

CHAPTER II

PRESSURISATION AND HARASSMENT OF NEWSPAPERMEN : PRINCIPLES

From the Council's rulings in the cases relating to pressurisation and harassment of newspapermen, the following principles emerge:

1. Assaults on pressmen and acts of violence against the press are frequently becoming a method of showing reaction to news or editorials published in papers that are not palatable to the persons concerned. This is opposed to the democratic way of life.¹
2. Tendencies to coerce newspapers to desist from publishing facts or toe a particular line are matters of concern.² The local administration is expected to help the journalist to perform his duties without being under duress or pressure.³ So also the police authorities are expected to protect the rights of the citizens including the journalists and to perform their duties in accordance with the law.⁴
3. Implication of an editor of a newspaper in a fabricated case by the police authorities with a view to harassing him "for his treatment of the news" or critical writings amounts to interference with freedom of the press.⁵
4. Where an allegation by a journalist against the state police of illegal arrest in a false case is substantiated, the state government should conduct a proper enquiry against the officers responsible.⁶
5. Institution of cases by a state government after lapse of a long time against the editor and printer of a newspaper for publishing the impugned news-item is "nothing but keeping the sword hanging" with the object of harassing them.⁷
6. Group raids on newspaper offices by unruly mobs interfere with freedom of the press. Suitable precautionary protective measures ought to be taken by the police.⁸ The same applies to block-

1. Case of *Searchlight and Pradeep*, 1974 Ann. Rep. 11. See *infra* ch. V, case no. 28.

2. Case of *Malayala Manorama*, 1968 Ann. Rep. 38.

3. Case of *Blitz*, April 1984 P.C.I. Rev. 30.

4. Case of *Yahan Wahan*, Jan. 1983 P.C.I. Rev. 64.

5. Cases of *Mahajati*, Oct. 1983 P.C.I. Rev. 55; *Prachand*, Jan. 1983 P.C.I. Rev. 33.

6. Case of *Blitz*, April 1983 P.C.I. Rev. 31.

7. Case of *Assam Journalists' Association*, Oct. 1983 P.C.I. Rev. 58.

8. Case of *Malayala Manorama*, Jan. 1983 P.C.I. Rev. 62.

- ade of newspaper offices.⁹
7. A raid on the press premises by the police in execution of an attachment order at the request of the receiver appointed by a court, does not infringe freedom of the press.¹⁰
 8. An attack on a paper and those in management or editorially connected with it with a view to pressurising or intimidating them for the opinions expressed in the paper, constitute a gross interference with the freedom of the press.¹¹
 9. The matter of alleged illegal seizure of newspaper copies does not fall within the jurisdiction of the Council. For this the remedy lies in a court of law.¹²
 10. The Council has no jurisdiction to go into the regularity and validity of an investigation. It is for the state government to make an enquiry into certain features that appear unusual.¹³
 11. The Council cannot look into complaints involving an investigation into disputed facts for which it does not have the necessary machinery. This is entirely a law and order problem and requires to be dealt with by the authorities to whom such complaints ought to be addressed.¹⁴
 12. Complaints alleging harassment by income-tax authorities cannot be entertained by the Council as "conducting of an enquiry and serving notices under the Income Tax Act" has nothing to do with the Council's functions.¹⁵
 13. While the journalists have an obligation to society to practice responsible journalism, politicians also have an obligation to be tolerant towards criticism and not to be vindictive and resort to physical violence against journalists.¹⁶
 14. Responsible public men and journalists are expected to refrain from using objectionable language against each other. While the former ought to desist from making statements that would be likely to "undermine the freedom of the press, and interfere with the role expected of it in a democratic society" the latter are expected to maintain high standards of public taste and professional responsibility.¹⁷
 15. The alleged use of "very intemperate language, insulting to the national leaders and derogatory to the national day" does not

9. *Suo motu* action by Press Council against Government of Karnataka, April 1982 P.C.I. Rev. 36.

10. *Case of Hyderabad Daily Newspapers Association*, 1974 Ann. Rep. 86.

