamrkar,  
Patwari, Banpur,  
Tehsil Mehroni, Lalitpur (U.P.)**

**Shri Hakim Singh,  
S.H.O., Police Station-Banpur,  
Lalitpur (U.P.)**

**Sh. Charandas Ahirwar,  
Village-Banpur, Lalitpur (U.P.)**

**Shri Rakhu,  
Village Ajnor,  
Tikamgarh (M.P.).**

## **Draft Adjudication dated 26.9.2018**

This complaint dated 27.7.2017 has been filed by Shri Kanhiyalal Vishwakarma, Chief Editor, Bundelkhand Chetna, Lalitpur (U.P.) against Shri Charandas Ahirwar, Village Banpur, Lalitpur for allegedly misbehaving and threatening to implicate him in false case due to publication of critical writings. According to the complainant, the respondent-Shri Charandas Ahirwar illegally enrolled agricultural land in Village Banpur with the help of his brother-in-law, Shri Rakhu and government officers of Revenue Department but the same was rejected by the DM/Commissioner. The complainant has further submitted that he published a news item in his newspaper issue dated 11.11.2015 regarding rejection of a lease deed by DM/Commissioner and news clipping of the same was also provided to the District Magistrate. The complainant has further informed that he also published the news items in this regard in his newspaper issues dated 11.10.2015 and 11.11.2015 and annoyed with this on 26.7.2017 Shri Ahirwar misbehaved and manhandled with him in the compound of District Magistrate. The complainant alleged that Shri Ahirwar also threatened to implicate him in false case with the connivance of the police. The complainant submitted that he complained to the District Magistrate, Superintendent of Police, Lalitpur and SHO, Village Banpur but no action was taken. He has requested the Council to take necessary action in the matter.

Notices for Statement were issued to the respondents Government of U.P. and persons concerned on 3.11.2017.

### **Written Statement of Superintendent of Police, Lalitpur**

The Superintendent of Police, Lalitpur vide his written statement dated 18.11.2017 has informed that the matter was investigated by the Circle Officer, Sadar, Lalitpur, who apprised that the allegation of the complainant was prima-facie proved during the investigation and on the statement of the complainant a case No.3219/2017 dated 14.11.2017 under Section 352/504/506 IPC has been registered against Shri Charandas in Police Station-Banpur. He further informed that the matter is being investigated by the Sub-Inspector, Shri Sunil Kumar Tripathi, Police Station Kotwali, Lalitpur.

### **Written Statement of Shri Charandas Ahirwar**

The respondent-Shri Charandas Ahirwar, Advocate vide his undated written statement while denying the allegation of the complainant has alleged that the complaint is totally false. The respondent further alleged that the complainant blackmails the reputed persons and government officials in the garb of the journalism and RTI Act. The respondent informed that a land-mafia, Rajaram illegally encroached his land and this matter is pending consideration before court of law. The respondent alleged that the complainant filed this false complaint by taking money from Shri Rajaram. He has requested the Council to cancel the registration of complainant's newspaper.

A copy each of the above written statements was forwarded to the complainant on 28.11.2017.

### **Written Statement of DM/ADM, Lalitpur**

The District Magistrate and Additional District Magistrate, Lalitpur vide their joint written statement dated 12.12.2017 informed that a report in the matter has been received from the Superintendent of Police, Lalitpur, who apprised that on the complaint of the complainant a case No.3219/2017 dated 14.11.2017 under Section 352/504/506 IPC has been registered against Shri Charandas in Police Station-Banpur, which is under investigation. They further informed that since the matter is pending consideration before the court of law,

no action is required on administrative level and further action would be decided accordingly after decision of the court.

A copy of the written statement was forwarded to the complainant on 21.12.2017 requesting him to intimate the Council whether the matter is pending consideration before the court of law.

### **Counter Comments**

The complainant vide his counter comments dated 5.12.2017 while reiterating his complaint has alleged that the written statement of the respondent, Shri Charandas is far from the truth. The complainant stated that after issuance of Notices by the Press Council to the respondents on 3.11.2017, the police registered case against Shri Charandas Ahirwar, hence his allegation was true. He has requested the Council to cancel the advocate license of Shri Charandas Ahirwar.

The complainant vide his further letters dated 19.12.2017 and 21.12.2017 alleged that the respondent-Shri Charandas again threatened him on 5.1.2018. The complainant informed that the Case No.3219/17 is being investigated by the Sub-Inspector, Shri Sunil Tripathi and the same is not pending before court of law.

A copy of the counter comments was forwarded to the respondents on 22.1.2018 for information.

### **Communication from Shri Rajaram**

Shri Rajaram, Lalitpur whose name was referred by the respondent-Shri Charandas Ahirwar in his written statement above, vide his communication dated 16.2.2018 has stated that the allegations levelled by Shri Ahirwar against him are totally false. While reiterating the complaint submitted by the complainant, Shri Rajaram has requested the Council to take necessary action against the respondent, Shri Ahirwar.

### **Communication from the respondent, Shri Charandas**

The respondent, Shri Charandas has filed a letter dated 28.8.2018 at the time of hearing whereby he, while reiterating his earlier statement, has submitted that one Shri Rajaram Tanya illegally encroached his land and the cases against him are registered Under Sections 379, 420, 468, 406, 504 and 506. Shri Rajaram has good relationship with the Editor, Shri Kanhiyalal Vishwakarma. With the connivance of the complainant, Shri Rajaram implicated the respondent in false cases and a case No. 3219/2017 under Section 392, 504 and 506 is registered against him. He has further requested the Council to cancel the registration of the complainant's newspaper.

