
(2021) 03 DEL CK 0026

In the Delhi High Court

Case No : Civil Writ Petition No. 2733, 2770 Of 2021

Hindustan Media Ventures Ltd

APPELLANT

Vs

Press Council Of India & Ors

RESPONDENT

Date of Decision : 02-03-2021

Acts Referred:

Constitution Of India, 1950 — Article 19(1)(a)
Press Council Act, 1978 — Section 14

Citation : (2021) 03 DEL CK 0026

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : N.B.Joshi, Naman Joshi, Gokul Plaha, Sushil Kumar Pandey, Rahul Mourya

Judgement

Prathiba M. Singh, J

1. This hearing has been done through video conferencing.

CM APPL. 8146/2021 (for exemption) in WP(C) 2733/2021

CM APPL. 8326/2021 (for exemption) in WP(C) 2770/2021

2. Allowed, subject to all just exceptions. Applications are disposed of.

WP(C) 2733/2021 & CM APPL. 8145/2021 (for interim directions)

WP(C) 2770/2021 & CM APPL. 8325/2021 (for interim directions)

3. The present petitions have been filed challenging the order dated 22nd January of the Press Council of India, vide which the present Petitioners

have been censured for not having clarified that the content printed is an advertisement, as required as per clause 2(xxvi) of the Norms of

Journalistic conduct framed by the Press Council. The Petitioner also challenges the communication of the said order vide letter dated 28th January

2021.

4. The submission of Mr. Joshi, Id. Counsel for the Petitioners is that even though the word "ADVT" does appear in very small font size and print

in the advertisement, the impugned order and the communication of the Press Council, in effect, has barred all Government agencies from placing

advertisements in the Petitioners' newspapers. He further submits that a similar advertisement had also appeared in Amar Ujala and Dainik

Jagran wherein no action appears to have been taken by the Press Council. He submits that the order of the Press Council is beyond the powers

contemplated under Section 14 of the Press Council Act and is also arbitrary.

5. The operative portion of the impugned order merely directs as under:-

"The Press Council on consideration of records of the case and Report of the Inquiry Committee accepts reasons, findings and adopts

the Report of the Committee and decides to Censure the respondent-newspaper, Hindustan, Delhi and Dehradun editions."

While communicating the above order to various governmental advertising agencies including the DAVP, the Press Council of India has called for an

'Action Taken Report'. The said letter reads as under:

"Sir/Madam,

I am directed to forward herewith a copy of the decision in the aforesaid matter rendered by the Press Council of India on 22.01.2021 at

New Delhi for information/necessary action/compliance.

The Government of India/ State Government is required to comply with the decision of the Council and furnish Action Taken Report at the

earliest."

6. A perusal of the above impugned communication shows that the Press Council has asked for an Action Taken Report from the State as well as

Central Government Departments, thereby giving the impression that Government agencies cannot place any advertisements in the Petitioners' newspapers, although this direction is not contained in the main part of the

impugned order.

7. Issue notice to the Press Council of India as also the Information and Public Relations Department, Haldwani, Uttarakhand.

8. The counsel appearing for the Union of India seeks time to take instructions.

Ms. Farasat, Id. counsel appearing for GNCTD submits that as on date, the Petitioner's newspaper does not appear to have been removed from the panel.

9. Be that as it may, if the intention of the impugned order and communication is to stop all Government advertising in the Petitioner's newspapers, the proportionality of such an order would be required to be examined by this Court inasmuch as there is no time limit fixed as to for what period the advertising would have to be stopped by the Government Departments. The ramifications of the impugned communication can be quite detrimental to the financial health of the publication, if all government advertising is directed to be stopped, due to an order of 'Censure' passed by the Press Council. Id. Counsel for the Petitioner submits that such an order would also be violative of Art. 19(1)(a) of the Constitution of India.

10. Accordingly, the direction for taking action and submitting an action taken report, which was given by the Press Council to the Government Departments i.e., the Respondents No.2 to 6, through the impugned communication, shall remain stayed in the meantime.

11. Let counsel for the Union of India seek instructions as to whether any advertising has been stopped qua the Petitioner's newspaper or not and revert with the said instructions on the next date of hearing. In the meantime, let counter affidavit be filed within two weeks. Rejoinder thereto, if any, be filed within two weeks, thereafter.

12. List on 22nd April, 2021.