

(2017) 12 DEL CK 0144

In the Delhi High Court

Case No : Civil Writ Petition No. 10825 Of 2016

Prem Kumar Singh

APPELLANT

Vs

Govt Of India And Ors

RESPONDENT

Date of Decision : 06-12-2017

Acts Referred:

Citation : (2017) 12 DEL CK 0144

Hon'ble Judges : Gita Mittal, J;C.Hari Shankar, J

Bench : Division Bench

Advocate : Suparna Srivastava, Tushar Mathur, Madhavi Divan, Manan Verma, Nidhi Khanna, Ayush Puri, N.B. Joshi, Abhijeet Negi

Final Decision : Disposed Of

Judgement

Gita Mittal, J

1. This writ petition has been filed in public interest impleading Ministry of Information and Broadcasting as respondent no.1; Press Council of India and The Indian Express Private Limited as party respondent nos.2 and 3 respectively seeking the following prayers :-

"a) Issue a writ in the nature of mandamus to Respondent no.3 an a directing in general to all news channels and newspapers while restraining them the use of word "Dalit";

b) Issue appropriate writ/mandamus in the nature of direction to the respondent no. 1 & 2 to take appropriate step for ensuring that the word "Dalit" may not be used unnecessarily and unjustifiably without any relevance of the same;

c) Issue a writ in the nature of mandamus to ensure compliance of the laws related to prohibition of use of community related words, without any relevance.

d) Issue appropriate directions to the respondent no. 1 and 2 to keep a vigilant eye upon the publication an presentation of news by the media houses so that a harmonious atmosphere among the different religion, race, caste and community

people may be created in the country;

e) Impose a punitive cost upon the respondent no.3 for its act of creating an atmosphere of hatred and disharmony in the country by presenting the news in a provocative and distorted manner."

2. The Press Council of India, impleaded as respondent no.2 by the petitioner points out that it has issued norms and guidelines which discourage the caste identification of the person or a particular class in the newspaper publication. The same are reproduced hereafter :

"Caste, religion or community references

i) In general, the caste identification of a person or a particular class should be avoided, particularly when in the context it conveys a sense or attributes a conduct or practice derogatory to that caste.

ii) Newspapers are advised against the use of word 'Scheduled Caste' or 'Harijan' which has been objected to by some.

iii) An accused or a victim shall not be described by his caste or community when the same does not have anything to do with the offence or the crime and plays no part either in the identification of any accused or proceeding, if there be any.

iv) Newspaper should not publish any fictional literature distorting and portraying the religious or well known characters in an adverse light offending the susceptibilities of large sections of society who hold those characters in high esteem, invested with attributes of the virtuous and lofty.

v) Commercial exploitation of the name of prophets, seers or deities is repugnant to journalistic ethics and good taste."

3. In the counter affidavit which has been filed by the respondent no.2 before this court, the Press Council of India has referred to a letter dated 5th April, 2016 which had been sent by the petitioner making the same grievance as has been made in the writ petition to it.

In response, by a letter dated 28th April, 2016, respondent no.2 had called upon the petitioner to file a formal complaint in accordance with Regulation 3 of the Press Council of India (Procedure and Inquiry) Regulation 1979.

4. This writ petition has been filed without making the said complaint or seeking redressal from the respondent no.2.

5. We are informed by the petitioner who appears in person, that this response dated 28th April, 2016 was not received by him and that he would like to make complaint in terms thereof. A copy of the letter dated 28th April, 2016 is enclosed with the counter affidavit filed in this court.

6. In view of the above, this writ petition is disposed of with a liberty to the petitioner to make a complaint in terms of Regulation 3 of the Press Council of

India (Procedure and Inquiry) Regulation 1979 to the respondent no.2 who shall take a view in the matter expeditiously in accordance with law.

Dasti.