### **Communication from the complainant**

The complainant, Shri Kaniyalal vide his letter dated 29.8.2018 has filed three affidavits in support of his case. In these affidavits he has reiterated his complaint and requested include as his submission.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 28.8.2018 at Lucknow. Shri Kanhaiyalal Vishwakarma appeared in person. Shri Dharendra Pratap, SDM, Shri Devanand, DSP represented the respondent. The respondent, Shri Charandas also appeared in person.

The Inquiry Committee has heard the complainant and respondent, Shri Chanrandas Ahirwar and representative of other parties. It is the allegation of the complainant that because of his critical writings, he was threatened and assaulted by Shri Charandas Ahirwar. It has been brought to the notice of the Inquiry Committee that after investigation, the police has submitted charge sheet against Shri Charandas Ahirwar.

The Inquiry Committee takes note of the aforesaid fact 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

**Press Council of India**

**Sl. No. 26**

**File No.13/81/17-18-PCI.**

Shri Radheyshyam Dubey,  
Editor,  
Awadh Nagri,  
Basti (U.P.).

The Chief Secretary,  
Government of U.P.,  
Lucknow (U.P.)

The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow (U.P.).

The Director General of Police,  
U.P. Police,  
Lucknow (U.P.)

District Magistrate,  
Basti (U.P.).

The Superintendent of Police,  
Basti (U.P.)

Shri Shailendra Mani Tripathi,  
Village Development Officer,  
Development Block Vikramjot,  
Basti (U.P.)

Shri Alok Pratap Singh,  
Basti (U.P.)

Shri Deepak Gupta,  
Basti (U.P.)

**ADJUDICATION**

**26.9.2018**

This complaint dated 30.8.2017 has been filed by Shri Radheyshyam Dubey, Editor, Awadh Nagri, Basti (U.P.) against Shri Shailendra Mani Tripathi, Village Development Officer, Development Block Vikramjot, Basti for allegedly threatening to kill him for seeking information under RTI Act. According to the complainant, he sought information regarding development works in Vikramjot Development Block under RTI Act. Annoyed with this, the respondent-Shri Tripathi indirectly started threatening him through criminal natured persons, Shri Alok Pratap Singh and others. The complainant further submitted that he filed an FIR in this regard against Shri Alok Pratap Singh and others on 30.5.2017 under Section 506. The complainant alleged that on 12.8.2017, Shri Alok Pratap Singh took his signature on Stamp Paper at gun-point stating that he has received all information under the RTI Act. The complainant that he immediately apprised the Superintendent of Police, Basti but no action was taken. Thereafter, on direction of Dy. Inspector General of Police, Basti, a case was registered on 16.8.2017 under Section 342/504/506/384 IPC against the accused but the name of Shri Shailendra Mani Tripathi has not been included. The complainant further informed that on 21.8.2017, after staging dharna by the senior journalists of the district in the Office of

District Magistrate, Basti, the name of Shri Tripathi has been mentioned in the Case No.1194/17 but neither accused was arrested nor any chargesheet filed. While apprehending danger to him and his family, he has requested the Council for providing security.

Notices for Statement were issued to the respondents on 27.10.2017.

**Written Statement of Shri Alok Pratap Singh**

Shri Alok Pratap Singh, Basti vide his written statement dated 27.10.2017 while denying the allegations of the complainant has alleged that the complainant is misusing his position in the garb of journalism on the tune of his opponents. He has requested the Council to dismiss the complaint.

**Written Statement of Shri Deepak Gupta**

Shri Deepak Gupta, Basti vide his written statement dated 27.10.2017 while denying the allegations of the complainant has alleged that the complainant is misusing his position in the garb of journalism on the tune of his opponents. He has requested the Council to dismiss the complaint.

**Written Statement of Shri Shailendra Mani Tripathi**

Shri Shailendra Mani Tripathi, Village Development Officer, Development Block Vikramjot, Basti vide his undated written statement while denying the allegation of the complainant has informed that the complainant published a Tender/Notice without any order and sent a bill of Rs.4,000/- and due to non-payment of bill, the complainant is filing false and baseless complaints. While denying the allegation of any curtailment on freedom of press, the respondent alleged that the complainant is harassing him in the garb of journalism. He has requested the Council to dismiss the complaint.

A copy of each of the above written statements was forwarded to the complainant on 5.12.2017.

**Written Statement of Superintendent of Police, Basti**

The Superintendent of Police, Basti vide his written statement dated November, 2017 has informed that the matter was investigated by the Circle Officer, Hareya, Basti. The Circle Officer apprised that the complainant registered a case No.1194/17 in the Police Station-Cant and during the investigation, allegation made in the complaint against the accused i.e. Alok Pratap Singh and Deepak Gupta was found correct but the name of Shailendra Mani Tripathi in the case was found incorrect. Due to stay order of the Hon'ble High Court in the matter, no arrest has been made, however, chargesheet in the matter has been filed against them. Further, on the basis of the complaint and after re-examination of the allegation by the complainant, the name of Shailendra Mani Tripathi has been included under Section 120B of IPC and the Investigating Officer has been directed to thoroughly reinvestigate the records and statement of the witnesses and update the progress of the matter to the SHO, Cant.

A copy of the written statement was forwarded to the complainant on 21.12.2017.

**Further Communication from Complainant**

The complainant vide his letter dated 15.12.2017 while reiterating his complaint and allegation informed that no chargesheet has been filed before the Hon'ble Court in Case No.1194/17 till 15.12.2017.

**Written statement filed by Shri Shiv Shankar Singh, District Panchayat Raj Officer, Basti**

Shri Shiv Shankar Singh, District Panchayat Raj Officer, Basti vide written statement dated 27.8.2018 filed at the time of hearing 28.8.2018 submitted that he was appointed as Inquiry Officer in the matter and he has investigated the matter with documental evidences. He has submitted that on the application of the complainant shri Radheyshyam Dubey, a case was registered against Shri Alok Pratap Singh @ Anshu with d.No.0744/2017 on 19.5.2017 and Shri Shailendra Mani Tripathi, Gram Development Officer was also co-accused in that matter and later Shri Mani's name was excluded from the case.

