

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No.32091 & 31647 of 2019

S.Sekaran

..Petitioner in both W.Ps.

-Vs-

- 1.The State of Tamilnadu
represented by its Secretary to Government,
Home Department, Fort St.George,
Chennai.
- 2.The Director General of Police, CBCID
Old Commissioner Office,
Egmore, Chennai.
- 3.The Additional Director General of Police,
Idol Wing CID, office campus of EOW,
Instrustial Estate, Guindy, Chennai.
- 4.A.G.Ponnmanickavel,
The Inspector General of Police,
Idol Theft Wing CID, Old Sipcot Building,
Industrial Estate, Guindy, Chennai.
- 5.The Secretary,
Information and Public Relationship Department,
Government of Tamil Nadu, Fort St.George, Chennai.
- 6.Press Council on India
represented by its
Secretary, OM-Plaza, Sector 19, Indra Nagar,
Lucknow, Uttar Pradesh.
- 7.Madras Union of Journalists(MUJ),

- No.8, Ritchie Street, Narasingapuram,
Chintadripet, Anna Salai, Chennai.
- 8.The Madras Reporters Guild,
Omandurar Government Estate, Chennai.
- 9.Chennai Press Club, Navalar Nagar,
Chepauk, Triplicane, Chennai.
- (R5 to R9 suo motu impleaded as per order dated 10.01.2020 made in
W.P.No.32091 of 2019)
- 10.Audit Bureau of Circulations(India),
4th Floor, Wakefiled House, SS Ram Gulam
Marg, Ballard Estate,Fort Mumbai,
Maharashtra, India.
- 11.S.Manikandan,
Reporter, Sun Network,
64/31, Cheriyan Nagar,
1st Street, New Washermanpet, Chennai.
- (R10, R11 suo motu impleaded as per the order dated 21.01.2020 made in
WP.No.32091 of 2019)
- 12.The Registrar of Newspapers for India,
9th Floor, Soochna Bhawan, Lodhi Road, CGO
Complex, New Delhi, Delhi.
- 13.Union of India,
represented by its,
Secretary, Ministry of Information and Broadcasting,
Room No.552, A Wing, Shastri Bhawan, New Delhi.
- (R12 to R14 suo motu impleaded as per order dated 05.02.2020 made in
W.P.Nos.32091, 31647 of 2019)
- (R14 Deleted vide order dated 24.02.2020 made in W.P.No.32091 of 2019)
15. Sandhya Ravishankar,
- 16.J.Jayabathuri,
- 17.D.PRakash
- 18.Prathibha Parameswaran
- 19.Sanjay RAO
- (R15 to R19 impleaded as per order dated 05.02.2020 made in WMP.No.1578
of 2020 in WP.No.32091 of 2019)
- 20.V.Anbazhagan
Editor cum Managing Director Makkal Seithi Mayyam
News(OPC) PVT. LTD.No.13/9, Malliyam Narasimhan
Street, Poonamallee, Chennai.

(R20 impleaded as per order dated 13.02.2020 made in WMP.No.3796 of 2020 in WP.No.32091 of 2019)

21. Working Journalists Union of Tamilnadu

represented by its State President, A. Baranabas Sagayaraj
No.14, old No.260, Peter Road, 2nd Floor (Near Mirsahibpet Market),
Royapettah, Chennai.

22. Thalamai Seyalaga Anaithu

Pathirikaialarkal Sangam
(Secretariat All Journalists Association) represented by its
State President,
K. Kumar

23. Tamil Nadu Union of Journalists

represented by its State President
D.S.R. Subash

R21 to R23 impleaded as per order dated 24.02.2020 made in W.M.P.No.5405 of 2020 in W.P.No.32091 of 2019)

...Respondents in W.P.No.32091 of 2019

1. The Director General of Police,

Tamilnadu, Mylapore,
Chennai.

2. The Director General of Police CBCID

Old Commissioner Office,
Egmore, Chennai.

3. Airavath Trust represented by

S. Sridharan

4. The Registrar of Newspapers for India,

9th Floor, Soochna Bhawan, Lodhi Road, CGO Complex,
New Delhi.

5. Union of India

represented by its Secretary, Ministry of Information
and Broadcasting, Room No.552, A Wing, Shastri Bhawan,
New Delhi.

R4 to R6 suo motu impleaded.

R6 deleted vide order dated 24.02.2020 made in W.P.No.31647 of 2019.

....Respondents in W.P.No. 31647 of 2019

Prayer in W.P.No.32091 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus by directing the 1st respondent to consider the representation dated 26.09.2019 thereby further direct the 2nd respondent to form a team and investigate on due process of law against the report conveying fallacious investigation data in Idol theft submitted by special officer Idol wing.

Prayer in W.P.No.31647 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus by directing the 1st respondent to consider the representation dated 19.10.2019 thereby further direct the 2nd respondent to form a team and investigate on due process of law against the economic offence piloted by Airavath trust represented by Sridaranand.

For Petitioner : Mrs.Lita Srinivasan.

For R1 to R3 & R4 : Mrs.R.Anitha(Government Advocate)

For R4 : Mr.Selvaraj

For R6,12 & 13 :Mr.P.R.Ramesh Babu for SPC

For R10 :Mr.S.S.Rajesh

For R11 :Mr.A.P.Surya Prakasam

For R15 :Mr.Gautam S.Raman

For R21& R22 :Mr.R.Kamaraj

For R9 :Mr.N.Ramesh

For R15 to R19 :Mr.C.Seethapathy

For R20 :Mr.S.Kumaradevan

For R25 :Mr.Madhan Babu

Mr.Hasan Mohammed Jinnab
Public Prosecutor Asst by Mr.Muniapparaj
Government Advocate (Crl.Side)

COMMON ORDER

P.VELMURUGAN,J.

