

CHAPTER XI

JOURNALISTIC IMPROPRIETY

(MISCELLANEOUS)

1. Atal Bihari Vajpayee, M.P. complaint against Probe¹

Facts: The publication of an interview with the complainant and another with Subramaniam Swamy in October 1981 issue of *Probe* was the subject matter of the complaint. The said issue stated that it “brings Dr. Swamy and Shri Vajpayee ‘face to face’.” The complainant alleged that despite his refusal to give an interview on the statements made by Swamy in his interview, the magazine had published his informal talks in such a way that an impression was created as if he had given an interview. Further, it was alleged that though the correspondent had given an assurance that the interview with Swamy would not be published without ascertaining the correct facts, he had done so. At the hearing by the Inquiry Committee, on the complainant’s behalf, it was contended that the impugned matter was a “talk in confidence” based on the understanding that it would not be published.²

It was maintained on behalf of the editor that firstly there was no such understanding, and secondly, even without permission, such talk could be published, as it was in the public interest.

Decision : The Council took the view that on well-established principles³ and practice any matter that had been discussed or disclosed to a journalist based on an understanding that such was not to be published, ought not to be so published. But this is subject to the following exceptions :

- (i) Consent is subsequently obtained for its publication ; or
- (ii) the editor clarifies by way of an appropriate footnote that since the publication of certain matters were in the public interest, the statement or discussion in question was being published although it had been made “off the record”.

The Council mentioned the opinion of R.M. Neal expressed in his work *News Gathering and News Writing* that in the matter of “off the record requests” there is a difference between public and private meeting. In the case of former, there is no question of “off the record” answers.

1. Jan. 1983 P.C.I. Rev. 37.

2. Reference was made to the principle of privacy expounded in the Annual Report of the British Press Council (1976).

3. It expounded the principles by referring to an adjudication of the British Press Council appearing in its 18th Annual Report (1971) and to R.M. Neal, *News Gathering and News Writing*. See *supra* note 1 at 39-40.

The Council upheld the contention of the complainant that the talk between him and the correspondent was at the confidential level, with the clear understanding that it was not for publication. It was not open to the correspondent or editor to turn round and seek protection behind the argument of the publication being in the public interest. The complaint was, therefore upheld and *Probe* admonished.

2. D.R. Mankekar, Secy-Gen. Authors' Guild of India complaint against Illustrated Weekly of India⁴

Facts : On behalf of P.H. Prabhu, the complainant alleged that by not publishing his article, written at the instance of the editor, *Illustrated Weekly of India*, an attempt had been made to harass him.

The editor stated in defence that due to labour trouble and strike several issues of the weekly had been dropped and consequently the article in question could not be published. However, he was prepared to pay him Rs. 500 for the article.

Decision : Taking into account the fact that the weekly's offer was accepted by P.H. Prabhu, who did not want the matter to be pursued, the Council decided to treat the complaint as settled and closed.

3. M.S. Farooqui, Asst. Commr. of Police and Public Relations Officer Crime Branch C.I.D. Bombay complaint against Free Press Bulletin⁵

Facts : The complainant alleged that a news-item captioned "Marathi author battered" published in *Free Press Bulletin's* issue of December 19, 1980, gave a "biased distorted and exaggerated" report of an incident occurring a few days earlier between S. Sinkar, a Marathi writer and a taxi driver. It stated that the writer was the victim of "merciless beating" by two constables of the Delisle Road Police Station.

The editor despite several reminders failed to submit his comments or any written statement. Also he did not appear before the Inquiry Committee.

Decision : The Council noted that though the complainant's letter had been published by the editor in his paper dated January 12, 1981, he appeared to have "deliberately avoided" his comments or written statement in spite of being served with a show-cause notice. From this, the Council inferred that perhaps he was unable to defend himself. It took the view that the complaint had substance as regards distortion and exaggeration of facts by the newspaper. Hence, the Council decided to warn the editor.

4. Jan. 1983 P.C.I. Rev. 50.

5. Jan. 1983 P.C.I. Rev. 66.

4. A. C. Pandeya, Member-Director of Press and Public Relations Association New Delhi complaint against Economic Times⁶

Facts : A complaint alleging violation of accepted norms of journalism was lodged in respect of a report appearing in the issue of *Economic Times* of July 18, 1981 captioned "Executive Diary", as it did not identify his organisation which had given the recognition award, while publishing the name of the awardee.

The editor in defence stated that the object of the Executive Diary was to highlight the executives and not necessarily the organisation giving the award.