**Written statement filed by District Magistrate, Basti**

Dr. Rajshekhar, District Magistrate, Basti filed its written statement dated 27.8.2018 in the matter on 28.8.2018 at time of hearing and submitted that the matter was investigated by the District Panchayat Raj Officer and on his recommendation, Shri Shailendra Mani Tripathi, Village Development Officer was transferred and for non-completion of timely investigation in the matter, the concerned officer was reprimanded.

**Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 28.8.2018 at Lucknow. The complainant appeared in person. Shri Rahul Pandey, Superintendent of Police appeared for the respondent Uttar Pradesh Government. Shri Shiv Shankar Singh, District Panchayat Raj Officer and Shri Ishwar Lal Chaudhary, Basti appeared on behalf of the respondent District Magistrate, Basti. Shri Shailendra Mani Tripathi, Village Development Officer appeared in person. Shri Bhupendra, Advocate appeared for Shri Alok Pratap Singh and Shri Deepak Gupta.

The Inquiry Committee has heard the complainant and the representative of the Superintendent of Police, Basti. The Inquiry Committee is of the opinion that the subject-matter of the complaint has nothing to do with the freedom of the press.

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

**Held**

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

**Press Council of India**

S.No. 27

F.NO. 13/171/17-18-PCI

<b>Complainant</b>	<b>Respondent</b>
Smt Vidya Devi Editor, Publisher and Owner Dainik Tamsa Sanket Lucknow UP	<ol style="list-style-type: none"><li>1. Chief Secretary Govt. of Uttar Pradesh, Lucknow.</li><li>2. Shri Akhilesh Singh District Magistrate Ambedkar Nagar U.P.</li><li>3. Shri Girjesh Kumar Tyagi Deputy District Officer Collector Bhawan Ambedkar Nagar, U.P.</li><li>4. Shri Santosh Kumar Mishra S.P. Akbarpur Ambedkar Nagar U.P.</li><li>5. Secretary Home (Police) Dept. Govt. of Uttar Pradesh, Lucknow.</li><li>6. Shri Annoj Kumar Pant Kotwal Kotwal Akbarpur Janpad Ambedkar Nagar U.P.</li><li>7. Shri Vivek Mishra Sub-Divisional Magistrate Akbarpur Tehsil Ambedkar Nagar U.P.</li></ol>

**Adjudication dated 26.9.2018**

This complaint dated 20.12.2017 is an endorsement originally addressed to the District Magistrate, Ambedkar Nagar, U.P. filed by the Editor of Dainik Tamsa Sanket, U.P. against the alleged ill-treatment with their correspondent posted at the State Headquarter.

According to the complainant, Shri Hemant Krishna, Correspondent of Tamsa Sanket has been appointed for covering the Uttar Pradesh Municipal Council and Nagar Panchayat Election-2017. In this connection, Shri Hemant Krishna visited Ambedkar Nagar on 24<sup>th</sup> November 2017 and decided to stay at Hotel Aviral Palace located in Akbarpur, where the D.M. was also staying. On arrival in hotel, when Shri Hemant Krishna inspected the room was called upon by the District Magistrate to a room, where his purpose of visit was inquired. He was also asked to show his press identity card. Later, as per direction of the D.M., the police confiscated his identity card and misbehaved with him and thrown out of the hotel. He was also directed not to enter District Ambedkar Nagar for coverage of Municipal Election. Hence, vide letter dated 20.12.2017, the complainant inquired if any fault had happened on

the part of Shri Hemant Krishna that compelled the D.M. to intervene and disallow Mr Krishna to cover the Municipal Election inspite of having the accreditation card.

Further, to the letter dated 20.12.2017 addressed to the D.M. Ambedkar Nagar by the complainant, no response was received which itself proves that no fault has occurred on the part of the correspondent but was an desperate attempt of the District Magistrate to prohibit the correspondent from covering the Municipal Election from Ambedkar Nagar and therefore is an attack on the freedom of Press. Thereby, the complainant requests that necessary action may be taken in the matter.

In further communication dated 20.2.2018 in a direct complaint, the complainant submitted that Mr Akhilesh Singh, D.M. , Dist. Ambedkar Nagar, after knowing the identity of Mr Hemant Krishna, directed his staff to throw Mr Hemant out of hotel and barred him from covering the Municipal Election from Ambedkar Nagar district. The complainant also stated that the complaint is based on the statement of Mr Hemant Kumar to the Editor (complainant).

#### **Reply Filed by the Respondent**

A Notice for Statement dated 2.5.2018 has been issued to the respondents. Vide communication dated 14.5.2018 Mr. Vivek Mishra, Sub-Divisional Magistrate- Akbarpur, Ambedkar Nagar, informed that the he was not present in Akbarpur, Ambedkar Nagar, at the time of the incident and thus have nothing to do with the matter and as such no reply was sent in response to the letter of the complainant. Mr Mishra, further submitted, he was posted to Akbarpur Tehsil on 16.12.2017 as Chief District Magistrate and the present complaint is a false complaint filed with malafide intention of the complainant.

The respondent, therefore, has pleaded that necessary action may be taken against the complainant for filing fake complaint against the respondent.

#### **Further communications from complainant dated 20.6.2018 & 11.7.2018**

The complainant vide her letter dated 20.6.2018 while reiterating his complaint has stated that Shri Vivek Kumar Mishra was deputed as the Deputy District Magistrate in Akbarpur Tehsil w.e.f. 20.3.2017 to 23.10.2017 and again he was deputed on 26.12.2017 and is continuing at the same posting till date. Shri Hariram Yadav was posted in place of Shri Mishra w.e.f. 24.10.2017 to 13.12.2017. She has further stated that Shri Hariram Yadav was posted their at the time of the incident but the name of Shri Vivek Mishra was mentioned in the office nameplate due to which name of Shri Mishra was wrongly mentioned instead of Shri Yadav. She has requested to read the name of respondent as Shri Hariram Yadav.