“NEWS is expected

But VIEWS are reported”

This is the position of Media as on date. People want the news as it is and not the views of the editors or reporters. Many media houses very sadly report the news according to their views and ideology. One can have ideology/views but that should not be mixed with the contents of the news and it would amount to corrupt practice thrusting one's views on others. Though India has got robust media as watchdog of democracy, the image of media is not internationally reputed. Paid news is one of the menaces which is afflicting our media. Understanding the power of media, many persons take “Avatar” of PRESS only to threaten and blackmail the officials, industrialists and politicians for their unjust enrichment. Any persons image can be sullied without any material details or proof by publishing in media. There is no control or supervision of the so-called journalists who are indulging in illegal, unethical practice. The cases are also initiated at the instance of 3rd parties with oblique motive by some persons claiming to be journalists. Sometimes, the accused in crime cases also use the so-called PRESS people to initiate proceedings. One such case has come

before this Court.

2. It is evident from the media reports that many people are claiming themselves as press reporters and said to have been committing crimes and blackmailing business people and Government officials. In one such case, based on the complaint preferred by “Daily Thanthi” management, a fake press person who collected money from a school management claiming to be a reporter of “Daily Thanthi” was arrested. This is only the tip of the iceberg and many fake press people are claiming themselves to be reporters of popular and established newspapers and collecting money from organizers of meetings/seminars bringing disrepute to those popular newspapers/magazines. It is also stated that the genuine press reporters are sidelined and these fake press people/press reporters have taken over all the press associations and they are said to be dominating the associations. They are allegedly reporting news on payment. There should be a parameter such as minimum circulation for magazines or newspapers to claim themselves as press people. The credentials of the parties have to be verified in detail before issuing the identity cards, since many people having criminal background also claim to be press people and indulging in criminal activities using this as a shield like that of the many criminals who purchase law degrees and use it as a shield for their criminal activities. Since

the image of the press off late is damaged because of the activities of the people who are claiming to be press reporters, the system has to be cleaned so that the interest of genuine journalists/press people will be protected.

3. In the instant case, the petitioner, who claims to be a press reporter and publishing a magazine “Manida manam”, filed the above writ petitions. W.P.No.32091 of 2019 is filed for direction to the 1st respondent-Director General of Police, to consider his representation dated 26.09.2019 and further to direct the 2nd respondent-Director General of Police, CBCID, to form a team and investigate on due process of law against the report conveying fallacious investigation data in Idol theft submitted by special officer Idol wing. Another Writ Petition No.31647 of 2019 is filed for direction to the 1st respondent to consider the representation dated 19.10.2019 and further direct the 2nd respondent to form a team and investigate on due process of law against the economic offence piloted by Airavath trust represented by Sridaranand.

4. In W.P.No.32091 of 2019, the petitioner seeks direction to the 1st and 2nd respondent for investigation and thorough enquiry in respect of records of idol wing and the cases investigated during the year 2012 to October 2018 to find out the true status of 1125 stolen idols and the earlier statistics of the

predecessors of Tr.PonManickavel.

5. Tr.A.G.Pon Manickavel, I.P.S., Inspector General of Police,/4th respondent in W.P.No.32091 of 2019, has been appointed as a Special Officer to head Idol Wing-CID, Chennai, by a Division Bench of this court, by order dated 30.11.2018 in W.P.Nos.20392 of 2018 and 20963 of 2018, to deal with the cases of theft of idols and antiques in all stages, for a period of one year, and who shall assume charge on his superannuation on 30.11.2018 from the same camp with the same facilities.

6. The petitioner who claims to be a reporter, in his representation to the 1st respondent-the Director General of Police, Chennai, submits that the predecessors of Tr.Pon Manickavel carried on excellent work in idol wing CID and recovered more number of smuggled idols from countries like USA, UK, Canada etc, but the present Special Officer appointed suppressed all the facts about his predecessors and for his own fame, exaggerating all the matter of idol wing. In his representation dated 26.09.2019, the petitioner raised allegations about the data given by the Idol Team in respect of recovery of stolen idols by Tr.Pon Manickavel, retrieval and detection of idols belonging to the temple from it was stolen, seizure of idols, custody of those idols and the smugglers

involved.

7. The petitioner alleges that the Special Officer did not locate the criminals who committed the theft and smuggling of idols, investigation conducted by him is inefficient and the investigation reports are not true. The petitioner therefore approached this court for direction to the 1st and 2nd respondent to form a team and investigate on due process of law.

8. In W.P.No.31647 of 2019, the petitioner questioned the veracity of Airavath Trust and seek direction to the 1st respondent to consider his representation dated 19.10.2019 and further to direct the 2nd respondent to conduct investigation against Airavath Trust for their collection of money to retain judiciary and the petitioner suspects that the real motive of the trust is for supporting Pon Manickavel or anyone. It is alleged that the idol smuggling network is a huge international smuggling network where hundreds and hundreds of crore amount have been in flow. It is submitted in the representation that the Airavath Trust collecting money is not only swindling process but also a grave economic crime.