Decision : On examining the material on record the Council felt that the complaint lacked substance. The Council considered the further allegation by the complainant that certain journalists in this newspaper were (pay-off) journalists by a corporation as "rather unfortunate". This, it considered to be outside the scope of the present complaint. It could only be examined if a proper complaint was made separately.

The Council decided that the newspaper was not bound to mention the name of the society or organisation making the award. Hence, the complaint was rejected.

5. John D. Silva, Chairman Bombay and Thane District Urban Co-operative Banks Association complaint against Reader's Digest⁷

Facts : The complaint alleged that the April 1981 issue of *Reader's Digest* had a supplement which should have been called the special supplement on "Finance, Investment and Banking" but instead it was named "Advertisement supplement". Contributions received from various writers in the form of articles were also treated as advertisements. Further, an article by him, accepted by the editor, had not been published in the supplement, contrary to the assurance earlier given.

The editor stated that shortage of space did not allow publication of the article concerned and an apology had been duly tendered to the complainant.

The Inquiry Committee was of the view that the complainant should be compensated. The parties mutually agreed to an amount of Rs. 500 as compensation.

Decision : At its meeting, the Press Council considered the three main points of the complaint, namely, (i) the complainant's article accepted for publication was eventually not published ; (ii) a circular had solicited advertisements for the supplement, stating that the complainant's article would appear therein ; (iii) after announcing the relevant issue as a special supplement, it was published as an advertisement supplement.

6. Jan. 1983 P.C.I. Rev. 67.

7. July 1982 P.C.I. Rev. 27.

The Council was of the view that only the first issue could be mutually settled by the parties. As regards (2) and (3) it was of the view that they raised questions of journalistic ethics, the limits of which had been transgressed by the editor. However, in view of the settlement between the parties, no further action was taken.

6. Suryanarayan Sharma, spl. corresp. Hindustan Times, Bhopal complaint against Hitavada⁸

Facts : Two separate complaints against *Hitavada*, an English daily of Bhopal, alleged that it resorted to unethical practices like publishing dummy advertisements, plagiarism, etc. The editor contended that the charges were false, mischievous, motivated and *mala fide*.

Decision : On receipt of information from advertisers, the Council upheld the complaint since the advertisements had neither been paid for nor authorised by the advertisers. Hence, the newspaper had transgressed the "norms of journalistic ethics". A warning was issued to the editor to refrain from such publications in future.

7. Government of Karnataka complaint against Sanyukta Karnatak⁹

Facts : An article under the caption "The false News that Unnerved All Residents of Kunigal" was published in *Sanyukta Karnatak*, Kannada daily of Bangalore, dated 4 October, 1973. The complaint was against the press correspondent of the paper, but the editor, being responsible for all publications, was also issued a notice.

Decision : Having examined the papers submitted by the government, the Council was of the view that no impropriety had been committed by the correspondent in sending the news or by the editor in publishing it. The complainant was unable to specify what exactly was false in the news except that the number mentioned had been slightly exaggerated as also the suspicion in respect of the constable's sobriety. In the Council's opinion, judging from his behaviour, it was not improper to suspect him of not being sober. Hence, the Council rejected the complaint against both the correspondent and the editor.

8. Government of Maharashtra complaint against Sobat¹⁰

Facts : The state government lodged a complaint against two articles entitled "Woman in Pandit Nehru's Life" and "Personal Life of Political Leaders" which appeared in *Sobat*, a Marathi weekly of Poona, dated January 14 and March 4, 1973.

The editor contended that what he had written was true, the facts being supported by other published writings on the same subject.

Decision : The articles in question were examined and the defence of

8. 1980 Ann. Rep. 115-124.

9. 1974 Ann. Rep. 110.

10. 1974 Ann. Rep. 115.

factual correctness considered by the Council. It noted the fact that even the complaint itself objected not to the incorrectness of the statements but that it displayed "an utter lack of taste". Hence, the Council held that the impugned articles only hurt "the feelings of the general public who held Shri Nehru in high esteem". They served no other purpose and such matter could have no place in a newspaper having regard for journalistic propriety. Hence, the complaint was upheld.

9. Jitu Vadodaria complaint against Illustrated Weekly of India¹¹

Facts: The complainant alleged that despite reminders the editor, *Illustrated Weekly of India*, had failed to return to him some six colour transparencies sent by him for publication in the weekly, which had not been published.

The editor asserted that his paper received unsolicited photographs, and transparencies. It was not possible to pick out particular transparencies. In spite of the complainant visiting his office, at his invitation, they were not traceable.

