

S.No. 37

File No.14/221/17-18-PCI

Complainant

Shri V.Sagar,
Secretary, ICAI
New Delhi.

Respondent

The Editor,
Economics Times,
New Delhi.

Adjudication dated 15.11.2018

Facts:

This complaint dated 24.8.2017 has been filed by Shri V. Sagar, Secretary, ICAI (The Institute of Chartered Accountants of India), New Delhi, against the Editor, The Economics Times, for the publication of the article written by Shri Dhirender Kumar under the caption: **Demo, GST, and Now Chartered Accountants** in its issue dated July 10th, 2017.

It is reported in the impugned news item that the Prime Minister, Narendra Modi, in his address unambiguously laid his finger on the nation's CAs as the prime facilitators of black money generations. It is further reported that the PM in his speech reminding the ICAI that if the Parliament can grant powers then it can take back it too. It is further reported that the ICAI- made up and elected by CAs themselves- has the power to set the CA curriculum, conduct CA exams, certify CA's fitness to practice their profession, to judge whether they had committed any violations and then punish the guilty. Yet, only 25 CAs have been found guilty of malpractice in the past 11 years while 1400 cases were pending. The PM further referred in his speech that for a price, the CAs will put their signature on any fiction, in fact they create fiction. Not just that, helping businesses cheat on taxes is the main service being offered by many of them. It is further reported in the news item that the CAs must be liable for what they do under real laws and the real legal process and not the mockery that the ICAI runs.

Denying the allegations, the complainant has submitted that the impugned news item casts serious aspersions and shows the profession of Chartered Accountants in poor light in the eyes of the public. He has submitted that the publication of the news has caused immense damage to the reputation of the Profession of Chartered Accountants. He further submitted that they had taken up the matter to the columnist Shri Dhirender Kumar on 21.7.2017 but received no response.

A Show Cause was Notice issued to the respondent editor, 'The Economics times', New Delhi on 14.9.2017 but received no response till the meeting held on 25.6.2018.

Written Statement

While denying the allegations levelled in the complaint and violation of Norms of Journalistic Ethics, the respondent has submitted that the show-cause notice issued to them is uncalled for and is unwarranted and without any cause of action and is liable to be withdrawn. The respondent has further stated that the impugned news item was published in public interest as it concerns the general public and the issue involved was related to the economy of the country and the speech of the Hon'ble Prime Minister on the occasion of CA Day at the Institute of Chartered Accountants of India. According to the respondent, the columnist of the article, Shri Dhirendra Kumar runs a reputed portal which provides investment advice, analysis and information since 1990. It also brings out financial magazines which cover a range of investment opportunities available in India so that individual can make their own investment decisions. The respondent has further submitted that the impugned article by columnist is based on the speech delivered by the Hon'ble Prime Minister, the transcript of which is available at: <https://www.narendramodi.in/text-of-pms-speech-at-chartered-accountants-day-at-igi-stadium-delhi-july1-2017--536130>. The

same has also been attached for ready examination by the Hon'ble Council. It must be noted that the speech which is in question here was widely discussed by other newspapers as well. Further, the content of the reporting in other newspapers is also the same as in the Article. While furnishing the extracts of the speech delivered by Hon'ble Prime Minister, the respondent has stated that the impugned article was based on the speech, hence, there is no question of misrepresentation as alleged by the complainant. With regard to publication of apology, the respondent has denied that he is liable to publish apology at a prominent place in the newspaper. In this regard, he drew the attention of the Council towards the judgement of Hon'ble High Court of Delhi in the case of S. Ameenul Hasan Rizvi Vs. PCI and other 91(2001) DLT 492 where while acquiescing with the view in Miami Herald Publishing Company had held that any direction to Editor will be violative of his Freedom of Speech and Expression. The respondent has further stated that a reasonable view must be taken of the article as a whole and parts of it should not be read in isolation. This was held by the Hon'ble Supreme Court in Ajay Goswami Vs. UOI (2007). He has requested the Council to drop proceedings against them.