A letter dated 11.7.2018 addressed to the Addl. Superintendent of Police, Ambedkarnagar along with endorsement to PCI has been received from the complainant. She has submitted that the Addl. S.P. vide his letter dated July, 2018 stated that Shri Hemant Krishan did not appear before them despite many letters dated 23.5.2018, 3.6.2018, 9.6.2018 and 23.6.2018. The complainant has replied the Addl. S.P. stating that she has not received any letter from them in this regard.

#### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 28.8.2018 at Lucknow. Shri Aashish Shrivastva, Advocate and Shri Dinesh Kumar Panday, Witness appeared on behalf of the complainant. Shri Dharmendra Kumar, Dy. S.P. represented the respondent.

The Inquiry Committee has heard the representative of the complainant and Circle Officer, Ambedkar Nagar and has perused the record. The Inquiry Committee is of the opinion that the facts of the case do not justify any action against the respondent.

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

**Held**

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

**Press Council of India**

Sl. No.28

F.NO. 13/145/17-18-PCI

<b>Complainant</b>	<b>Respondent</b>
Dr.Phil Kumar Pawar, Bureau Chief, Dainik Shah Times and Prime News Channel, Muzaffarnagar, U.P.	<ol style="list-style-type: none"><li>1. The Chief Secretary Govt. of Uttar Pradesh, Lucknow.</li><li>2. The Director General of Police U.P. Police Lucknow, U.P.</li><li>3. The Superintendent of Police, Muzaffarnagar, U.P.</li><li>4. Smt. Rashmi Soni Headmistress/Warden Kasturba Gandhi Residential Girls School Budhana, Muzaffarnagar, U.P.</li><li>5. The Secretary Home (Police) Dept. Govt. of Uttar Pradesh, Lucknow</li><li>6. The District Magistrate, Muzaffarnagar, U.P.</li><li>7. The Station House Officer P.S. Budhana Muzaffarnagar, U.P.</li></ol>

**ADJUDICATION**

**26.9.2018**

This complaint dated 11.10.2017 has been filed by Dr.Phil Kumar Pawar, Bureau Chief, Dainik Shah Times and Prime News Channel, Muzaffarnagar, U.P. against Smt. Rashmi Saini, Headmistress/Warden, Kasturba Gandhi Residential Girls School, Budhana.

According to the complainant he has published news-item about the poor condition of Kasturba Gandhi Residential School at Budhana Tehsil, Janpad, Muzaffarnagar, which led to severe health deterioration of girl students who had to be referred to District Headquarter for treatment. The story got covered by several other news channels and newspapers too. The news item was based on the facts gathered from a local source. Enraged by the reported facts about Kasturba Gandhi Residential School, as also fearing an inquiry against her, the warden Smt. Rashmi filed an FIR at Budhana P.S. on 1.11.2017, against the complainant and another journalist, Mr. Deepak.

The complainant further stated that his two sons were also dragged into the complaint filed at the P.S. and they are not journalists neither they know the warden or have ever visited the residential school. It is because the complainant published the truth about the prevailing poor condition at Kasturba Residential School, the administration and the warden to silence the voice of press and create pressure on the complainant, had filed a false F.I.R. to defame and harass the complainant.

### **Reply Filed by the Respondents**

A Notice for Statement dated 23.4.2018 has been issued to the respondents. Mr Anant Dev, Senior Superintendent of Police, Muzaffarnagar vide letter dated 18.5.2018 submitted that an investigation was carried out by the D.S.P. which revealed that the complainant along with his two sons and a journalist forcibly entered the residential school without any permission and clicked pictures and videographed the students in residential school. They further demanded an amount of Rs 5000/- stating if the demand is not fulfilled the video will be made viral, against which an F.I.R. was filed at the P.S. on 10.10.2017. After further investigation due to lack of evidence, the matter got closed and the complainant is also satisfied and he doesn't want to pursue the complaint.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.8.2018 at Lucknow. The complainant appeared in person. Shri Dinesh Kumar Yadav, BSA appeared for the District Magistrate, Muzaffarnagar; Shri Ram Bhawan Chaurasia, S.P.(Crime) appeared for the Superintendent of Police, Muzaffarnagar; Shri Prabhakar Kajntura, Inspector appeared for the S.H.O., Police Station Budhana, Muzaffarnagar and Mrs. Rashmi Saini, Warden, Kasturba Gandhi Residential School, Budhana appeared in person.

The Inquiry Committee has heard the complainant as also the Superintendent of Police, Crime, Muzaffarnagar and Mrs. Rashmi Saini, the Headmistress/Warden of the Girls school. It is the allegation of the complainant that they have published the news about the poor condition of the school in his newspaper and as a reprisal measure, the Headmistress of the school has lodged false case against him. The Superintendent of Police, who has appeared before the Inquiry Committee states that after investigation, on account of lack of evidence, the police has submitted the final report which is pending for consideration before the competent court. The Inquiry Committee is not satisfied with the conduct of the Headmistress of the school.

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

### **Held**

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

**Press Council of India**

Sl. No. 29

File No.13/118/17-18-PCI.

Dr. Ajay Kumar Seth,  
Editor,  
Yatharth Darpan,  
Lucknow (U.P.)

The Director General,  
Directorate of Advertising &  
Visual Publicity (DAVP),  
New Delhi.

