

CHAPTER V

NON-VERIFICATION OF NEWS

1. C.D. Tripathi, Commr. & Secy. Government of Assam complaint against *Agradoot*¹

Facts : *Agradoot*, an Assamese bi-weekly, in its two issues dated August 24 and November 23, 1980, was alleged to have published two fanciful, false and fictitious news-items, under the captions "Shifting of Headquarters from place to place for personal interest" and "Extensive and exhaustive programme to crush the movement completely," with the object of "maligning the state Government and creating a feeling of disaffection among the people"² against the government. Further, it was stated, that there had been no response to the letter regarding the news-item sent to the editor. The editor, denied having received such letter.

Decision : The Council examined the two impugned news-items. As regards the first appearing in August 1980, it was of the view, that it "was not of such a nature as would bring it within the mischief of section 14 (1) of the Press Council Act, 1978."³ The state government could have sent a contradiction, but this had not been done.

In respect of the other news-item, appearing in November, 1980, the Council took the view that the state government was justified in pointing out that the facts should have been checked, but since there was no request that the letter be published by way of contradiction, no action was called for.

In light of the above, the complaint against the paper was rejected.

2. Government of Assam complaint against *Dainik Asom*⁴

Two complaints were lodged with the Council, alleging that the newspaper *Dainik Asom* "indulged in disseminating false, fabricated and distorted news and also ignored clarifications and contradictions issued by the government."⁵ It was contended that the newspaper in its editorials and articles had been spreading disaffection amongst the police and administration and creating communal strife between the Assamese people and the minorities.

1. 1982 P.C.I. Rev. 35.

2. *Ibid.*

3. *Id.* at 36.

4. April 1982 P.C.I. Rev. 58.

5. *Ibid.*

The editor contended that "the complaint was motivated and biased" on account of the independent policy his paper pursued in exposing government failures, *etc.* Further, as regards non-publication of contradictions, he stated that they were in English and required translation into Assamese and their delivery had not been in time. However, contradictions sometimes were published on their own and also appeared in *Assam Tribune*.

The complainant filed an analysis of the impugned news-items and editorials and press briefings contradicting them, which with the exception of a very few, had not been published by the newspaper.

Decision : The Council was of the view that since they related to matters of a substantial nature, the press notes were relevant and should have been published. The complaint was upheld to the extent that the contradictions had not been published. It was necessary for the paper to verify and check the news before publication, particularly in view of the communal tension prevailing in the state. Accordingly, a warning was issued to the editor that he should note these observations and be more careful.

3. Suo moto action by Council against Sunday Standard⁶

Facts : *Suo moto* action was taken by the Council against *Sunday Standard* in respect of a news story captioned "Tragedy that struck Bombay Couple" appearing in *Sunday Standard* on April 6, 1980, filed by the Express News Service.

Investigation, however, revealed the news story to be incorrect. Accordingly, a correction was published by *Indian Express* in its issue of April 11, 1980, stating that the publication had been made in good faith and in the belief that it was based on facts, though due to the nature of the alleged crime, the reporter was not able to verify the facts. Regret was also expressed that the report caused widespread alarm. The editor conceded before the Council that the error was a grave one. The editor has no basis to doubt or disbelieve the correspondent who had filed the story. After a departmental enquiry the correspondent was imposed the penalty of stoppage of three annual increments.

Subsequently, the correspondent left the services of the newspaper while the matter was pending before the Council.

A criminal case was filed by the police against the newspaper but later the case was withdrawn on the recommendations of the government.

Decision : Although false news merited serious action, yet the Council decided to close the matter in view of the contradiction published by the newspaper, the publication of the regret, the newspaper having taken

6. 1981 Ann. Rep. 160.

action against the correspondent who had left the services of the newspaper and the government dropping the criminal proceedings. The Council emphasised the need for care to be exercised by newspapers "for ensuring that false or distorted news or stories or versions are not published."

