

Krishna Chandra Vishnoi and anr. Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Aug-26-2004

Reported in : 2005(2)AWC1764

Judge : Pradeep Kant and ;Y.R. Tripathi, JJ.

Acts : Uttar Pradesh Press Representative Recognition Rules, 1978 - Rules 22, 23 and 24

Appeal No. : Writ Petition No. 2077 (MB) of 2003

Appellant : Krishna Chandra Vishnoi and anr.

Respondent : State of U.P. and ors.

Advocate for Def. : S.N. Shukla, CSC

Advocate for Pet/Ap. : J.P. Mathur and ;Kapil Deo, Advs.

Disposition : Petition allowed

Judgement :

1. Heard the learned counsel for the petitioners Sri Kapil Dev and Sri S.N. Shukla, the learned counsel for the State.

2. The petitioner no. 1, a correspondent of M/s Filmco Photonews, having its registered office at 109/246, R.K. Nagar, Kanpur and petitioner no.2, a

Cameraman, are representative of the said news agency which is recognised by the Government of India as well as State of U.P. The aforesaid news agency carries out the business of covering news to be published in newspapers as well as for telecast through electronic media including Doordarshan and other news channels. M/s Filmco Photonews, of which the petitioners are representatives as Correspondent and Cameraman, is registered with the Registrar of Newspapers, Government of India w.e.f. 23.9.88 and the petitioners are recognized as representatives of the said news agency by the Press Recognition Committee since 1989 under the U.P. Press Representative Recognition Rules, 1978. The petitioners were also issued Press Cards and were given all the benefits, which were otherwise available to such accredited journalists.

3. It was in the year 2003 that the petitioners were refused the renewal of their accreditation by the State Government on the ground that they were not having any independent channel of their own. The petitioners filed a writ petition before this Court challenging the aforesaid order bearing writ petition no. 802 (MB) of 2003. It was urged by the petitioners that non renewal of press card/accreditation to the petitioners on the ground that they were not having independent channel was not reasonable and that even free lance journalists and other press persons, who do not own an independent channel, have been given the press cards. The writ petition was finally disposed of by a Division Bench of this Court in which one of us (Pradeep Kant, J.) was a member, with a direction to the petitioner to make a representation, which was to be considered and decided by the State Government taking into consideration that the petitioners have been allowed the same privilege or status, right from the year 1989 and whether on non-possession of any independent channel by the press person, the renewal of such press cards can be refused.

4. The representations of the petitioners were considered and were rejected by means of the impugned orders dated 11.3.03 and 22.1.03. The impugned orders say that earlier petitioners' recognition was not allowed for want of an independent channel with them and the petitioner, though has submitted certain certificates saying that they have been providing news to the Channels but they do not relate to any news and relate to advertisement. Apart from this telecast of ten-minute

programme in the name of 'Jagriti', on Doordarshan covers social, cultural and film related news and not political news. On this ground renewal of petitioners' recognition/issuance of press cards has been refused.

5. There is no such provision for a journalist or the news reporter either to own an independent channel or that he necessarily has to cover political news. The grounds mentioned in the impugned orders do not flow from the Rules. It may also be taken note of that right to information in respect of social, cultural and film is also the right of the citizens and dissemination of such information cannot be termed otherwise than news or information which is telecast through T.V. channels, on reports being submitted by the journalists.

6. In view of the fact that the petitioners were issued press cards/granted recognition with the same terms and conditions and were supplying the information with this very background from the year 1989, we do not find any reason for denying recognition to them, at such a later stage. Sri Kapil Dev has submitted that as a matter of fact under the 1978 Rules, there is no provision for considering the renewal or the recognition or issuance of press cards every year, rather provision is that in case it is found that privilege given to the accredited journalists is being used for the reasons given in Rules 22, 23 and 24 of the Rules of 1978, action can be taken for cancellation of such accreditation or press cards. We do not intend to enter into this question, as we have already observed that rejection of the press card/recognition for the year 2003 and onwards is wholly bad in law. We, therefore, quash the orders dated 11.3.03 and 22.1.03 and direct the State Government to reconsider and decide the matter of issuance of press cards/grant of recognition/accreditation to the petitioners for the year 2004-05 and onwards in accordance with law within a maximum period of three weeks from the date of receipt of certified copy of this order.

7. The writ petition is allowed. No order as to costs.