**ADJUDICATION**

This complaint dated 18.10.2018 has been filed by Dr. Ajay Kumar Seth, Editor, Yatharth Darpan, Lucknow (U.P.) against the Directorate of Advertising & Visual Publicity (DAVP), New Delhi for allegedly removing his newspaper from DAVP Advertisement panel without any notice. According to the complainant, his newspaper was empanelled by the DAVP for the year upto 31.12.2018 but it disempanelled his newspaper without citing any reason. The complainant submitted that he wrote to the DAVP on 18.10.2017 and also sought information in this regard under RTI Act but received no reply. The complainant informed that he personally visited and met DAVP officers but to no avail. The complainant stated that due to this action of the DAVP, he is facing financial loss and is disturbed mentally. He has requested the Council to take necessary action in the matter.

Notice for Statement in Reply was issued to the respondent-DAVP on 6.11.2017.

**Written Statement**

Shri B.P. Meena, Media Executive, DAVP, New Delhi vide his written statement dated 24.11.2017 while denying the allegation of the complainant, informed that the complainant's weekly "Yatharth Darpan" published from Lucknow was discontinued from DAVP panel w.e.f. 14.3.2017 after a notice was served by the DAVP on 23.1.2017. The respondent has further informed that the complainant was informed about the deficiencies and action taken by the DAVP vide their letter dated 26.10.2017, while responding to the Publisher/editor's RTI queries. Thus, this allegation of the complainant is false and wrong. The respondent has also informed that there was repetition of matter, smudgy photographs and printing of news items/stories in the issues dated 7.8.2016 to 13.8.2016 and 14.8.2016 to 20.8.2016 submitted by the Publisher on 26.2.2017 in reference to DAVP letter dated 23.1.2017. He has stated that these deficiencies are violation of Clause-8 of the Print Media Advertisement Policy-2016.

A copy of the written statement was forwarded to the complainant on 20.12.2017 for information/counter comments.

**Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.8.2018 at Lucknow. There was no appearance on behalf of the complainant. Shri Pankaj Nigam, ME, DAVP and Shri Arimardan Singh, ADG, PIB/ROB, Govt. of India, Lucknow appeared for the respondent authority, DAVP.

It is the plea of the respondent that before removing the complainant's newspaper from the panel, a notice was given to complainant but he failed to file the reply. In the facts and circumstances of the case, the Inquiry Committee gives liberty to the complainant to file the reply within two weeks and in case, it is so filed, the respondent shall consider the same in accordance with the law.

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

**Held**

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

## Press Council of India

**Sl. No. 30**

**File No.13/169/17-18-PCI.**

Shri Chandra Prakash Dwivedi,  
Editor/Publisher,  
Saras Bhawana,  
Chitrakoot (U.P.).

The Chief Secretary,  
Government of U.P.,  
Lucknow (U.P)

The Director,  
Information & Public Relations  
Department, Government of U.P.,  
Lucknow (U.P.)

The District Information Officer,  
Chitrakoot (U.P.).

Shri Ram Swaroop Verma,  
Additional Information Officer,  
Chitrakoot (U.P.)

### ADJUDICATION

This complaint dated 17.1.2018 has been filed by Shri Chandra Prakash Dwivedi, Editor/Publisher, Saras Bhawana and National President, Bundeli Press Club and other journalists of Chitrakoot (U.P.) against Shri Ram Swaroop Verma, Additional District Information Officer, Chitrakoot allegedly for non-issuance of media passes for coverage of an important event, misbehaving and threatening to implicate in false case. The complainant informed that for coverage of the programme of His-Excellency President of India on 8.1.2018, he and other journalists applied for media passes fulfilling all formalities on 6.1.2018 but the passes were not provided by the respondent-Shri Verma. The complainant further informed that when they reached the Information Office on 8.1.2018 in this regard, the respondent misbehaved with them and threatened to implicate in case under SC/ST Act. The complainant stated that due to action of the respondent, they were deprived from coverage of the programme. The complainant also informed that the respondent gave an application dated 10.1.2018 for filing the FIR against them. While levelling the allegation of irregularities against the respondent, the complainant has requested the Council to take necessary action in the matter.

Notices for Statement in Reply were issued to the respondent-Government of U.P. on 1.2.2018.

### Written Statement of ADIO, Chitrakoot

The respondent-Shri Ram Swaroop Verma, Additional District Information Officer, Chitrakoot vide his written statement dated 20.2.2018 while denying the allegations of the complainant has stated that the complaint is totally false and baseless. The respondent informed that the media pass was issued to the complainant during the visit of His Excellency President of India but instead of collecting the pass himself, the complainant sent another person. The respondent stated that in view of security reason, it was not possible to handover the pass to other person. The respondent alleged that annoyed with this, the complainant reached his office and abused him by using unparliamentary language and casteist words. The respondent stated that neither he misbehaved with the complainant nor used any objectionable words. The respondent informed that he filed a complaint against the complainant to the

administration in this regard, which is pending for investigation with the police. The respondent stated that with a view to save himself from the police investigation, the complainant filed this complaint before the Hon'ble Press Council of India. The respondent alleged that with a view to establish influence among the journalists, the complainant mentally harassed him systematically. He has requested the Council for an impartial enquiry.

A copy of the written statement was forwarded to the complainant on 1.3.2018.

### **Counter Comments**

The complainant vide his counter comments dated 9.3.2018 while denying the allegations of the respondent-ADIO, Chitrakoot has alleged that the respondent is trying to implicate him by levelling false allegations with the connivance of few so-called journalists.

A copy of the counter comments was forwarded to the respondent-Government of U.P. on 16.3.2018.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.8.2018 at Lucknow. Shri Chandra Prakash Dwivedi, Editor appeared in person along with his counsel Shri Rajneesh Yadav. The respondent, Shri Ram Swarup Verma, Additional Information Officer also appeared before the Inquiry Committee.

