

CHAPTER III

ACCREDITATION AND FREEDOM

1 Journalist and Resident Representative, *Dainik Janta Express*, etc. complaint against Central Accreditation Committee¹

Facts : The complainant, Satdeo Swamy, a journalist and resident representative of *Dainik Janta Express*, Meerut (for northern India) *Turkish Daily News*, Ankara, Turkey (for India), *Pioneer* and *Swatantra Bharat*, Lucknow (for Haryana, Meerut and Ghaziabad) alleged that the Central Accreditation Committee had done him an injustice by not giving him accreditation on two occasions, namely, at the time of his editing a Hindi daily newspaper from U.P. and upon his being appointed as special correspondent for the Turkish daily. He alleged that some members of the committee had personal reasons for doing so and also due to some officers of the Information Department not wanting to oblige.

The Ministry of Information and Broadcasting, Government of India, in its reply, stated that accreditation was rejected on the ground that the circulation figures of the concerned papers fell below the prescribed minimum or that the news agency did not qualify for accreditation.

The complainant, while refuting the statement with regard to the circulation figures, did not challenge the government's comments as regards the case of the news agency.

Decision : On considering the material on record and on hearing the complainant, the respondent government being unrepresented, the Council decided to remit the case back to the Central Accreditation Committee for reconsideration.

2. Secretary, U.P. Small and Medium Newspapers Editors' Council complaint against District Magistrate, Hardoi²

Facts : In a complaint lodged with the Press Council, Alok Kumar Srivastava, Secretary, U.P. Small and Medium Newspapers Editors' Council, Hardoi, alleged that the District Magistrate, Hardoi, had made it compulsory for all local editors to fill in an "Assurance Letter" with each declaration form submitted for authentication under the Press and Registration of Books Act, 1867. Without any direction or announcement by the Centre, this insistence on filling up the assurance letter, according to the complainant, amounted to suppressing basic rights of the newspapers

1. Jan. 1983 P.C.I. Rev. 53.

2. Jan. 1983 P.C.I. Rev. 58.

and restricting freedom of the press. He further added, that if it was a government decision it should have been made applicable to all the districts.

The 'Assurance Letter' form contained certain pledges to be sought from prospective editors. These included clauses like "co-operation with the District Administration."³ This was apparently unwarranted as the Act did not empower the District Magistrate to obtain such assurance before either granting or refusing a declaration.

The Government of Uttar Pradesh in reply maintained that the charge in the complaint related to the period of communal riots in Moradabad and Aligarh. At the time some newspapers in Hardoi district too had published news prejudicial to communal harmony. Hence, as a precautionary measure and with a view to granting quick accreditation to small newspapers, the assurance letter had been prepared.

In his counter comments the complainant submitted that the state government's comments were baseless. He pointed out that the riots had subsided by the time the assurance letters had been obtained. Photostat copies of assurance letters filled up by two editors were forwarded. The 'Assurance Letter' he submitted was introduced to put fetters on the freedom of the press so that black deeds of the District Magistrate could not be exposed.

In a subsequent communication the state government informed the Council that the assurance letters from the two editors concerned had since been withdrawn, and requested that the matter be treated as closed.

Decision : The Council took the view that "mere withdrawal of assurance letters would not set right the illegalities committed earlier."⁴ The point to be determined was whether the assurance letters had been submitted voluntarily or under pressure. The Council noted the fact that the 'Assurance Letter' filled up by the concerned editors was withdrawn only a few days before the hearing by the Inquiry Committee. This showed a resile from the earlier position adopted by the government due to the matter being brought before the Council. The two concerned prospective editors had been put to unnecessary harrasment. The Council, therefore, decided to uphold the complaint.

3. **Special Correspondent, Nav Bharat Times complaint against Delhi Administration and Government of Bihar⁵**

Facts : On July 27, 1982 the complainant, N.K. Trikha, special correspondent, *Nav Bharat Times* and also member, Press Council of India, brought to the Council's notice a news-item published in *Indian Express* dated June 29, 1982 entitled "Curbs on Newspapers in Bihar." From this,

3. *Ibid.*

4. *Id.* at 60.

5. April 1983 P.C.I. Rev. 25.

two points were indicated, namely (i) the Delhi Administration had constituted the Accreditation Committee in a manner detrimental to the interests of many newspaper associations/agencies; and (ii) as regards grant of accreditation facilities to newspapermen, the Government of Bihar had been exercising its authority injudiciously. The complainant desired the rules relating to accreditation be looked into so as to examine the existence of any element likely to affect freedom of the press. The Council decided to treat the communication as a complaint.