9. The Petitioner submits that, it is unbelievable that the alleged so called

stolen articles like paintings and idols recovered were stored in two accused houses instead of restoring it to temples. It raised the suspicion that the accused were intentionally allowed to remove the original articles replaced by fake articles. The petitioner questioned the act of the 4th respondent as to why he decided that the accused houses are more safety than any other Government icon centers or temples. It is submitted by the petitioner that the said act clearly proved that the 4th respondent was highly colluded with the notorious accused from whom he seized huge number of idols and therefore, sought direction that the matter requires a deep investigation to bring out all the fallacious investigation done under the head of 4th respondent. The petitioner prayed this court to *direct 2nd respondent to conduct investigation into this serious allegation also.*

10. The Petitioner submits that in the memo dated 26.7.21 filed by the counsel for 4th respondent, the documents enclosed that is FIR Cr.No.02/2016, would show that while the complainant Inspector Janarthanan made enquiry with the accused Mansingh and Kumar during the recovery of those idols from accused Deenadayalan's house on 30.5.2016 and that Mansingh identified each and every idols with the particulars of temples and area from which each and

every idols were stolen. Another shocking thing is that on the very first day of the recovery of those idols from Deenadayalan's house on 30.05.2016, complainant Inspector of Police, Janarthanan informed in the FIR about his knowledge about all the temples where those seized idols were stolen as identified by accused Mansingh. But there was no explanation as to why those identified idols were not restored to those identified temples and the said fact was suppressed in the later part of investigation. In this regard, petitioner seeks direction to the 2nd respondent to reveal the true facts in Cr.No.02/16.

11. The learned counsel for the petitioner submits that the allegation of fake reporter leveled by 4th respondent against the petitioner is not correct. It is submitted that the petitioner is a registered reporter with original ID cards. It is submitted that Journalist cannot be measured with the counting of numbers of magazine sold whether it is in handful numbers or in lakhs in numbers and that the circulation of a magazine will not curtail a press person from bringing out a truth before the society.

12. The petitioner informed this court that when he went to Idol wing office at Guindy during the tenure of the 4th respondent, to collect news about

the idol case, he was shocked to notice hundreds of idols kept without any care in their car parking area and that he got news that huge number of idols seized were not yet traced with the origin of the temples from where they were stolen. He further submits that the huge recovery of 1125 idols stolen from temples as stated by the 4th respondent should be restored to temples, otherwise, it will hurt the sanity and spoil the hope of God worshippers. Since Idol wing refused to give details under RTI Act in this regard, petitioner collected details from HR&CE under RTI Act which gave more shock that out of the 1204 idols reportedly stolen from 387 temples for the past 25 years since 1992, some idols stolen from 18 temples only were retrieved so far from the year 1992. He further submits that it came to light that more than 1000 antique idols stolen from our 369 temples in the past 25 years are being undetected & unrecovered in his long 8 years tenure, though the 4th respondent was specially appointed for this task with huge strength of police force.

13. It is submitted by the petitioner counsel that the 4th respondent shows one letter from Mrs.Lily Vijayarahavan addressed to the Chief Inspector of police, Idol Wing dated 11.02.2019 for voluntarily handing over all her stone antique idols with a condition that they will be kept in temples for worship. Though Mrs. Lily handed over those idols on 11.02.2019, no news came on any

media about the voluntarily handing over of Antique idols and about the case registered so far, which clearly shows that there is involvement of malpractices by idol wing police to suppress some illegal activities of idol smuggling. They supposed to have registered a case and investigate the origin i.e place of theft of idols for which they failed to do so till November 2019. The learned counsel seeks for direction to the 2nd respondent to conduct an investigation in this regard also.

14.The Petitioner submits that the word “recovery of stolen idols” legally means that those idols were already proved by investigation or by a complaint that the idols were stolen from one identified temple, stolen by some accused, were sold to somebody and then reached the present receivers from whom police made recovery. But in this case, the word “stolen idols” is not yet legally proved. Police may assume any theory but they have to prove it by evidence in investigation.

15. The learned counsel for the petitioner submits that the 4th respondent tried to threaten all and tried to divert the kind attention of this Court and leveled blind allegation that petitioner is a fake reporter; accused the unnamed

officials of HR&CE, unnamed former Ministers, Mr.Rajendran former DGP, Mr.Abay kumar singh, ADGP, as they are involved in helping high profile accused; sabotage the investigation, etc. which is not true.

16. The learned counsel for the petitioner submits that the 4th respondent levelled allegations against former Inspector Kader Basha that he sold out one original MarahathaLingam and replaced fake only after the ID card of Mr.KaderBasha was mistakenly placed by their counsel and that the 4th respondent raised this type of allegations which are not relevant to this case. According to the petitioner, the 4th respondent not answered to the fallacious investigation allegations raised.

17. As per the directions of this court, the petitioner appeared. It is his submission that he is not indulged in any corruptive activities or blackmailing the 4th respondent. He is having his original press ID cards and knocking the doors of this Court seeking Justice against the false news furnished before this court and as well as before the public for one's own gain of extension of service and fame. He submits that the 4th respondent wants to divert the attention of this Court from the allegations against him.

18. The petitioner filed a reply affidavit dated 09.01.2020 before this Court with proofs including the press ID passes by the Tamilnadu Government since from the year 2014. As far as the ID card of one Mr.Khader Basha, is concerned, it is submitted that on 10.01.2020, a junior counsel had approached petitioner's counsel and sought copies of both the PIL cases stating that he was also involved in filing cases against Pon Manickavel and hence needed them. When petitioner's counsel handed over a set of papers to take Xerox, a colour Xerox of the ID of Mr.Khader Basha whom he claimed was his client was handed over to the petitioner's counsel, but the said junior counsel, never returned back to her. The petitioner's counsel had kept that colour Xerox ID along with the other ID cards of the petitioner and inadvertently handed over the same to the court on 10.01.2020. The real fact is that it happened mistakenly . Further in those ID Cards, it was clearly mentioned that those 6 ID cards year by year continuous ID cards issued by Government.