The Inquiry Committee has heard the complainant and Shri Ram Swarup Verma, Additional Information Officer and has also perused the complaint, the written statement and the connected papers. The Inquiry Committee is of the opinion that the grievance made by the complainant is absolutely misconceived.

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

### **Held**

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

**Press Council of India**

**Sl. No. 31**

**File No.13/101/17-18-PCI.**

Shri Alok Kumar Singh,  
Journalist,  
Jan Sandesh Times,  
Barabanki (U.P.).

The Chief Secretary,  
Government of U.P.,  
Lucknow (U.P.)

The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow (U.P.).

The Director General of Police,  
Uttar Pradesh Police,  
Lucknow (U.P.)

The Superintendent of Police,  
Barabanki (U.P.)

Shri Prabhat Kumar Tiwari,  
Police Station Incharge,  
Police Station-Haidergarh,  
Barabanki (U.P.)

Shri Ravikant Pandey,  
Munshi, Police Station-Haidergarh,  
Barabanki (U.P.)

Shri Sarvendra Nath Yadav,  
Sr. Sub-Inspector, Police Station-Haidergarh,  
Barabanki (U.P.)

Shri Rukhsar Ahmed,  
Constable, Police Station-Haidergarh,  
Barabanki (U.P.)

**ADJUDICATION**

**26.9.2018**

**Facts**

This complaint dated 27.9.2017 has been filed by Shri Alok Kumar Singh, Journalist, Jan Sandesh Times, Barabanki (U.P.) against police authorities for allegedly misbehaving and threatening to implicate in false case due to publication of critical writings. According to the complainant, he published stories in his newspaper regarding irregularities and police brutality due to which the police officers, Shri Prabhat Kumar Tiwari, Police Station Incharge, Shri Ravikant Pandey, Munshi, Shri Sarvendra Nath Yadav, SI and Shri Rukhsar Ahmed, Constable of Police Station-Haidergarh carry personal animosity towards him. The complainant alleged that during collection of news from the police station, the respondents misbehaved with him and also threatened to implicate in false cases. While apprehending danger to his life, the complainant has sought security.

Notices for Statement in Reply were issued to the respondent-Government of U.P. on 5.12.2017.

### **Written Statement**

The respondents-(i) Shri Prabhat Kumar Tiwari, Police Station Incharge (ii) Shri Ravikant Pandey, Munshi (iii) Shri Sarvendra Nath Yadav, SI and (iv) Shri Rukhsar Ahmed, Constable of Police Station-Haidergarh, Barabanki vide their joint written statement dated 16.1.2018 while denying the allegation of the complainant stated that the allegations levelled by the complainant are totally false and baseless. The respondents further submitted that the complainant is of criminal nature and with a view to save his skin, in garb of journalism he tries to create hurdle in maintenance of law and order. The respondents stated that they often called the complainant for collection of news over telephone and during the visit he tries to access the secret documents. The respondents further stated that many cases are pending against the complainant in court of law and the Declaration filed by the complainant is false.

A copy of the joint written statement was forwarded to the complainant on 24.1.2018.

### **Written Statement of Superintendent of Police, Barabanki**

The Superintendent of Police, Barabanki vide his written statement dated written statement dated 20.2.2018 submitted that the complainant is of criminal nature and has been working temporarily as journalist. The respondent further submitted that the complainant always pressurises the police and public by creating hurdle in maintenance of law and order. The respondent also submitted that whenever the complainant goes to the police station, he tries to access the secret documents. Many cases are pending against the complainant in court of law and a charge-sheet has been filed against him in Case No.167/2017 under Section 323/504/506/332 IPC. According to the respondent, on the basis of information, an action under Section 3/4 of Goonda Act dated 10.10.2017 was taken against the complainant by the Inspector Incharge, Haidergarh Police Station. The respondent stated that the complainant filed this complaint by levelling false and fabricated allegations with a view to put pressure on the police and the said allegations could not be proved during investigation.

A copy of the written statement was forwarded to the complainant on 7.3.2018.

### **Counter Comments of the Complainant**

The complainant vide his counter comments while reiterating his complaint has alleged that the allegations levelled by the respondents-(i) Shri Prabhat Kumar Tiwari, Police Station Incharge (ii) Shri Ravikant Pandey, Munshi (iii) Shri Sarvendra Nath Yadav, SI and (iv) Shri Rukhsar Ahmed, Constable of Police Station-Haidergarh, Barabanki in their joint written statement are totally false and baseless. According to the complainant, the case No.474/11 had been dismissed by the Hon'ble Court and two other cases are pending consideration before court of law. The complainant alleged that the police administration is taking revenge due to publication of critical writings by him. The complainant apprehended that the respondents can implicate him in false cases under a conspiracy. He has requested the Council to take necessary action in the matter.

A copy of the counter comment was forwarded to the respondents on 7.3.2018.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.8.2018 at Lucknow. Shri Alok Kumar Singh, Journalist (the complainant) appeared in person. Shri Samar Bahadur, Deputy Superintendent of Police and Shri Dharamendra, Sub-Inspector appeared for the respondent police authorities.

The Inquiry Committee has heard the complainant and the Deputy Superintendent of Police, Haidergarh and has perused the complaint, the written statement and the connected papers. It is the allegation of the complainant that because of his critical writings, he has been falsely implicated in criminal cases. The Deputy Superintendent of Police has brought to our notice that several cases have been registered against the complainant and in few of the cases, the complainant has been charge sheeted. The Inquiry Committee is not prepared to accept the contention of the complainant that he has been falsely implicated in the case for critical writings.

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

**Held**

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

**Press Council of India**

**Sl. No. 32**

**F.No. 13/174/17-18-PCI**

Shri Dinesh Kumar Pandey,  
Reporter, Roz ki Khabar,  
Kharguchandpur,  
Gonda, U.P.