In its reply, the Government of Bihar maintained that the Bihar Press Accreditation Rules were not "substantially different" from those framed by the central government. As such, there was practically no scope for the arbitrary exercise of those rules.

Commenting on the charges in the complaint, the Delhi Administration contended that there had been no exercise of arbitrary action on its part in constituting the Press Accreditation Committee. The Ministry of Information and Broadcasting had, so far, not sent its comments.

At the hearing before the Inquiry Committee, on behalf of the Delhi Administration, the assurance was given that while constituting the fresh Accreditation Committee its accreditation rules would be reviewed. The Government of Bihar also agreed to an amendment of its accreditation rules.

Decision : Having examined the matter, the Council directed the State Government of Bihar to reconstitute the Accreditation Committee, in conformity with the recommendations of the Second Press Commission, and adopt the Central Accreditation Rules. Further, taking an overall perspective of the workings of Accreditation Committees in various states, the Council decided to ask the state governments to reconstitute the Committees wherever these had not been done in conformity with the recommendations of the Second Press Commission. The complaint was disposed of accordingly.

4. *Suo motu* action by Press Council against Government of Madhya Pradesh⁶

Facts : *Suo motu* action was taken by the Council on perusing a news-item captioned "Chhatarpur Press being muzzled" published in the *Sunday Standard*, New Delhi, dated March 29, 1981. The report contained allegations of a grave nature, falling within the Council's jurisdiction, as "it was a development likely to restrict the supply and dissemination of news of public interest and importance, thereby affecting the freedom of the press."

The Council invited both the State Government of Madhya Pradesh and the editor of the newspaper to forward their comments.

The state government through K.D. Jha, Joint Director (Publicity)

6. July 1983 P.C.I. Rev. 43.

informed the Council, that on the basis of the Pandey Commission Report, it had conveyed its displeasure to the three officials concerned and this had been published in the State Gazette. Directions had also been issued to the officials concerned as to the manner of their dealing with the press.

Decision : Since the advocate representing the three newspapers concerned was satisfied with the action taken by the state government, the Council decided to treat the matter as closed. However, it expressed the view that "the declaration of newspapers under the Press and Registration of Books Act, 1867, could not be cancelled on the ground that the newspapers concerned were indulging in yellow journalism."⁷ Complaints on this ground were to be lodged with the Council. This was directed to be conveyed to the State Government of Madhya Pradesh and the central government, so that the District Magistrates in the state, and the state government could be so instructed.

5. Suo motu action by Press Council against Government of Bihar⁸

Facts : The Press Council noted a news-item captioned "Bihar clamps backdoor Press censorship" published in the *Blitz* issue of July 17, 1982. This reported the notification by the Government of Bihar of the Press Representative Accreditation Rules, 1982, regarded by journalists of Patna as measures to "muzzle" the newsmen, newspapers, news agencies so that misdeeds, corruptions and failures of administration would not be brought to light. The report further alleged that these rules violated the statutes and guidelines laid down by the Press Council of India. It was decided by the Council to initiate *suo motu* action.

At the time of supplying fuller details of the matter and furnishing a copy of the said rules, Upadhyay, the *Blitz* correspondent, maintained that consequent to the Council's intervention in the matter, the government had not issued him a press-card for attending the Legislative Assembly session. Further, his request for advertisements for the *Blitz* supplement had also been turned down.

At the hearing on behalf of the Government of Bihar, it was reiterated that as agreed in the complaint of *Nav Bharat Times*,⁹ the Central Accreditation Rules would be followed. Further, a temporary accreditation card for six months would be made to Upadhyay, followed thereafter by a permanent accreditation card according to the rules on his applying to the government. This assurance satisfied the *Blitz* representative.

Decision : Having heard the parties the Council decided to treat the matter as closed.

7. *Ibid.*

8. Oct. 1983 P.C.I. Rev. 51.

9. *Supra* note 5.

6. A journalist complaint against Press Information Bureau Central Press Accreditation Committee¹⁰

Facts: The main grievance in the complaint lodged by D. G. Kulkarni a journalist, on February 2, 1980, was the wrongful and illegal cancellation of the complainant's accreditation by the Central Press Accreditation Committee (C.P.A.C.). He made the following points:

(i) His services had been wrongfully suspended by the newspaper *Nav Bharat* of Mangalore and an appeal was pending.