19. The petitioner submits that he published his fortnight magazine, “Manida Manam” since from April-2010 with a circulation of only 2000 copies. Then the circulation raised in the year 2011 to 2500 copies, in the year 2012 to 3000, in the year 2013 to 3500, in the year 2014 to 5000, in the year 2015 to

7000, in the year 2016 to 10000, in the year 2017 to 15000, in the year 2018 to 20000 and in 2019 to 20000 copies. The recent copy furnished before this Court is 235th issue.

20. As regards the allegations against the 4th respondent and Iravath Trust, the petitioner seeks for a direction for the investigation of the matter by CBCID agency. It is submitted that out of 1125 stolen idols recovered, the 4th respondent has not given any details in his affidavit except for five numbers of idols and one painting have been identified as to have been burgled from three temples and one Mutt in Tamilnadu, but with regard to the other idols neither the scene of crime/origin of the other idols nor any details of the case crime numbers have been provided by the then special officer.

21. The learned counsel for the petitioner in the course of arguments submits that 1115 articles seized in Cr.No.2/16 are stated to be stored in 6 places i.e 1, police museum 2, Icon centre Thiruvottriyur 3, Egmore museum 4, Idol wing office 5, *Accused Deenadayal house (painting)* 6, *Accused Ranvir Shah house*, which is shocking one. It is stated that it is unbelievable that the alleged so called stolen articles like paintings and idols recovered were stored

in two accused houses instead of restoring it to temples. The petitioner submits that he is involved in continuous social service since 2010.

22. The 3rd respondent-Additional Director General of Police, Idol Wing CID, filed Status report before this court. It is submitted that the Special Investigation team was formed on the order of the this Court in Crl.OP. No. 8690 of 2017, dated 21.07.2017 headed by Tr A.G.Ponn Manickavel IPS, IGP Railways holding full additional charge of Idol Wing CID, Special Officer post was formed on 30.11.2018 by the order of this Court in WP.No. 20392, 20963 of 2018 for one year. The cases investigated by SIT were also monitored by the Court. In government order dated 29.11.2018, the post of Inspector General of police Idol wing CID was upgraded to ADGP Idol wing CID. It is submitted that in Civil Appeal No's 3918, 3919 of 2019 arising out of SLP (c) No's 32344, 32345 of 2018 Hon'ble Supreme Court ordered that idol wing CID shall be headed by ADGP and also directed that the special officer shall take all appropriate steps along with his team and shall submit report to the ADGP of the result of the investigations. It is stated that Tr.A.G.Ponn Manickavel headed SIT from September 2017 to November 2018 as IGP Railways holding Full Additional Charge of IGP Idol Wing CID. From December 2018 to November 2019 and functioned as Special Officer appointed by this Court after his

superannuation on 30.11.2018.

23. In the status report, it is stated that on 02.12.2019 Hon'ble Supreme Court of India in MA No(s). 2157-2158 / 2019 in C.A. No(s). 3918-3919 / 2019 ordered that the tenure of special officer is over and also directed that the records of investigation and other records which were with the special officer are required to be handed over to the head of the department (Idol Wing CID). The list of cases registered/ Investigated by SIT headed by Tr.A.G.Ponn Manickavel was submitted to this Court as an affidavit and are available in the order in the judgment of WP.No. 20392 of 2018 dated 30.11.2018. As these particulars were not available in the EOW Office, then ADGP- EOW on 21-12-2018 in RC. No. 7165 / A-IW / EOW / 2018 dated 21.12.2018, had requested Tr.A.G.Ponn Manickavel to furnish the details regarding the particulars which was furnished by him in the Court for which no reply was furnished by 4th respondent.

24. It is submitted the Additional Director General of Police, Idol Wing CID/3rd respondent that statistics had been provided from the year 2012 to October 2018. The year wise details from the year 2012 to 2021 (till 30.06.2021) date regarding to cases, arrest, recovery of idols and repatriation of

idols are enclosed in Annexure (A) to the status report. In respect of the case in IWCID Cr. No. 2/2016, searches were conducted at various places in the years 2016, 2018 and 2020 and in total 1189 properties were seized which includes metal idols 173, stone idols 649, wooden articles 80, paintings 211, ivory 1, Plaster of Paris 1 and the total accused arrested are 13. It is reported that Archeological survey of India had inspected 1115 properties and declared 819 properties as antique and other 295 properties are declared non antique, one report is pending for finalization. Remaining 74 idols are yet to be inspected by ASI.

25. It is submitted in the status report that from the seizure of IWCID Cr. No. 2/2016, 4 Idols and 1 Painting were identified to be stolen from 2 temples and 1 mutt and 3 cases in IWCID Cr. No. 2/2017, 3/2017, 7/2018 and were registered, also 6 paintings have been traced to have been stolen vide Tiruvidai Marudur PS Cr. No. 229/2014 and all these 4 cases are UI. In respect of the averments made by the petitioner about the 2 idols located at NGA Canberra (Australia) which was extracted from order of WP.No. 20392 of 2018 are concerned, it is submitted in the status report that these 2 idols are Dwarabalagars connected with Tenkasi District Veeravanallur PS. Cr.No.12/1995 and these 2 idols were repatriated through diplomatic channel

and now at present these 2 idols are with Archeological survey of India, New Delhi. Idol Wing CID has addressed to ASI and is in process of getting back these 2 idols from ASI, New Delhi.