4. Divine Light Mission complaint against Nav Bharat Times⁷

Facts : It was alleged by the Mission, a registered society, that the matter published in the issue of February 13, 1973 of *Nav Bharat Times*, a Hindi daily of Delhi, "was a gross misreporting and a fabrication of news." The news-item pertained to a statement made at a press conference by the I.G. of Police, Rajagopal.

The editor denied the allegation. He asserted that in substance the report was nothing more than what the I.G. of Police had stated at the conference.

Decision : The Council was satisfied that the news-item was substantially the briefing issued by the I.G. of Police at the conference. Hence, no journalistic impropriety was committed and the complaint was rejected.

5. Superintendent, Government Children's Home Meerut complaint against Hindu⁸

Facts : The complaint was in respect of publication of a news-item captioned "Open Use of Alcoholic Drinks in the Children's Home—Officer-in-Charge Engaged in Selfish Pursuits" by *Hindu*, a Hindi daily of Meerut, in its issue of September 25, 1972. The complaint stated that the allegation was false, and lowered the prestige of the Home as well as damaged his own reputation.

The complainant wrote a letter to the editor asking him either to publish the facts to support his allegation, or if there was no truth in the impugned matter, he should express regrets in his newspaper. He enclosed a copy of the Home's Annual Report, which belied the allegations made in the news-item. As there was no response, he filed the complaint before the Council.

The editor stated that his inquiries revealed that the correspondent, whose version he had relied upon, had got the "information from a source close to the institution." Further, he was absent at the time of its publication. He expressed his regrets at the publication.

Decision : The Council considered the complaint to be well-founded. However, before taking a decision, it felt that the editor should be given an opportunity to publish an apology. It took the view that the expression of regret before the Council was not enough.

As the apology was published by the editor, he was not punished "for

7. 1974 Ann. Rep. 107.

8. 1973 Ann. Rep. 49.

this regrettable lapse of journalistic propriety in publishing slanderous news without proper inquiry." He was, however, issued a warning "to be careful in future." and to ensure publication of such items after carefully scrutinizing their veracity.

6. Vice-Chancellor, B.H.U. complaint against Gandiva⁹

Facts : A news-item published in the issue of *Gandiva*, a Hindi daily of Varanasi, dated January 8, 1972, was the subject matter of a complaint filed by the Vice-Chancellor, Banaras Hindu University. The impugned news-item, it was alleged, had falsely stated that the University authorities being unhappy at not getting the desired help from district authorities in repressing students, had appealed to the central government to post Jawans of the Central Reserve Police in the university area. This according to the complainant was a mischievous news-item with the object of creating a misunderstanding between the university and the district authorities.

The editor contended that the publication was justified, and added that the complaint was "a trick by the University authorities to force the paper to change its policy which was nothing but interference with the freedom of the Press."

Decision : After giving careful consideration to the matter, the Council held that the publication of such matter, having no basis in fact, and likely to bring down an institution's reputation, "did not show the sense of responsibility which ought to inform and guide a newspaper." It expressed displeasure at its publication and hoped that more care and discretion would be exercised by the newspaper in publishing the news.

7. Government of Tamil Nadu complaint against Dinamalar¹⁰

Facts : A news-item appearing in the issue of *Dinamalar*, a Tamil daily of Tiruchirappalli, dated November 15, 1972 was objected to on the ground that the editor had not verified the item before publication, especially as it contained an allegation which could bring disrepute to the government and its officials.

The editor contended that the news-item was a press statement by an important political leader. The incorrectness of the item had not been brought to his notice, and had a correction been sent to him, he would have published it.

Decision : The Council noted that the impugned news-item was merely a press statement made by a political leader. The Council stated that it had already upheld the newspaper right of publishing statements by responsible leaders of political parties at press conferences as well as public statements

9. 1973 Ann. Rep. 74.