(ii) Having secured the representation of *Vishal Sahyadari* of Pune, the editor had filed an application for accreditation which had till then not been considered by C.P.A.C.

(iii) In concert with the Press Information Bureau, (P.I.B.) the C.P.A.C. had discredited him due to the Mangalore paper's disconnection.

(iv) On instruction of the P.I.B., eviction proceedings had been started against him by the Estate Office. Even though eviction orders were stayed later, the office had started charging him penal rent.

Further, the complainant maintained that he was not afforded any opportunity by the C.P.A.C. to explain his version of the case, before cancelling his accreditation. Also, he stated that his services as special correspondent of *Samyukta Karnataka*, Bangalore, had been abruptly terminated. He requested the Council's intervention for his reinstatement. The Press Information Bureau, Ministry of Information and Broadcasting, Central Government, in reply, submitted that the accreditation on behalf of *Nav Bharat* had been withdrawn, as the complainant was no longer working for the paper. With regard accreditation on behalf of *Vishal Sahyadari*, as accreditation could be accorded only to whole-time correspondents or cameramen and he was serving only on part-time basis, the complainant did not qualify for accreditation. However, accreditation was given to him when he became full time correspondent of *Vishal Sahyadari*.

The complainant in his counter-reply disagreed with the comments of the government as being "one sided and unfair".

Decision: Having examined the material on record, the Council concluded that the complaint lacked substance and, accordingly, rejected it.

7. Correspondent, Sarita, Mukta, etc. complaint against Government of Madhya Pradesh¹¹

Facts: In the copy of a letter addressed to the Chief Minister, the complainant, D.C. Verma, correspondent of newspapers like *Sarita*, *Mukta*, *Bhu Bharati*, *Caravan*, alleged that his name had been struck off from the approved list of correspondents due to his critical news about the Chief Minister of Madhya Pradesh and the political situation in the state.

10. 1981 Ann. Rep. 53.

11. 1981 Ann. Rep. 60.

Subsequently, on the Council's request, he furnished original clippings from different newspapers.

The State Government of Madhya Pradesh, in its comments, pointed out that Verma's name had been struck off long after his writings, and later, on making a representation to the Chief Minister, on November 3, 1981 it was again included in the list.

Decision: Since requisite relief had already been given to the complainant, the Council decided that the matter did not necessitate any further consideration. However, it observed that for this reason the complainant may have failed to make an appearance at the hearing, and further, that he should have intimated the latest developments in the case and settlement of his claim.

8. Founder Secretary-General, Indian Federation of Working Journalists and others complaint against Central Press Accreditation Committee¹²

Facts: J.P. Chaturvedi, Founder Secretary-General and a former President, Indian Federation of Working Journalists alongwith with some other journalists, sent a letter dated October 17, 1979, signed by them, to the Press Council. It forwarded a note containing a complaint regarding the disaccreditation of about sixty editors and distinguished journalists by the Central Press Accreditation Committee (C.P.A.C.). This resulted, it was submitted, from a review of rules 5 and 6 (introduced in February 1978) by the C.P.A.C. on its own initiative at its meeting held in September, 1979. The new rules read:

5. Editors of news media may in exceptional case be granted accreditation if the CPAC is satisfied that the applicant is genuinely engaged in covering current affairs and needs accreditation for this purpose. Such applications will only be considered by the CPAC. No temporary accreditation will be granted by the PIO in such case.
6. The Central Press Accreditation Committee may grant accreditation, as an exceptional measure, to journalists of long and distinguished service of at least 25 years who may be contributing special articles to a number of newspapers regularly but not attached to any newspaper which qualifies for accreditation.^{12a}

In the note, the main grievance raised was that the C.P.A.C. had no valid reason to arrive at the decision especially when the bulk of its members had nothing to do with accreditation as such. "As a consequence of

12. 1980 Ann. Rep. 63.

12^a. *Id.* at 67.

change in the rules, some eminent editors" (about 60 names were mentioned) would lose their accreditation.

On behalf of the Ministry of Information and Broadcasting, it was contended that the existing accreditation rules had been reviewed by the C.P.A.C. at its meeting in September. The rules for accreditation of editors were also reviewed. In the Committee's view, "the editors did not normally require" the kind of facilities considered essential for correspondents engaged in day to day news gathering. Further, it was thought that according accreditation to editors as a rule "would open floodgates and hundreds of editors might seek accreditation." As regards the category comprising journalists of long and distinguished standing they had stopped active work and did not engage in day to day news gathering. As such, they did not require accreditation. It was felt by the C.P.A.C. that granting facilities like supply of press material, invitation to press conferences and facility to visit government offices would serve their purpose. However, at its meeting on March 11-12, 1980 the matter was reconsidered and the Committee recommended that those already accredited under both categories would continue to enjoy accreditation. But in future such accreditation would not be granted.