26. It is submitted in the status report that during the year 2020, 3 Antique panchaloga idols of Shri Ram, Shri Lakshman and Shrimati Sita stolen from Sri Rajagopalaswamy Temple, Ananthamangalam Village, then Nagapattinam District (present Mayiladuthurai District) in connection with Porayar PS Cr. No. 636/1978 were repatriated from United Kingdom due to the persistent efforts from Idol Wing CID. These idols were consecrated in their original temple at Ananthamangalam village on 25.11.2020 for public darshan. The 4th idol Hanuman burgled from Sri Rajagoplaswamy Temple, Ananthamangalam Village was purchased by Asian Civilization Museum Singapore and it is presently in their custody. A request under Mutual Legal Assistance in Criminal Matter is addressed through proper channel to get it repatriated.

27. It is also submitted in the status report that as of now, Idol Wing CID have located 27 stolen Idols in museums, Art Gallery, Auction Houses at Singapore, America and Australia. Sincere Efforts are being taken by idol wing

CID for early reparation of aforesaid stolen idols.

28. In the counter affidavit filed by the Additional Director General of Police, IDOL Wing CID/3rd Respondent, it is submitted that Special Investigation team is still functioning, the Head of SIT was handed over to ADGP, IWCID as per the order dated 02/12/2019 of Hon'ble Supreme Court of India in MA.No(s).2157-2158/2019 in C.A.No(s).3918-3919/2019. The excerpts of order states that :-

“The tenure of the Special Officer was till 30.11.2019. The term is now over. Mr.Mukul Rohatgi, learned senior counsel submits that the record of the investigation and other records, which were with the Special Officer, are required to be handed over to the Head of the Department.

Learned counsel for the special Officer submits that he is ready to hand over the entire record to the High Court.

We are of the view that entire record of the investigation and other records, which are in the possession of the Special Officer, has to be handed to the Head of the Department (Idol Wing). We order accordingly.

The miscellaneous applications are disposed of.

Diary No(s).42310/2019

Delay condoned.

Issue notice.

In the meantime, the contempt proceeding in contempt petition No.1054/2019 before the High Court shall remain stayed.”

29. It is submitted by the 3rd respondent that the Hon'ble Supreme Court in its order dated 12/04/2019 C.A.No.3918-3919 of 2019, in para 60(4) observed that “it was not necessary for the High Court to burden itself with scrutinizing each and every report and requiring each and every report submitted before the court.” Further, it is submitted that C.P.No.1054 of 2019 is stayed by the Hon'ble Supreme Court of India vide its order dated 02.12.2019 in SLP.No.28864-28866 of 2019.

30. The 3rd respondent submitted in the counter affidavit that the Thiruchendur Temple PS Cr.No.55 of 2019 does not involve the idol wing in respect of the complaint. The IO of the aforesaid case has filed a report to ACJM Court, Kumbakonam in this regard. It is submitted that the case in Idol Wing CID Cr.No.05/2018 is under investigation. The 4th respondent did not submit the documents and statements recorded during the preliminary enquiry in time. On the receipt of the aforesaid documents and statements, the case was duly registered in IWCID Cr.No.02/2019 and same is under investigation. The

non-cooperation by the officials of SIT in IWCID Cr.No.01/2018 is denied as the officials of SIT were under the command and control of R4. The case is under investigation. The case in Thanjavur West PS Cr.No.75/2018 is under investigation and the case in Sivakanchi PS in Cr.No.727/2017 is under investigation and all the idols are in Judicial Custody.

31. It is submitted that earlier all the under investigation cases being investigated by the Special team constituted for idol theft cases and all such future cases were transferred to CBI vide GO.MS.No.885/2018 dated 01.08.2018. The aforesaid G.O., was quashed by this Court in its order dated 30.11.2018 in W.P.Nos.20392, 20363 of 2018. The Hon'ble Supreme Court in para 63(ii) of its judgment dated 12.04.2019 in C.A.No.3918-3919 of 2019 has observed as follows:-

63(ii) ... "There might arise exceptional cases where the direction for appointment of retired officers may be unavoidable to achieve the goal of justice but the High Court may resort to the power under Article 226 only after weighing all pros and cons and after exhausting all options and as a matter of last resort. Taking services of a retired police officer or any other retired personnel is not to be normally resorted to since in the State concerned, there is always no dearth of competent and able officers, hence whenever the Court finds it necessary to take assistance of services of the

retired officers or personnel, it should be with necessary caution and resorted to only when there are very valid and unavoidable circumstances."

32. Heard and perused the records.

33. The main arguments raised on the side of the petitioner as against the extension of the tenure of Tr.A.G.Pon Manickavel, 4th respondent in W.P.No.32091 of 2019, is that to exaggerate his own fame, the work in idol wing carried out by his predecessors were suppressed, retrieval and detection of idols belonging to the temple from where it was stolen was not properly done and that the custody of those idols is concerned, apart from Government museum, the idols were stored in Accused house viz., Deenadayal and Ranvir shah house, which creates suspicion.

34. On the other hand, the 4th respondent raised allegations against the writ petitioner that he is a fake journalist and while this court asked to produce his Press ID Card, he produced the ID card of Mr.Kader Basha before this court and that would show that the petitioner is the men of Kader Basha. It is stated that the original stolen Maragadha Lingam from the Tirukaravasal Temple was

recovered by the Police and the original idol was retrieved by the Police team headed by the investigating officer Mr.Kader Basha. It is submitted by Mr.A.G.Ponn Manickavel, 4th respondent in his affidavit dated 04/02/2020 that he has reason to believe that the original Maragadha Lingam was illegally sold by the investigating officer and a fake idol was substituted. The 4th respondent sought that trial should be stopped and there should be further investigation. It is also submitted that Mr.Kader Basha, who was Deputy Superintendent of Police, District Crime Branch, Thiruvarur, has been suspended from service for his alleged involvement in Idol theft case, is charge sheeted in two criminal cases and his involvement with international smugglers is also a matter for serious investigation. As such, this writ petitioner is the men of Kader Basha and filed this writ petition to stop further investigation into the Idol Wing Case.