A copy of the Written Statement was forwarded to the complainant vide Council's letter dated 23.8.2018.

Counter Comments:

The complainant has filed counter comments dated 16.10.2018 through his counsel Shri Amit Sharma and submitted that the respondent is guilty of publishing an Article of Shri Dhirender Kumar which not only wrongly reported the speech of Hon'ble Prime Minister but was also malicious to him and caused immense damage to the reputation of the complainant's Institute. He has further submitted that the respondent has brazenly justified the said publication and also admitted that the said publication was a deliberate act and the respondent was well aware of the impact of the said article in the eyes of general public. He has further submitted that careful reading of the speech given by the Hon'ble Prime Minister would reveal that the role of the complainant's Institute was even appreciated by the Hon'ble Prime Minister whereas the impugned Article has portrayed a total contrary and negative image of the complainant's Institute for act of the respondent deserves an exemplary punishment.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 23.10.2018 at New Delhi. Shri Amit Sharma, Advocate appeared on behalf of the complainant and Shri Akash Nagar, Advocate along with Smt. Uma Lohray, Assistant Manager represented the respondent newspaper, the Economic Times.

This complaint has been filed by the Institute of Chartered Accountants of India through its Secretary. It relates to a news article written by Shri Dhirender Kumar and published in the newspaper, "The Economic Times" dated July 10, 2017. The Institute of Chartered Accountants of India is a statutory body set up under an Act of Parliament to regulate the profession of Chartered Accountants in India. According to the complainant, the said news article has caused immense damage to the reputation of the Chartered Accountants. The complainant terms the news item as malicious and scurrilous which has caused immense damage to the reputation and image of profession of Chartered Accountants.

The respondent newspaper in its reply had stated that the columnist has written the news item based on the speech delivered by the Hon'ble Prime Minister. According to the respondent the speech of the Prime Minister is available on website and the content of the impugned news item flows from the same.

It is relevant to state that in the news article, it has been stated as follows:

"During his address, the PM unambiguously laid his finger on the nation's CAs as the prime facilitators of black money generation".

The representative of the complainant submits that the Hon'ble Prime Minister has nowhere stated and laid finger on the nation's Chartered Accountants as the prime facilitators of black money generation. Counsel for the respondent however submits that these may not be exact words used by the Hon'ble Prime Minister but from the reading of the aforesaid speech of the Hon'ble Prime Minister only conclusion which one can arrive is that the Chartered Accountants are the prime facilitators of black money generation. It is pointed out that the columnist is free to draw his own conclusion from the speech of the Hon'ble Prime Minister.

The Inquiry Committee has bestowed its consideration and has gone through the transcript of the speech of the Prime Minister and is of the opinion that the inference drawn by the columnist that "CAs are the prime facilitators of black money generation" does not flow from his speech. The columnist unequivocally attributes this statement to the Prime Minister, which in the opinion of the Inquiry Committee the Prime Minister never made. This has ridiculed the profession of CAs as a whole and for that the columnist has put those words in the mouth of the Prime Minister. Had this been the opinion of the columnist, the matter would have been different but the columnist in no uncertain terms stated that "**The Prime Minister unambiguously laid his finger on the nation's CAs as the prime facilitators of black money generation.**" An allegation of such nature attributed to the Prime Minister not only ridicules the profession of the CAs but it also exposes the Prime Minister for a statement which he never made.

True, it is that the Indian Constitution guarantees the freedom of expression to the newspapers but the freedom is not absolute and in the garb of freedom, the newspaper or columnist does not have the license to abuse the profession of the CAs as a whole and that too using the name of the Prime Minister.

In the opinion of the Inquiry Committee, the respondent newspaper has violated the norms of journalistic ethics and its conduct calls for an action.

The Inquiry Committee, accordingly, recommends that the respondent newspaper Economic Times be **Censured**.

A copy of this Order be forwarded to the Deputy Commissioner, New Delhi, District Magistrate, New Delhi, Director, Public Relations Department, New Delhi and the Director General, DAVP.

Held

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 with the above direction.