Decision: The Council was of the view that the matter had to be considered in the context of the fact that the transparencies had not been solicited by the editor.

The question for determination was whether not returning an unsolicited manuscript, or an unsolicited transparency, constitutes journalistic impropriety. The Council held that undoubtedly an editor was responsible for what is published in his paper, but as a journalist he cannot be held responsible for the efficiency of his clerical staff as regards safeguarding papers or material that may be sent to him for publication.

10. Purnima Chaobe complaint against Parag¹²

Facts: The subject matter of the complaint was a short story entitled "Patal" which appeared in the June 1972 issue of *Parag*, a Hindi monthly of Delhi. Objection was raised to a particular sentence in it, namely "Indian sympathy towards Bangladesh was only verbal and not sincere". A passage in the story was objected to because it contained misleading statement.

The editor contended that the impugned sentence was only a note by Patal, the main character in the story, in her diary, and portrayed her dejected mental state at a particular moment.

Decision: After carefully examining the story, the Council held that there was no journalistic impropriety in the publication of the story, or the particular sentence in the context in which it appeared. Hence, the complaint was rejected.

11. 1974 Ann. Rep. 121.

12. 1973 Ann. Rep. 51.

11. Government of Haryana complaint against Tribune¹³

Facts: Prior to the complaint by the state government, the editor of *Tribune* had in May 1970 filed a complaint, under section 12 of the Press Council Act before the Council alleging stoppage of advertisements by the state government. In reply the state government filed a written statement in June, the first six paragraphs of which sought to answer the editor's complaint. Thereafter paragraph 7 stated that it had been contemplating action under section 13 of the Act on grounds of "violating standards of journalistic ethics", but the editor's complaint had forestalled this. The succeeding paragraphs dealt with charges against the paper. In response to the Council's query, the government asked that the charges be considered as a formal complaint.

Decision: In view of the state government's subsequent communication that since the Council had not adopted its suggestion that the case "and the allied one should be considered together", it did "not wish to pursue the complaint any further", the Council dropped the matter.

12. Government of Maharashtra complaint against Inquilab¹⁴

Facts: The complaint alleged that *Inquilab* in its issue of October 26, 1969 had published an article containing "certain disrespectful remarks" about S. Radhakrishnan, former President of India.

The editor stated that since the published facts were true, and their accuracy not disputed, no disrespect could be construed to the former President. He disclaimed any such intention and also gave an assurance of future restraint on publication of such matters.

Decision: In view of the assurance given by the editor, the Council did not consider any further action to be necessary.

13. Press Officer, Delhi Administration complaint against Panch Janya¹⁵

Facts: The complaint alleged that an article "couched in an objectionable language that offended against public taste" had been published in *Panch Janya*, a Hindi weekly of Bombay, on September 17, 1968. The caption of the impugned article translated into English read "How long this Venomous Anti-India Propaganda in Urdu Papers". After some comments, the paper published extracts from other newspapers. The complaint was based on three grounds, viz. (i) the editor had in an objectionable language falsely accused the Urdu press; (ii) a quotation was stated to be from the September 2 issue of the newspaper of *Nava-e-Haq* which since 1964 had ceased publication; (iii) the quotations given "were

13. 1971 Ann. Rep. 24.

14. 1971 Ann. Rep. 39.

15. 1971 Ann. Rep. 52.

likely to create feelings of hatred and enmity between caste Hindus on the one hand and Muslim and Harijans on the other.

The editor denied the above charges and in his reply stated that (a) the comments on the quotations were fair and *bona fide*; (b) due to the 1½ years lapse of time between the date when the article was published and the notice to him, he could not trace the particular newspaper from which the cutting from *Nava-e-Haq* was published; and (c) publishing quotations from other newspapers could not be considered wrong since the object was to keep "both the government and the enlightened public informed of the dangerous trends inherent in the writing".

Decision: The Council found that the purported quotation from the *Nava-e-Haq* was obviously incorrect since the newspaper had closed down earlier in 1964. But, in the light of evidence before it of sentiments found in the extracts, the Council felt that the mistake may have been *bona fide*. It was, however, laid down by the Council that proper care should be taken by the newspapers in maintaining accuracy in respect of quotations from other newspapers. The editor had not shown that amount of care which his duty required him to exercise.

As regards propriety of publishing quotations from other newspaper with a view to highlighting those views and condemning them, the Council held that there was no breach of propriety or ethics so long as the quotations were accurate.