35. In respect of the allegations raised by the writ petitioner against Mr.A.G.Pon Manickavel in respect of investigation in idol wing cases and the counter allegations against the writ petitioner placed by the 4th respondent that the writ petitioner is a fake journalist is concerned, we carefully gone through the affidavit, additional affidavit, rejoinder affidavit filed by the petitioner. The materials placed before this court would go to show that it cannot be stated that the petitioner is a fake journalist. However, the materials produced before this

court not remove the entire doubts raised in our minds and it cannot be ruled out that the petitioner could be the mouth piece of Mr.Kader Basha who was involved in idol theft case along with other accused and registered in Crime No.1/2017. Though this court asked the petitioner to show the genuineness of his identity as press reporter/journalist, his ID card was produced along with Kader Basha ID card which would raise suspicion on his credentials. This court while asked the petitioner as to how his ID card mixed along with Kader Basha, the reply given by the petitioner is not satisfactory. As such, this court while not entirely rejecting the submissions placed by the petitioner in support of his stand that he is a reporter, we are of the view that he is the mouth piece of Kader Basha and filed this writ petition for a prayer which would divert the investigation in respect of idol theft cases and at the instance of some third parties to scuttle the idol theft case.

36. While the petitioner sought for a direction to the 1st respondent to consider his representation dated 26.09.2019 and also to direct the 2nd respondent to form a team and investigate in respect of the investigation carried out in idol wing headed by Special Officer, it is relevant to point out herein that by an order dated 30.11.2018 of a Division Bench order of this court passed in W.P.Nos.20392 of 2018 and 20963 of 2018, Tr.A.G.Pon Manickavel, has been

appointed as a Special Officer to head Idol wing-CID, Chennai, for a period of one year on his superannuation on 30.11.2018. However, Civil Appeal Nos.3918 and 3919 of 2019 are filed before the Honourable Supreme Court and the Supreme Court directed that the Special Officer shall take all appropriate steps along with his team and shall submit report to the ADGP in respect of the result of the investigations. Thereafter, on 02.12.2019, the Honourable Supreme Court in M.A.Nos.2157-2158/2019 in C.A.Nos.3918-3919 of 2019, ordered that the tenure of special officer is over and also directed that the records of investigation and other records which were with the Special Officer are required to be handed over to the head of the Department.

37. Further, it is transpired from the counter affidavit filed by the Additional Director General of Police, Idol Wing CID/3rd respondent that Special Investigation Team is still functioning and the head of SIT was handed over to ADGP, IWCID as per the order of the Honourable Supreme Court dated 02.12.2019 in M.A.Nos.2157-2158/2019 in C.A.Nos.3918-2919/2019. Therefore, a reading of the counter affidavit and also status report filed by the 3rd respondent-Additional Director General of Police, Idol Wing CID, would make it clear that now, the tenure of Tr.A.G.Ponn Manickavel is over and after change of Government, as per the direction of the Honourable Supreme Court,

now Mr.Abhay Kumar Singh, is posted as ADGP (Idol Wing) and taken charge and the Special Investigation Team is still functioning and the Tr.A.G.Ponn Manickavel was directed to hand over the entire record of the investigation to the Head of the Department (Idol Wing).

38. We are currently not inclined to entertain the prayer sought for by the petitioner mainly because the tenure of Tr.A.G.Ponn Manickavel as Head of SIT is over. Secondly, taking into consideration the subsequent developments taken place in view of the change of Government and the new ADGP taking charge of SIT (Idol Wing) and in furtherance of the direction given by the Honourable Supreme Court, we hold that as per the direction of the Honourable Supreme Court of India dated 02.12.2019 in M.A.Nos.2157-2158/2019 in C.A.Nos.3918-2919/2019, Tr.A.G,Ponn Manickavel shall furnish the entire details and records of investigation with regard to Idol Wing and hand over the same to the present Head of the Department [Idol Wing CID], if not already handed over. The present Head shall take all appropriate steps along with his team to proceed with further investigation of the Idol Wing cases in accordance with law. The SIT [Idol Wing] shall take earnest efforts for recovery of idols and retrieving and consecrating the idols to the temples, where the idols originally placed.

39. Therefore, we hold that except for the above directions, no other relief can be granted in the writ petition filed by the petitioner. Accordingly, W.P.No.32091 of 2019 is disposed of with the above directions.

40. In so far as W.P.No.31647 of 2019 filed by the petitioner is concerned, one Airavath Trust posted a message in Twitter that *“for restoration of idol Bench, Madras HC established a Division Bench for recovery of idols and temple properties in Tamil Nadu in July 2018 but the Special Bench was scrapped suddenly within a year in April 2019, so, Airavath Trust, consisting of advocates and activists, is taking steps to restore the idol bench, please donate to the trust and inform your details to airavathtrust@gmail.com.”* The petitioner seeks a direction to the 1st respondent to consider his representation dated 19.10.2019 in this regard and further sought for a direction to the 2nd respondent to form a team and investigate on due process of law against the economic offence piloted by Airavath trust rep. By Sridharan.