Decision: In arriving at a decision, the crucial question faced by the Council was whether denial of accreditation in terms of the erstwhile rule 5 "would stand in the way of a proper discharge of ... duties and functions" of the editors, etc. In this connection it considered the role of an editor in two set-ups. As regards editors of newspapers having a fair amount of circulation, it agreed with the C.P.A.C. contention that they did not need accreditation. However, as regards editors who were also proprietors of newspapers, the Council felt that there was some substance in the complainants' contentions. The Council observed that in such cases the papers were managed and run "with much more limited resources than bigger newspaper establishments". Hence, on several occasions, they might need to take full advantage of accreditation. Also, it was noted by the Council that no substantial reason had been given as to why a decision had been taken so soon to change the rules in September, 1979 (rule 5 being introduced in February 1978, the interval was comparatively of a short period). The Council also did not agree with the contention that allowing accreditation to editors would open the floodgate to editors in large numbers seeking accreditation. It pointed out that even if this were so, the C.P.A.C. would have still the discretion in terms of rule 5 to extend the facility of accreditation in only the most deserving and exceptional cases.

The Council then considered the question of the category covered by the erstwhile rule 6. It felt that journalists of long and distinguished service had a valid argument in favour of their accreditation in terms of that rule. In its view the veteran's contribution as columnists or by way of special articles could be of "immense value to journalistic activity."

Although a change in the rule still entitled them to most of the facilities, regular accreditation, in the Council's opinion, possibly carried a certain prestige and being denied a particular status would not make distinguished journalists feel happy. Since the number in this category was not particularly large, the number even in future could be kept at a reasonable figure since the discretion rested with the C.P.A.C. It observed that if the anxiety was their eligibility for housing facility on the basis of accreditation, by convention or otherwise, they must give way to younger and more needy persons and should not claim this facility.

Finally, the Council considered the question as to whether denial of accreditation facilities to editors and journalists in terms of the erstwhile rules 5 and 6 would affect the freedom of the press. The Council suggested that deprivation of accreditation facilities or distinguishing between them and other members of the profession would interfere with their contribution to free expression of views and comments on matters of great public interest. The Council was strongly of the opinion that the C.P.A.C. should reconsider the question raised before it, in the light of the observations it had made. The complaint was disposed of accordingly.

9. Journalist and Editor, Madhya Seemant Samachar complaint against Sub-Divisional Magistrate, Chhibramau¹³

Facts: This complaint against the Sub-Divisional Magistrate, Chhibramau, was lodged with the Council on September 6, 1979 by Gyan Prakash Upadhyay, journalist and editor, *Madhya Seemant Samachar*. He stated that having received the sanction from the Registrar of Newspapers for India for publishing a Hindi weekly *Jagdarshan*, he had filed seven copies of the declaration in the said magistrate's court for authentication. Instead of doing so, the magistrate had ordered a secret inquiry to verify his character and antecedents. This action, he alleged, violated the provisions of the Press and Registration of Books Act, 1867 and was, therefore, "an open attack on press freedom". He asserted that this action was intended to harass him on account of certain critical writings appearing in *Madhya Seemant Samachar*. He requested that the District Administration Farukhabad be directed to discontinue the unconstitutional policy of conducting secret inquiries before authentication. Subsequently, on November 1, 1979 he intimated the Council that his declaration had been authenticated on 25.10.1979. Even then, he expressed his desire to pursue the matter.

An interim reply on November 28, 1979 was sent by the District Magistrate, Farukhabad, drawing the Council's attention to the complainant's letter dated 25.10.1979 addressed to the Secretary of the Council, desiring to withdraw his complaint. Since the original letter had not been received by the Council, he was categorically asked in a communication

13. 1980 Ann. Rep. 71.

if he wished to pursue the complaint. However the complainant chose to evade answering the enquiry.

Decision: On going through the records, the Council felt that the complainant did not seem inclined to pursue the complaint since his main grouse, viz., authentication of the declaration for his weekly had been redressed. Also, significantly he had not denied the facts stated in the magistrate's letter. As such, the Council concluded that the matter did not call for further action.