In connection with the question as to whether the article branded the entire Urdu press, the Council held the view "that the attack in the comment was not on Urdu newspapers run by Muslims in general but only on those Urdu newspapers 'which are daily propagating anti-India and pro-Pakistan views by continuously publishing venomous statements'." As such, no objection could be taken in characterising such newspapers carrying anti-India propaganda as unpatriotic and anti-national.

The Council was also unable to take objection to comments occurring in the opening part of the article, though it felt that the language used could have been more restrained. In such matters, it observed, generalisation ought to be "avoided and special precaution taken to ensure that the attack was directed solely to that section of the Press which indulged in publishing improper matter".

The Council, therefore, rejected the complaint.

14. S.M. Vanjari complaint against Lakasatta¹⁶

Facts: The complainant, a journalist, alleged that the editor of *Lakasatta*, a marathi daily of Bombay, had refused to publish his letter without giving him an explanation. As such, he had been denied the right to contradict inaccurate statements made by a certain person which the paper

16. 1971 Ann. Rep. 58.

had published in its issue of April 19, 1970.

Decision: After careful investigation of the complaint, the Council found no basis or substance for it. In its view the contradiction which the complainant desired to have published "had nothing to do with the original article". It was unable to understand what exactly was the denial which the complainant desired to get published in the paper. The complaint was held to be frivolous and rejected.

15. Secretary, Delhi Mahila Samaj and Home Ministry Government of India complaint against *Organiser*¹⁷

Facts: The subject matter of the Mahila Samaj complaint was two items appearing in *Organiser*, an English weekly of Delhi, dated July 26, 1969, which were alleged to be in bad taste as being derogatory to women, in that they created the impression that women "should be kept out of positions of responsibility in the State." The Government of India objected to one item, namely, the article "Women Rulers are Disastrous".

While he did not challenge the complainant's contentions as regards the central idea of the article, the editor submitted that "as a journalist he was entitled to express or publish views on matters of public importance".

Decision: The Council expressed its concurrence with the editor's submission stating that the press has the right to express opinions held by the editor or other journalists, even if representing a small minority view. But this was subject to the qualification that the published matter did not contravene the "standard of journalistic ethics or public taste". The impugned articles, the Council felt, stigmatised "a major segment of the Indian population as not worthy of any place in public life because of its sex" and as such could not be said to be in the best of taste.

16. Government of Maharashtra complaint against *Tanweer*¹⁸

Facts: The complaint was in respect of an article entitled "Discrimination of Maharashtrian and Non-Maharashtrians" appearing in *Tanweer*, an Urdu weekly of Bombay, dated July 6, 1969. It was alleged that this "unjustly and improperly blamed" the complainant government for doing injustice to Muslims and, hence, the editor had violated the standards of professional conduct.

The editor contended that the impugned article was based on two years' experience, his office having a record of it, but later stated that the source of the news was untraceable. The editor agreed on the objectionable nature of the news-item and that it was "apt to have created hatred against the Government among Muslim readers". Offering an unconditional apology, he gave an assurance that such news would not be published in future.

17. 1970 Ann. Rep. 15.

18. 1970 Ann. Rep. 42.

Decision : The Council while accepting the complaint, kept in view the editor's apology, and decided not to take any further action on it.

17. R.R. Dalavai complaint against Hindu¹⁹

Facts : The complainant alleged that three different issues published on three different dates by *Hindu* contravened good taste. Two of these related to reports and the third to publication of a photograph.

Decision : The Council held that in publishing news and photographs of worldwide interest, the newspaper had done its duty properly. By no means, had it committed a breach of journalistic ethics or offended good taste. Hence, the complaint was rejected.

18. Joseph John complaint against Times of India²⁰

Facts : The text of an advertisement in *Times of India* ran "The Singer Sewing Machine is one of the few useful things ever invented—Mahatma Gandhi". The complainant alleged that it commercially exploited the Mahatma's name and was consequently unethical.

Decision : The Council considered two points in connection with the complaint, namely :

- (i) Whether the advertisement contained anything unlawful or illegal.
- (ii) Whether its publication was contrary to "good taste or to journalistic ethics or proprieties".

The complainant had not challenged the authority of the Mahatma's statement. The Council did not consider it necessary to question the first point, since the lawfulness of the advertisement had not been challenged by the complainant. As regards the second point, the Council took the view that since admittedly Mahatma Gandhi had made such a commendation, it was not improper either for the advertiser to derive advantage from it, or for the editor to exercise his discretion to publish it.

The Council, accordingly, rejected the complaint.

19. Government of Mysore complaint against Nawa-E-Shaam²¹

Facts : Three separate complaints were in respect of three articles which appeared in the now defunct Urdu daily, *Nawa-E-Shaam*, published from Bangalore.

