

**Order on Review application dated 20.9.2022 filed by Akhil Bhartiya Samacharpatra Association for review of Order dated 16.9.2022 passed in F.No.19/25/2021-PCI(Part-III)**

The 14<sup>th</sup> term of the Council was constituted vide Gazette Notification dated 06.10.2021 and names of 22 members were notified. From amongst these members, Mr. Vinod K. Jose, Executive Editor of 'Caravan' tendered his resignation on 23.10.2021 which was accepted by the then Chairman in pursuance of Section 6(5) of the Press Council Act, 1978(PC Act) on 25/10/2021. Thus vacancy arose in the category of Working Journalists who are Editors of Newspapers.

For filling up the said vacancy, the procedure laid down in law was followed. Vide letter dated 29.10.2021 panels of name were invited from notified Associations namely Akhil Bharatiya Samacharpatra Association, The Editors Guild of India and Hindi Samachar Patra Sammelan. These Associations submitted two names each.

The representatives of all these three Associations were heard at length. Their responses were minutely read and final order was passed on 16.09.2022. In the ultimate analysis, it was found that the persons whose names were forwarded by The Editors Guild of India and Hindi Samachar Patra Sammelan were not eligible to be nominated to the category of Working Journalists who are Editors of Newspapers as they were not Editors within the meaning of relevant provisions of the Press Council Act and Press & Registration of Books Act, 1867(PRB Act).

So far as the panel submitted by Akhil Bharatiya Samacharpatra Association is concerned, the said panel had to be rejected because a major flaw had vitiated the same. As per sub Rule 3 of Rule 3 of The Press Council(Procedure for Nomination of Members) Rules, 1978, the panels of names shall be signed by an office-bearer duly designated and authorised to do so by the Association or news agencies notified in this behalf under sub-section (4) of Section 5 of the Press Council Act. The person signing the panel of names has to do so on solemn affirmation before a Magistrate. So, the said office bearer must be duly designated and must be authorised to sign the panel of names. The use of the word shall in Sub-Rule 3 makes it clear that the authorisation is mandatory and, therefore, vide PCI's letter dated 29/10/2021, the three Associations were communicated that the panels of names should be signed by a duly authorised person of the respective Associations. This letter has also informed the Associations that the affidavit as per annexure 'D' sworn before a Magistrate to show that the designated officer is authorised to sign the panel of names on behalf of the respective Associations should be attached along with evidence of such authorisation. So far as Akhil Bharatiya Samacharpatra Association is concerned, there is no proof of authorisation attached to the affidavit filed by Mr. Shukla to establish that he is authorised to sign the panel. In the circumstances, the said panel was rejected.

Now, Mr. Shukla has preferred the instant review application for review of the said Order dated 16.09.2022. It is contended by Mr. Shukla that the rejection of the panel of names submitted by Akhil Bharatiya Samacharpatra Association is not justified. It is submitted by him that all the required papers had already been submitted by Akhil Bharatiya Samacharpatra Association along with the required affidavit. He has further submitted that the affidavit as well as the authorisation has been filed by Akhil Bharatiya Samacharpatra Association along with the other documents with the forwarding letter dated 01.12.2021.

It is necessary first to clarify that the entire record of this case was carefully perused by me as well as the Secretariat on the date of hearing and no such authorisation as alleged was found in the record. It is submitted by Mr. Shukla that this lacuna was pointed out to him at the last moment. This submission has no merit. It is the duty of the Press Council to intimate to the Associations what documents they are required to submit and that was done by sending carefully worded letter dated 29.10.2021 to all the three notified Associations. So there is no question of pointing out the lacuna to Mr. Shukla at the last moment.

It is pertinent to note that The Editors Guild of India and Hindi Samachar Patra Sammelan has submitted the authorisation in pursuance to the letter dated 29.10.2021. The Press Council of India is not required to keep corresponding with the Associations and asking them to send the required documents. In fact, during the course of hearing Mr. Shukla was shown documents of authorisation filed by other two notified Associations and Mr. Shukla admitted that the authorisation letter of his Association was not on record. He urged that since he was the sole authority, he can give the authorisation right now. This was objected to by other Associations and rightly so. The Associations were clearly informed vide paragraph 8 & 12 of the Secretariat's letter dated 25/10/21 that the panels of names not in conformity with the requirements set out above are liable to be rejected outright and the last date of filing the panel of names is 1.12.2021 by 06:00p.m, respectively. Authorisation being a mandatory requirement, the letter of authorisation had to be submitted by 1.12.2021 by 06:00p.m. and that lacuna cannot be cured by accepting it at a later date. Mr. Shukla has now submitted the alleged authorisation bearing date 18.11.2021. At the cost of repetition it must be stated that authorisation of Akhil Bhartiya Samacharpatra Association is not on record. This alleged authorisation dated 18.11.2021 is coming on record for the first time as an annexure to Mr. Shukla's review application dated 20.9.2022. He is stating that "the paper of authorisation has removed by any official or as per approach of any looser". Mr. Shukla's allegation that authorisation paper has been removed by officials of the Secretariat has no basis at all because there is no evidence of page alteration of documents found in the file in which the relevant records have been kept. Consequently, his allegation that other Associations who had lost were responsible for this, is baseless, highly scurrilous and is liable to be rejected. Further argument of Mr. Shukla is that I declared in the open meeting that Mr. Shukla is fit for nomination, is not correct. I had declared that Mr. Shukla was otherwise fit to be nominated but for the major flaw that no authorisation letter was submitted with the panel. It bears repetition to state that Mr. Shukla then stated that he was the sole authority and can give the authorisation right now which request was rejected.

I may repeat that I have checked the record thoroughly prior to the hearing of the case and during the hearing of the case. I found no such authorisation letter on record. The allegation made against the staff is liable to be rejected. In the circumstances, I find that Mr. Shukla has made out no case for review of the order dated 16.9.2022. There is no error apparent on the face of the record. Hence, the review application is rejected.

*RP Desai*

(Ranjana Prakash Desai)  
Chairperson/10.11.2022

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*M. N. Singh*  
*11.11.2022*  
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