10. Secretary, Chandigarh Union of Journalists complaint against Chief Minister of Haryana¹⁴

Facts : The gravamen of the charge in the complaint by the Secretary of the Chandigarh Union of Journalists was the Chief Minister of Haryana's attempt to "influence the professional judgment of journalists by means of pressure tactics and intimidation." The complainant maintained that the accreditation of two Haryana correspondents had been cancelled and housing facilities withdrawn from two others "for reporting unpalatable facts about Haryana politics." Further, he charged the Chief Minister with rude and discriminatory behaviour when certain journalists had gone to meet him to gauge his reaction on certain topical issues.

In its reply, the State Government of Haryana refuted the allegations and asserted that the disaccreditation, and withdrawal of housing facilities were for reasons other than those set out in the complaint. As regards the incident of the meeting with the Chief Minister it was submitted that he had not been rude but had politely told the journalists that others were there by prior appointment; even for them he had no news to give, and they (the intruding correspondents) were requested to go out.

Decision : As regards the allegation of disaccreditation, the Council was of the opinion that in the case of one correspondent, it was because of his editorial published on September 12, 1972, in view of the closeness of dates between the article's appearance and his disaccreditation. About the second charge of withdrawal of housing subsidies to two correspondents, the Council was of the view that it was unjustified and intended as a punishment for articles/news-items written by them. In the case of one of the correspondents, however, it had been restored. The Council concluded that the withdrawal of housing subsidy was an attempt to pressurise a newspaper correspondent and, therefore, the press. The third charge of insult by the Chief Minister at the meeting with the two concerned correspondents, however, the Council held, had not been made out.

11. Editor, Pilot complaint against District Public Relations Officer, Bhatinda¹⁵

Facts : Mohan Krishan, editor of *Pilot*, a Hindi weekly of Bhatinda,

14. 1974 Ann. Rep. 68.

15. 1974 Ann. Rep. 88.

alleged that he had been discriminated against by the District Public Relations Officer, Bhatinda. The reason for this was stated to be his dislike of Hindi and Hindus and favouring of the Sikh community.

In his statement, G.S. Siddhu, the District Public Relations Officer denied the allegation of discrimination. The complainant challenged the correctness of this statement.

Decision : On investigating the matter, the Council found the complainant's charge that "he had been designedly refused accreditation," to be not correct, since under the rules, it was given only to representatives of daily papers. As such the complainant was no longer eligible for accreditation, even if he was accredited in the past. His application for accreditation was still pending before the State Accreditation Committee. The other charges against the District Public Relations Officer, were also found to be not correct, as also the allegation that the government was not giving advertisements to his paper. The Council, therefore, decided that the complaint was not made out and rejected it.

12. Editor, Searchlight complaint against Central Government¹⁶

Facts : In a complaint by the editor of *Searchlight*, an English daily of Patna, the difficulties encountered by newspapers in getting registration under the Press and Registration of Book Act, 1867 were highlighted.

Decision : On considering the complaint, the Council requested the Chairman to address the government suggesting ways of eliminating delay. Three suggestions were made, namely:

(i) Ensuring the supply of a sufficient number of declaration forms and their easy availability to those desirous of using them for filing before the District Magistrate, *etc.*

(ii) Prescribing a time limit not exceeding a week or ten days for seeking instruction from Registrar of Newspapers for authentication of a declaration by a District Magistrate, *etc.*

(iii) Expeditiously disposing of applications seeking instruction for authentication of declarations. A time limit of a fortnight ought to be fixed for the registrar to communicate his instructions to the magistrate and a further week for a magistrate to transmit his orders under rule 4 of the Central Registration Rules to the applicant. Provision should also be there, that if within, say 8 weeks of filing a declaration before a magistrate, no communication is received from him, the applicant can proceed to publish his newspaper, as if it had been registered and authenticated.

13. Journalist of Monghyr complaint against District Magistrate¹⁷

Facts : The allegation of harassment by the District Magistrate was

16. 1971 Ann. Rep. 75.

17. 1970 Ann. Rep. 95.

made by a journalist of Monghyr, who was desirous of bringing out a new Hindi weekly entitled *Nayee Mashal*. He maintained that the authentication of his declaration made and subscribed under section 5, Press and Registration of Books Act, 1867, was inordinately delayed.

Decision : On taking up the matter with the District Magistrate and Registrar of Newspapers for India, the Council found that the complainant's declaration had been authenticated. As such, it decided to treat the case as closed.