Decision : After carefully scrutinising the impugned articles, the Council found that they contained nothing to offend against journalistic ethics or to "whip up frenzy of communal elements". As regards a defunct newspaper it laid down the following principle : Where a newspaper is charged with violation of journalistic ethics, a plea that it has ceased publication, will

19. 1969 Ann. Rep. 14.

20. 1969 Ann. Rep. 37.

21. 1968 Ann. Rep. 24.

not allow it to escape adjudication. Discontinuance of the paper affords the editor no defence since it is his conduct which is the subject of the complaint.

20. Mangal Senkala complaint against the editor of a newspaper²²

Facts : The complainant from Agra stated that the newspaper had rejected an advertisement by him for sale of his house. He alleged that it was motivated by the editor's interest in the purchase of his house and consequent desire to suppress news of the sale from other intending buyers. There was no mention of either the newspaper's name or that of its editor. Despite several reminders these were not supplied to the Council.

Decision : This case had raised the question whether refusal to accept an advertisement contravenes journalistic standards, but the subsequent silence of the informant prevented consideration of the issue by the Council. It, therefore, decided to treat the matter as closed.

21. Certain teachers of Delhi University complaint against three local dailies²³

Facts : The complaint alleged that three newspapers had refused to accept a paid advertisement without assigning any reason. It contained a signed statement expressing the views of some colleagues in respect of the war in Vietnam and other related matters. This it was stated, "curtailed their freedom of expression as ordinary citizens in a democratic country".

Decision : In view of the fact that the complainants failed to comply with the direction to file a complaint in conformity with the regulations, the Council rejected the case for non-prosecution.

22. H.L. Parikh complaint against Times of India²⁴

Facts : In a communication to the Council, the complainant stated that the score in a cricket match reported in *Times of India*, Ahmedabad, was incorrect, resulting in his sustaining a loss of Rs. 10 in a bet. He demanded that he be reimbursed the amount by the paper. There was no mention of when and where the match was played nor of the correct score to prove the report's inaccuracy.

Decision : Since no formal complaint was filed, the Council did not deem it necessary to express an opinion on the frivolous nature of the complaint and decided to close the matter.

23. G. Lakshmanasubbarajalu complaint against Malai Murasu (Madurai edn.)²⁵

Facts : The complaint alleged that *Malai Murasu* in its issue of 20

22. 1968 Ann. Rep. 32.

23. *Ibid.*

24. 1968 Ann. Rep. 35.

25. 1967 Ann. Rep. 41.

February 1967, circulated on the evening prior to the poll, "intentionally omitted" his name from the list of contesting candidates for the General Election. This omission, it was asserted, created the impression of his having "withdrawn from the contest in favour of the independent Muslim League candidate", thus affecting his prospects in the election. It was alleged that his inquiries had revealed that this was done "deliberately to favour his opponent".

The editor explained that by mistake the paper had failed to mention that the list was not a complete list. Regret was expressed at the omission and the assurance given of its early publication in the newspaper.

Decision : Holding that the complaint was justified, the Council did not take any further action in view of the expression of regret on behalf of the editor.

24. Chief Minister of Orissa complaint against Andhra Prabha²⁶

Facts : In a personal letter to the Council, the complainant pointed out that in its issue of April 10, 1967, *Andhra Prabha* a Telugu daily, had published an article entitled "Villages, Festivals, etc. in Orissa" which depicted a distorted picture of the culture and social conditions of the Oriyas. This was alleged to have created tension, embittered feelings and raised linguistic passions in Orissa.

Decision : The Council noted the apologies tendered by the management, the editor and author of the article, as well as the fact of publication of regret in the papers. It also took into consideration a report in *Times of India* that the complainant himself asked the people of Orissa to regard the matter as closed.

In view of the above, the Council decided to treat the complaint as closed.

25. Ministry of Home Affairs, Government of India complaint against Mother India²⁷

Facts : Two complaints lodged against *Mother India*, an English monthly of Bombay were considered together. The first complaint pertained to illustrations published in the April and May issues of the monthly. The second was in respect of certain replies given to questions that related to the President of India by name, in the feature "Editor's Mail". Both the illustrations and replies were alleged to be in "extremely bad taste".

The editor gave the assurance to the Inquiry Committee that such objectionable matter would not be published again.

Decision : While upholding the complaints, the Council decided to treat the matter as closed in view of the assurance given by the editor.

26. 1967 Ann. Rep. 42.

27. 1967 Ann. Rep. 43.