10. 1973 Ann. Rep. 88.

made by recognized party leaders. In such circumstances, journalistic propriety did not demand of editors an independent investigation into the truth of the matters such press statements may contain before their publication. The Council added that "press statement on behalf of members of Government or the ruling party are reported without any scrutiny" and this was quite proper. The Council considered it reasonable that a similar rule should be applicable to statements by responsible political leaders even though they may not be officials or connected with the government. In such cases, it is the leaders who are expected to display a sense of responsibility in making statements and exercise sufficient care to see that unjustified rumours and surmises are not set forth as facts.

Taking into account the above accepted position, the Council rejected the claim.

8. Government of Tamil Nadu complaint against Navasakthi¹¹

Facts : The complaint was against an item appearing in *Navasakthi*, a Tamil daily of Madras, dated October 24, 1972. The news-item was under the caption "Sudden Death of D.M.K., M.P. Suspicion of People of Madurai". The government asserted that the news had been twisted, and by publication of this "false, objectionable and baseless item", the paper had violated the standards of journalistic ethics and public taste.

The editor contended that the report by its local correspondents was a reflection of the opinion of a cross-section of the public at that time, and as such, was not a distortion of facts. Further, the news-item had not been contradicted either by the public or the party. He alleged that the government was politically motivated in lodging the complaint, and that had he received a contradiction he would have published it.

According to the government, the news-item could at best be described as a rumour and the editor was irresponsible in publishing it without verification. Besides, it was the only paper wherein such item had appeared.

Decision : The Council upheld the government's contention and stated that publication of the news-item on the ground of public opinion, which merely signified a rumour circulated by some people, was unjustified. Further, this being the only paper carrying this item, the editor's plea could not be sustained. The Council, concluded that the editor should have exercised more care in publishing the rumour, Hence, it warned the editor to publish news of this sort only after proper scrutiny.

9. Government of Tamil Nadu complaint against (1) Nathigam, (2) Dinamalar (3) Alai Osai¹²

Facts : As the three complaints against the editors of the above three

11. 1973 Ann. Rep. 90.

12. 1973 Ann. Rep. 91.

newspapers, were substantially the same, the Council considered them together. The complaint was as regards news-items appearing in *Nathigam* and *Dinamalar* dated October 27, 1972 and in *Alai Osai* dated October 28, 1972. The items pertained to a procession taken out by college students said to be supporters of Anna D.M.K. The police had made a *lathi* charge. As a result, some students had been injured and hospitalised. Further it was stated that two students were missing, and the papers surmised that they were dead and their bodies removed.

The state government alleged that the news of the two missing students was false. The three editors contended that the news-item was merely the report of a press briefing given by Ramachandran at which Anbazhagan, who was formerly in the D.M.K. and now in the A.D.M.K., spoke. It was argued that an editor could not be expected to investigate independently the veracity of statements by recognised leaders before their publication. Such report appeared in other papers like *Indian Express* but no complaint had been filed, against the same. Further, had the report of the Collector of Ramanad, contradicting the news-item, been sent to them, they would have published it.

On behalf of the government the fact of the press briefing was not denied, nor that a statement as regards the two missing students had been made. Further it was admitted that both speakers at the briefing were prominent leaders.

Decision: The Council upheld the contention of the editors that publication of statements given at a press briefing by recognised leaders did not contravene journalistic propriety. The rationale for such a position had been discussed earlier by the Council.¹³

10. Nirin Ghosh, M.P. complaint against Statesman¹⁴

Facts: The complaint alleged that a news report appearing in *Statesman* of Calcutta dated February 27, 1970, and captioned "Hoodlums Now Openly Defy Law in Calcutta" was unfounded and published with "the ulterior motive of maligning the then Government".

The report was contradicted in a press note issued by the Home Department of the State Government. The paper published the note and simultaneously carried an editorial which purported to be a reply to it.

The editor asserted that the article's "main purpose was to capture the atmosphere of fear, intimidation and terrorism" prevalent at the time in Calcutta, a spate of rumours and stories forming an essential part of it. To substantiate this defence the editors also filed issues of two other daily newspapers of Calcutta, where reports of certain incidents and comments of a similar nature had appeared. These reports apparently had not been contradicted by the government.