41. We have given our anxious consideration to the above issue and we find that Airavath Trust has no role or authority to ask for any donation regarding recovery of idols and temple properties and it is only the State

Government can take steps for recovery of idols and temple properties. The Hindu Religious and Charitable Endowment Department of the Government of Tamil Nadu already taken steps in this regard and the investigation is going on. Further various proceedings are pending before the Honourable Supreme Court in respect of the Idol Wing cases and therefore, at this juncture, it is unwarranted for the Trust to look into the issues regarding restoration and recovery of idols and temple properties.

42. In such circumstances, the 2nd respondent is directed to register the case and investigate into the genuineness of the Airavath Trust, the object of the Trust and to look into the aspects as to whether the Trust collected any donations, if so, how much donations the Trust collected so far and who are the donors etc., and proceed with the matter in accordance with law.

43. Though the main prayer sought for by the Petitioner is answered in the above terms, this Court is inclined to deal with the issue of fake journalists as the matter is a Public Interest Litigation.

44. When the matter came up for hearing on 10.01.2020, this Court suspecting the credentials of the petitioner as a journalists asked him to produce

the Identity cards and the learned counsel for the petitioner produced six original identity cards of the petitioner which are said to have been issued by authorities of Information and Public Relations Department. Along with those identity card, one more identity card was produced which sprang a surprise as it was not related to the petitioner. The said surprising identity card belongs to one Kadhar Batcha, DSP, District Crime Branch, Thiruvavur, who has been suspended from service for his alleged involvement in “Idol Theft cases”. The said incident raised suspicion regarding the bonafides of the petitioner in approaching this Court by filing this Public Interest Litigation. This Court suspected that the petitioner has filed the present writ petition claiming himself to be a journalists at the instance of the third parties to scuttle the investigation of the idol theft cases. It is not known as to how the identity card of the suspended police official landed in the hands of the petitioner.

45. It has to be realized that media is now a multi-fanged genie that had got out of the bottle and has spread its vicious tentacle everywhere. It is difficult to put it back into the bottle, as everyone has tasted blood. The term ‘media’ now broadly comprises the traditional print media (dailies, weeklies, fortnightlies and monthlies), television and online portals. But nowadays YouTubers, who run their own ‘channels’ and bloggers who are active on their

own blog page or do tweets or Instagram activists have also started calling themselves as media persons or ‘media influencers’.

46. Therefore, the primary challenge is to whom to bring under the bracket of “Mediaperson”. It is important because many retired mediapeople are either running a web portal or a YouTube channel or simply start an association. They also call themselves as mediapersons as if there is no concept of retirement for them. So, there is this category of mediapersons who are on the payrolls of regular media houses and their position is statutorily defined. The Wage Board for media persons has categories like editors, correspondents and even proof-readers (who are extinct now) as being defined as ‘Working Journalists’. Each media house is categorized as A-1 or B, etc depending on its revenue and circulation, and its working journalists are fitted in specific pay scale accordingly.

47. But this is the traditional category. After the advent of contract system, the wage board is not very relevant, though the Supreme Court has held otherwise. Television media blurred such definitions to a large extent, but still had broad categories of reporters and editors. Now there is a new association for News Readers, who say they are also journalists. It is the news portals that

has undone all the media structure. One does not need any permission or regulatory approval of any authority to start one's own portal. While Indian Newspaper Society (INS) is forum for print media, the Indian Broadcasting Foundation (IBF) is the equivalent for electronic media (television). There is the statutory Press Council of India (PCI) to exercise external control over them.

48. But when it comes to online news portals, there is no need for either statutory registration or statutory regulation. Today, one can register a domain name and start a news portal tomorrow, with nil accountability. Everyone working for these portals goes around saying they are journalists, too. It is hard to make a sweeping statement that they are not journalists, given the stature many online portals have earned now.

49. This background information is needed just to understand the complexity of the issue.

50. It is said that a print or electronic media house is given six to nine accreditation cards – for their senior/important reporters and photographers/videographers. Accreditation card provides them access to the

assembly, chief minister or ministers' functions, allotment of houses in housing board apartments for rent, free bus pass, free rail pass, etc. Now, even covid-19 death relief will go only to families of accredited journalists. This accreditation is given by a committee constituted by the state government, drawing members from different organisations and journalists associations.

51. The problem is, many of this accreditation committee members themselves are stated to be either fake or retired or from news organisations and associations that exist only on paper. So even top journalists in this state have to get their accreditation cards signed by this committee which needs to be overhauled.

52. The biggest threat to media freedom, and right to speech and expression available to journalists, is the multitude of journalists' associations that have sprung up in Chennai and districts. There is no regulation for these associations. It is said that 10 to 20 part-time journalists come together, float a fancy letter-pad association, and then start issuing identity cards with bold PRESS declaration on payment of anything from Rs 10,000 to Rs 50,000. Part-time journalists use these cards to do katta panchayat or blackmail officials, businessmen and politicians at local levels.

53. One could find them in large numbers whenever a press conference is called. While serious press conferences addressed by a professor or scientist will attract only a handful of journalists, those called by corporates, business houses, cinema stars, politicians and corrupt officials will be teeming with journalists. It is stated that the reason is obvious: It is either money, or costly gifts, it is alleged. Genuine journalists at such functions will feel like isolated, when they see these fake journalists fight for money, gifts and food – mostly at star hotels.

54. Fake journalists have grown in such large numbers that genuine ones are now scared to identify them at press conferences, for the fear of being heckled or attacked. People know who are all fake, but they will have to keep quiet, because genuine journalist are too few in number. And they also want to avoid nasty scene at such events.

55. To curb this menace which is fast spiraling out of control, stringent action is required. If it is not contained now, anything may happen any time, as PRESS card-holding people are able to pass through security curbs easily almost always. One must keep in mind that assassins of our former prime

minister Rajiv Gandhi himself were able to go close to him, because one of them (Sivarasan) acted out a 'journalist' role. Another such crime cannot be ruled out, if this trend of fake journalist continues.