The Chief Secretary,  
Government of U.P.,  
Lucknow, U.P.

The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow, U.P.

The Director General of Police,  
U.P. Police,  
Lucknow, Uttar Pradesh

The District Magistrate,  
Gonda, U.P.

The Superintendent of Police,  
Gonda, U.P.

S. H. O.,  
Police Station – Kotwali Nagar,  
Gonda, U.P.

Shri Basantram @ Basantlal,  
S/o Shri Sadanand Gosai,  
Village – Israti Bisen,  
Police Station – Kotwali Nagar,  
Gonda, U.P.

**ADJUDICATION**

**26.9.2018**

This complaint dated 24.01.2018 has been filed by Shri Dinesh Kumar Pandey, Reporter, Roz Ki Khabar, U.P. against the anti-social elements alleging murderous assault.

According to the complainant, on 19.01.2018 he has informed about the wrong doings of Shri Basant Ram to the District Magistrate and aggrieved from this, the respondent alongwith others have attacked him. When he informed about the incident to Police Station, Dehat, the respondents got annoyed and again attacked him. The complainant telephonically informed about the attack on him to the District Magistrate, Gonda. The complainant has alleged that on 22.01.2018 he has published a news regarding incident of attack on a reporter who went to gather news. Consequently on 24.01.2018 the respondent and his allies carried out murderous assault on him and snatched Rs. 25,000/- and his camera. The complainant has informed about the incident to higher authorities but no action has been taken against the respondents. The police while considering respondent's statement has registered a false case against him. He has requested the Council to take action against the respondents.

A Notice for Statement in Reply dated 12.03.2018 has been issued to the respondents for filing Written Statement.

**Written Statement**

Shri Basantram, respondent vide his letter dated 20.03.2018 has denied the allegations levelled by the complainant. He has stated that the complainant had criminal history and in the garb of journalism he is doing illegal acts. The respondent has further stated that he is handicap and on 19.01.2018 at about 07:00 p.m. the complainant and Shri Ashish Shrivastava misbehaved with him and snatched Rs. 20,000/-. He has made complaint in this regard to the Police and Administration. He has also stated that the complainant made a false and baseless complaint against him with ill motive. He has requested the Council to take action in the matter.

A copy of Written Statement has been sent to the complainant on 10.04.2018 for counter comments/information.

### **Counter Comments**

The complainant vide his letter dated 21.04.2018 has filed Counter Comments wherein he has reiterated his complaint and requested the Council to take action in the matter and register case.

A copy of Counter Comments has been sent to the respondent on 15.05.2018 for information.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.8.2018 at Lucknow. The complainant Shri Dinesh Pandey appeared in person along with Shri Amit Kumar Dubey, Advocate. Shri Hirdesh Kumar, Additional Superintendent of Police appeared on behalf of respondent police authorities.

The Inquiry Committee has heard the complainant and the Additional Superintendent of Police, Gonda and has perused the complaint and the connected papers. The Inquiry Committee is of the opinion that the allegation made by the complainant has no relevance to the freedom of the press and 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.

**Press Council of India**

S.No. 33

F.No. 13/110/17-18-PCI

<b>Complainant</b>	<b>Respondent</b>
Shri Anil Kashyap Journalist Distt. Bureau Chief, Dainik Bhavya Prabhat, Hathras, U.P.	<ol style="list-style-type: none"><li>1. Chief Secretary Govt. of Uttar Pradesh Lucknow, U.P.</li><li>2. Secretary Home Affairs (Police) Govt. of Uttar Pradesh Lucknow</li><li>3. DGP Uttar Pradesh Police Uttar Pradesh.</li><li>4. DM Hathras, U.P.</li><li>5. Shri Sushil Ghule Superintendent of Police Hathras, U.P.</li><li>6. Shri Suman Kanujia Police Ksethradhikari (Nagar) Hathras, U.P.</li><li>7. Shri Jaspal Singh Pawar Kotwali Prabhari Nirikshak Hathras, U.P</li><li>8. Shri Mohit Verma, Proprietor, Shri Radha Tele Shopping Call Centre, Mathura Road, Hathras, U.P.</li></ol>

**Adjudication dated 26.9.2018**

This complaint dated 4.10.2017 has been filed by Shri Anil Kashyap, Journalist, District Bureau Chief, Dainik Bhavya Prakash, Hathrash Edition, Hathras against Shri Mohit Verma, proprietor, Shri Radhay Teleshopping Call Centre, Hathras, for harassing him and threatening him with life on the phone because of publishing wrongdoings and illegal activities of Shri MohitVerma. The complainant with the help of his fellow journalist has filed a complaint against Shri Verma and requested for providing police security to him and his family members as he feels his life is in danger. However no action has been taken in the matter by the police authorities and no security has been provided to him. The complainant claims that such open threats by Shri Verma to him is suppressing the voice of the press and requested the Council to take necessary action as deemed necessary.

Notice for Statement in reply was issued to the respondent State Govt. as well as Shri Mohit Verma on 30.10.2017.

### **Reply Filed by the Respondents**

In response to the Notice for Statement issued on 30.10.2017, S.P. Hathras vide letter dated 6.1.2018 informed the Council that the matter was investigated by Dr. Arvind Kumar, Deputy Superintendent of Police, Hathras, in which he has stated that the complainant went to the respondents shop for taking advertisement for Janmasthan and Independence day. The complainant published the advertisement of the respondents shop in his newspaper and handed over a receipt of Rs 2500/- against publication of advertisement. When the respondent denied of giving money, the complainant threatened him to implicate him in false cases and filed a complaint against Shri Mohit Verma in Police Station. The S.H.O called both the parties and after hearing it was found that the complaint of the complainant is false and baseless. The complainant unsatisfied with the decision of the SHO, filed this complaint against Police Authorities.