11. *Case of Alai Osai*, 1973 Ann. Rep. 12.

12. *Case of Nasheman*, 1972 Ann. Rep. 66.

13. *Supra* note 9.

14. *Case of Kashi Patrakar Sangh*, 1971 Ann. Rep. 74.

15. *Case of Pilot*, April 1983 P.C.I. Rev. 29.

16. *Case of Blitz-U.N.I.*, Oct. 1983 P.C.I. Rev. 53.

17. *Case of Member, Press Council*, 1981 Ann. Rep. 73.

- fall within the Council's jurisdiction.¹⁸
16. To the question "whether an insult to a press correspondent by an official or other person involved a threat to the freedom of the Press", it can be said that if such an enquiry were to be undertaken, it would mean that in every case involving a journalist in any action by the authorities, the Council would have to make an enquiry.¹⁹
 17. The people in general and political parties and the governments in particular are urged to see that newspapers get the full opportunity of gathering facts and expressing their views freely. Also it should be ensured that newspapermen function without threat of coercion, intimidation or physical violence.²⁰
 18. Harassment and victimisation of journalists by police is a direct attack on the freedom of the press.²¹
 19. Seizure of camera and removal of film by the police from a press photographer while covering the news would amount to preventing the journalist from performing his duties and is a matter to be viewed seriously.²²
 20. Filing of motivated frivolous cases against a journalist would amount to interfering with his functions.²³
 21. Leading journalists should resolve their differences in a spirit of understanding and maintenance of good relations among themselves.²⁴
 22. There are many ways of humiliating a journalist and an enquiry conducted by a high official holding the office of Superintendent of Police, under Press and Registration of Books Act, 1867 may amount to humiliation and harassment.²⁵
 23. The district magistrate should apply his mind and exercise his powers in a "proper and bona fide manner", before ordering any arrest under preventive laws.²⁶
 24. In cases where a more detailed investigation is required for ascertaining the facts and action being taken, the government should investigate the matter.²⁷
 25. Any attempt by a minister to brow-beat a staff reporter of a newspaper into "toeing his line in the matter of reporting" should be

18. Case of *Madhya Pradesh Small Newspapers' Association*, 1972 Ann. Rep. 66.

19. Case of *Searchlight*, 1972 Ann. Rep. 65.

20. Case of *Malayala Manorama*, *supra* note 2 at 39. See also 1967 Ann. Rep. 52-58.

21. Case of *Khabaryaar*, April 1984 P. C. I. Rev. 50.

22. Case of *Indian Express and others*, April 1982 P. C. I. Rev. 62.

23. *Supra* note 3.

24. *Suo motu* action by Press Council against *Pioneer, etc.*, 1981 Ann. Rep. 87.

25. Case of *Jal Ai Asom*, April 1982 P. C. I. Rev. 53.

26. Case of *I. F. W. J.*, April 1982 P. C. I. Rev. 49.

27. Case of *Rajtantra*, 1974 Ann. Rep. 81.

desisted and would be inconsistent with maintaining "the proper standards of ministerial conduct towards the Press".²⁸

26. To the question whether the blockade or seige of newspaper offices was effected at the instance or prior knowledge of any person/authority, the well settled rule, to be applied is "circumstances from which an inference of guilt is sought to be drawn must be incompatible with the innocence of the person against whom that evidence is used and must be incapable of explanation upon any other reasonable hypothesis than that of his guilt."²⁹
27. The state government is expected not to take a cavalier attitude as regards communications of the Press Council and should conduct proper investigations in appropriate cases.³⁰
28. After filing a complaint alleging harassment it is desirable that the Council should be informed beforehand about any compromise or settlement between the parties.³¹

28. Case of *Dainik Janambhumi*, 1980 Ann. Rep. 56.

29. *Supra* note 9 at 48.

30. Case of *Muzaffarnagar Bulletin*, Oct 1982 P. C. I. Rev. 46.

31. *Suo motu* action by Press Council against Government of Orissa, 1981 Ann. Rep.