56. A responsible media is necessary to sustain good democracy through dissemination of correct news/information sans sensationalism and committed to national interests. Such vital performance on the part of the India media can be guaranteed only by ensuring that only good journalists run this news industry and it does not fall into the hands of evil people and anti-national forces, blackmailers and fraudsters. It is the responsibility of the Government and the recognized/established media organizations (Madras Union of Journalists, Chennai Press Club and Chennai Reporters' Guild) to ensure this.

57. It is a common sight these days to find posh SUV cards with a "PRESS" sticker on the front glass shield and "Human Rights" label on the back glass, being driven by unscrupulous fraudsters masquerading as journalists. There have been quite a number of instances of such fraudsters being booked by the police after being caught committing heinous crimes under the "PRESS" labelling. Politicians, land sharks, smugglers and even murderers have been seen to be hand in gloves with these "mafia journalists" and these

“journalists” have floated fake media associations and unions, enrolling all sorts of anti-social elements as members and issuing them with “PRESS” ID cards, which they in turn use as a money-making device. The DIPR is aware of this but the officials turn a blind eye – to avoid any wrath in the hands of those fake journalists. This needs to be stopped to ensure that journalism, the fourth pillar of democracy remains clean and strong.

58. In view of the above position, necessary directions have to be issued to clean up the media in the interest of public. Hence, the following directions are given:

- (a) The State Government shall appoint “Press Council of Tamil Nadu” headed by a retired Judge of Hon'ble Supreme Court or High Court, consisting of team of experienced and reputed journalists, both working and retired, retired Civil servants and Police officials in the rank of IAS and IPS, within a period of three months.
- (b) The Council shall comprise representatives from the journalism industry as well as the government, and all members shall be serving journalists of standing and government servants. The members shall be on regular payroll of media houses and organisations, evidenced by salary slips, payment of TDS and circulation or viewership details, as the case may

be. Their terms will be Xi-terminus with their employment, and loss of job on any account such as resignation, dismissal or death and disability shall result in their immediate exit from the board.

- (c) The Council shall have sole authority to recognise press clubs and journalists associations or unions in the state of Tamil Nadu and it shall not allow or recognise formation or continuation of clubs or unions or associations based on caste, community or state boundaries.
- (d) The Council shall conduct and approve elections to these clubs, unions and associations, and management of the clubs, unions and associations shall be vested with the elected team of office bearers only after such approval by the board.
- (e) Press Council of Tamil Nadu should stipulate a period of election for each association and any of the association which do not conduct the election on time, shall automatically brought under the administration of Press Council of Tamil Nadu to be constituted.
- (f) The Council shall join hands with reputed national and international bodies and offer training or refresher programmes for journalists regularly in order to keep the members of journalistic fraternity remain up to date with developments across the country and abroad. The board shall write to the government and obtain state assistance for the purpose.

- (g) The proposed Press Council of Tamil Nadu shall decide about the number of journalists association in each city or town.
- (h) The State Government shall not allot any house or grant free bus passes directly to any applicant journalists and shall only be routed through Press Council of Tamil Nadu which after due diligence can issue such benefits.
- (i) The State Government shall prohibit conduct of State conferences or meeting by journalists associations without permission/approval of the Press Council of Tamil Nadu to be constituted which shall get the details regarding the source of income and other relevant details before giving permission for such conference/meeting by the associations.
- (j) To curtail the menace of fake journalists, Council shall have power to identify fake journalists and lodge complaints against them to jurisdictional police. Members of public as also other affected people can send their complaints regarding fake journalists to the welfare board which shall inquire and initiate criminal action against such fake journalists because they are a menace and a threat to the civil society.
- (k) The State shall make necessary amendments to the Accreditation Rules in tune with time within three months.
- (l) The State Government is directed not to issue press stickers, I.D cards

and other benefits, unless the organisation or media house discloses the number of employees, salary steps, TDS details, tax paid to the Government and proof that it sells certain number of copies or has certain viewership.

- (m) The State Government/Press Council of Tamil Nadu shall not issue press ID cards or stickers to the print media, magazines, dailies unless there is proof of circulation of atleast 10,000 copies of their daily, weekly, fortnightly, monthly and ID cards shall be increased or decreased proportionate to their circulation.
- (n) After constitution of Press Council of Tamil Nadu, all journalists organizations shall be kept in the suspended animation, so that the election could be conducted for those organizations under the supervision of Press Council of Tamil Nadu, within a period of six months thereafter.
- (o) The People aggrieved by the fake news or motivated and agenda-based news could lodge complaints with the Press Council of Tamil Nadu which shall summon the news agency or media house or the reported concerned and probe the veracity of the complaints. Depending upon the finding, the Council shall have powers to order the source of the offending news item to carry a rejoinder or apology or publish the response of the de facto complainant prominently. The news agencies or

media houses or journalists operating within the jurisdiction of the Council, shall be duty bound to receive and respond to the Council's summons and submit the details called for by the Council.

(p) The Government of Tamil Nadu shall comply with the above directions and file a compliance report within a period of four weeks, failing which the Director, Information and Public Relations Department shall appear before this Court.

59. In the result, (1) W.P.Nos.32091 of 2019 is disposed of with the above directions given in paragraphs 38 and 58.

(2) W.P.No.31647 of 2019 is ordered on the terms mentioned in paragraph 42.

For reporting compliance, call the matter after six weeks.

[N.K.K.,J] [P.V.,J]

19.08.2021