13. Case of *Dinamalar*, *supra* note 10.

14. 1971 Ann. Rep. 16.

Decision : After carefully going into the merits of the case and on basis of the evidence, the Council decided that the impugned news report was justified and the editor was “guilty of no impropriety”. On the contrary, the Council upheld the editor’s contention of the paper having “rendered a public service by drawing attention to the situation prevalent in the city”. It dismissed the complaint.

11. Mysore Government complaint against Kidi¹⁵

Facts : In its issue of September 28, 1969, *Kidi*, a Kannada weekly of Bangalore, had published a news report captioned “Police Loot and Robbery put Thugs and Pindaris to Shame”. The complaint alleged the report to be “alarmist and a gross perversion of facts, and nothing but *suggestio falsi and suppressio veri*. As such, the editor had violated the code of journalistic ethics.

The editor maintained that the facts in the impugned news-item were to be found in the debates on the incidents among matters brought up by members of the Legislative Assembly or the Council.

Decision : On examining the evidence, the Council concluded that the report was “substantially correct” and in publishing the news-item, the newspaper had done no more than its duty. Hence, it rejected the complaint.

12. Government of Maharashtra complaint against Maratha¹⁶

Facts : A front page news report appearing in the issue of *Maratha*, a Marathi daily of Bombay, dated June 7, 1970, was the subject matter of the complaint by the state government. It was alleged that the banner headlines of the report of a meeting, might give the impression that the state chief minister was involved personally in the murder of a Communist M.L.A., of Bombay.

The editor contended that the impugned news-item was a factual report of the speeches made at a condolence meeting—held in connection with the death of the M.L.A.

Decision : Since the accuracy of the report was not challenged by the government, the Council considered the editor to be within her rights in publishing the speeches delivered at the meeting. However, it regarded the banner headlines as unjustified and took the view that they were likely to give an impression that the chief minister was personally involved in the murder. It noted that this statement in one of the speeches was chosen to be placed in the banner headlines. The Council concluded that though no impropriety had been committed in publishing the speeches, yet it was “not in good taste to overplay one of the

15. 1971 Ann. Rep. 22.

16. 1971 Ann. Rep. 50.

sentences in a speech," place it on the front page in the form of banner headlines, thereby creating the impression about which the complaint had been lodged.

13. Government of Mysore complaint against Ranaberi¹⁷

Facts : A complaint was lodged against *Ranaberi*, a Kannada fortnightly of Bangalore, in respect of an article headed "This is the horror of Madhugiri—naked dance of Congress and the Police—outrage on the modesty of women". A strong tirade was contained therein against both the police as well as the government in power. The article, it was alleged, was "calculated to excite prejudice against the police machinery" and violated journalistic ethics, besides being professional misconduct on the editor's part.

The editor, in his defence, stated that the impugned article was based on reliable information collected by himself from the respectable persons of the locality who claimed to have witnessed the incident.

The complainant admitted that there had been some rioting and untoward incidents in Madhugiri in December 1967. In the Legislative Assembly, several members raised a debate relating to this, and demanded a judicial enquiry which was acceded to by the government. The Commission of Inquiry, however, found that the allegations were not proved, and exonerated the police from the charges against it. It was argued on behalf of the complainant, that in view of this finding, "the Editor must be held guilty of professional misconduct" since he had given publicity "to these scandalous and false allegations".

Decision : The Council was unable to accept the complainant's reasoning. It took the view that the editor was entitled to rely on respectable informers and correspondents and he could not be held to be retrospectively guilty of a breach of journalistic ethics on account of the facts stated subsequently turning out to be incorrect, as found by a Commission of Inquiry. The Council laid down that the primary consideration "is the state of affairs at the time of the publication of the article"¹⁸ in respect of a matter of public concern. In the instant case, the editor did not contravene journalistic ethics, as at the moment of publication, the truth of the story was backed by sufficient materials. The Council, therefore, rejected the complaint.

17. 1969 Ann. Rep. 47.

18. *Id.* at 48.