A copy of the communication was forwarded to the complainant on 22.1.2018 for information.

### **Counter comments of the Complainant**

In response to the written statement of the respondent the complainant vide his complaint dated 23.1.2018 while reiterating his original complaint stated that the reply filed by the respondent is based on false facts. He has stated that the police has not taken any action in his earlier complaint and when Press Council of India issued Notice to them then they have registered NCR on his complaint to get the matter investigated by the D.S.P., Hathras, who has submitted his report on the same day. He has on his complaint requested the Council to take action in the matter.

A copy of the counter comments was forwarded to the respondent on 6.2.2018.

### **Counter submission of the respondent**

In response to the complainant's Counter comments the respondent S.P. , Hathras vide his letter dated 28.2.2018 reiterate his earlier reply informed that Police has registered a case against Shri Mohit Verma, on the complaint of Shri Anil Kashyap and the Court has ordered for an investigation U/S 155(2) and the matter is under investigation.

A copy of the communication was forwarded to the complainant on 19.3.2018 for information.

### **Report filed by Superintendent of Police**

The Superintendent of Police, Hathras, U.P. filed a report dated 28.8.2018 at the time of hearing whereby he has submitted that the complainant, Shri Anil Kashyap visited to Mohit Verma's Center and asked him to give advertisements related to Independence day and Janmastmi and also noted name and address of the respondent. Further, the complainant published the advertisements and asked Shri Mohit Verma to pay a bill of Rs. 2500/-. Shri Mohit refused to pay the amount. On this, the complainant threatened the respondent to implicate him in false cases and filed a complaint before SHO, PS-Hathras. The SHO called up both the parties, heard their matter and found the allegations of the complainant to be false. The report further states that there has never been any complaint against Shri Mohit. The complainant claims to provide a C.D of their conversation wherein the respondent is denying to give money for publishing advertisements, but nothing has been provided by the

complainant. The Superintendent of Police has submitted that later, during the investigation based on the compromise, the matter has been closed on 24.8.2018.

### **Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.8.2018 at Bhopal. Shri Anil Kashyap, District Bureau Chief appeared in person. Smt. Suman, Dy. Superintendent appeared on behalf of the respondent.

The Inquiry Committee has heard the complainant and the Deputy Superintendent of Police, Hathras and has perused the complaint, the reply and all other connected papers. It is the allegation of the complainant that during the collection of news, he was assaulted by an individual and despite report to the Police, no case was registered. The Superintendent of Police has submitted its report, in which he has stated that the complainant has submitted application for dropping the criminal case and accordingly, same has been dropped.

In view of the aforesaid, the Inquiry Committee is not inclined to proceed in the matter any further. It 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.

**Complainant**

Shri Natiq Javed,  
Bureau Chief,  
Sangam Times,  
Kanpur City (U.P.).

**Respondent**

The Chief Secretary,  
Government of U.P.,  
Lucknow, U.P.

The Secretary,  
Home (Police) Department,  
Government of U.P.,  
Lucknow, U.P.

The Director General of Police,  
U.P. Police,  
Lucknow, Uttar Pradesh.

The Dy. Director General of Police, U.P.  
Police,  
Lucknow (U.P.)

The Sr. Superintendent of Police,  
Kanpur City, U.P.

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

**Adjudication dated 26.9.2018**

This complaint dated 27.4.2018 has been filed by Shri Natiq Javed, Bureau Chief, Sangam Times, Kanpur City (U.P.) against Shri Pramod Kumar Shukla, Station Officer (Inspector), Police Station-Chakeri, Kanpur for allegedly misbehaving and threatening him during collection of news. According to the complainant, on 21.4.2018 he reached Police Station Chakeri Police along with Shri Waqar Ahmed, Bureau Chief of Sangam Times from Kanpur Rural for collection of news. The complainant has alleged on seeking information, the respondent denied to give any information and started misbehaving with them. The complainant complained to the Sr. Superintendent of Police, Kanpur in this regard but to no avail. He has requested the Council to take necessary action in the matter.

A report on facts of the case was called for from the Sr. Superintendent of Police, Kanpur City on 4.5.2018. In the absence of any reply, Notices for Statement in Reply were issued to the Government of U.P. on 23.5.218.

**Report of Sr. Superintendent of Police, Kanpur City**

In response to Council's letter dated 4.5.2018, the Sr. Superintendent of Police, Kanpur City vide his reply dated 2.6.2018 has informed that the matter was investigated by Shri Ajit Singh Chauhan, Circle Officer (Cant), Kanpur City, who apprised that during the समाधान दिवस on 21.4.2018, the complainant started taking snaps of the prisoners in Police Station Chakeri without showing his identity. On making objection by the police official, the complainant started misbehaving with them, then, Shri Pramod Shukla called the complainant and advised him for showing identify first before visiting the jail area. The complainant got agitated and he filed the complaint. The allegation levelled in the complaint could not be proved in the investigation and no further police action appears to be required in the matter.

A copy of the Report of Sr. Superintendent of Police, Kanpur City was forwarded to the complainant on 22.6.2018.

In response to Council's Notice for Statement in Reply, the Sr. Superintendent of Police, Lucknow vide his letter dated 6.6.2018 has informed that the matter is related to Kanpur City and it is appropriate to call the reply from the Sr. Superintendent of Police, Kanpur City.

**Report of the Inquiry Committee**

The matter came up for hearing before the Inquiry Committee on 29.8.2018 at Lucknow. Despite Service of Notice, the complainant has not chosen to appear. Shri Ajit Singh Chauhan, Circle Officer, Cantt. Thana has appeared on behalf of the Superintendent of Police. The Inquiry Committee has perused the complaint, the Written Statement and the connected papers and finds no merit 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.