

March 30th, 2017

To,

1. Hon'ble Chairman, CBT, EPF
2. Hon'ble Vice Chairman, CBT, EPF
3. Hon'ble Member, CBT, EPF
4. Hon'ble Central P.F. Commissioner, EPFO

Subject: Order of the Press Council of India against M/s Times of India in the matter of malicious & false report published by the said newspaper against CBT members, officers of the Ministry of Labour & Employment and RPFC-II cadre officers of EPFO – Reg.

Ma'am/Sir,

As you may be aware M/s Times of India news-paper on 17.08.2016, in its print and online edition, had published a news item headlined "**Labour Minister's OSD sacked over graft charges**". The said news item went on to allege that EPFO officers of the cadre of RPFC-II grade had collectively bribed CBT members & officers of the Ministry of Labour & Employment so as to get them to approve the Cadre Restructuring proposal in EPFO. The news item also alleged that a complaint in this regard has been made to the CBI and Shri Shyam Vir Tonk, OSD to the Hon'ble Labour & Employment Minister (and then RPFC-II grade officer of EPFO) has been removed from his post in the Ministry over the issue.

As the above news article was of highly malicious nature and made very serious false allegations against Hon'ble Members, CBT, officers of the Ministry of Labour & Employment and officers of EPFO, the undersigned had immediately filed a written complaint with the Editor, Times of India requesting them to withdraw the above new-article and publish an apology in their news-paper. The Times of India, however, merely published a so-called *Clarification* in its news-paper on 18.08.2016, whereby they published a statement of Shri Shyam Vir Tonk, OSD to Hon'ble Minister, wherein he is reported to have stated that he is unaware of any CBI probe in the matter and also that he has not been *sacked* from his post at the Ministry. The news-paper made no apology or retraction regarding its false claim of bribe-giving by RPFC-II cadre officers and bribe-taking by CBT members & officers of Labour Ministry for approval of Cadre Restructuring proposal in EPFO.

Therefore, as the above matter had cast very serious aspersions on the integrity of all concerned parties, the undersigned had no option but to file a written complaint against the newspaper, M/s Times of India before the Press Council of India, New Delhi. The Press Council of India took note of the complaint and called for written statements of the undersigned and the respondent newspaper.

Thereafter, a hearing in the matter was held by the Inquiry Committee of the Press Council of India on 09.01.2017, which was attended by the undersigned as complainant. The final order of the Press Council of India has been received by the undersigned now.

In the said order the Press Council has held the news-paper, M/s Times of India, as guilty of false reporting & irresponsible journalism. The order goes on to state,

The Inquiry Committee is of the further opinion that projecting the officers of a particular Cadre to be bribe giver and all the Members of the CBT and officers of Labour Ministry to be bribe taker without any basis is an act of irresponsible journalism. This has not only maligned the complainant but all other Members of his service as also the Member of the CBT and Officers of the Ministry. Before publication of such a news item containing allegation against a large number of people the newspaper ought to have enquired about it and taken the version of all concerned. The clarification published later on and deletion of the impugned news item from the web edition in no way advance the case of the respondents. In the opinion of the Inquiry committee the newspaper has violated the norms of journalistic ethics.

The Press Council of India has **censured** the Delhi edition of the respondent news-paper and directed that a copy of the gist of its said order shall be published in the respondent news-paper, M/s Times of India. It has also directed that a copy of its order be forwarded to the Director General, DAVP, Director of Information, Govt. of Delhi and Registrar of Newspapers in India for appropriate actions.

As the entire matter involved not only RPFC-II grade officers of EPFO but also Hon'ble Members of CBT & officers of the Ministry of Labour & Employment, a copy of the above order of the Press Council of India is attached herewith for your kind information & reference.

Thanking you.

Yours sincerely,

Encl: a/a



**[Saurabh Swami]
Regional P.F. Commissioner-II
EPFO, Regional Office, Rohtak**

Copy to:

- 1. All officers posted at Head Office, EPFO ----- for kind information**
- 2. All Zonal Offices, EPFO**
- 3. All Regional Offices, EPFO**
- 4. Secretary General, EPFOA, Ludhiana**
- 5. General Secretary, AIEPFSF, Hyderabad**

A. Swami

**[Saurabh Swami]
Regional P.F. Commissioner-II
EPFO, Regional Office, Rohtak**

PRESS COUNCIL OF INDIA

SI. No. 21

F.No.14/301/16-17-PCI

Complainant

Shri Saurabh Swami,
Regional P.F. Commissioner,
Rohtak.

Respondent

The Editor,
Times of India,
New Delhi.

Adjudication
Dated 3.3.2017

This complaint dated 30.8.2016 has been filed by Shri Saurabh Swamy, Regional P.F. Commissioner, Grade II, EPFO, Rohtak against the editor, Times of India, New Delhi alleging publication of false, factually incorrect and defamatory news item in its issue dated 17.8.2016 under the caption "Labour Minister's OSD sacked over graft charges". It is reported in the impugned news item that officers holding the rank of Regional Provident Fund Commissioner, Grade-II(RPFC-II) in the Employees' Provident Fund Organisation have collectively paid huge sums of bribe to the members of the Central Board of Trustees(CBT) and the officers of the Labour Ministry in order to approve the proposal for grant of higher pay scales to officers of RPFC-II rank in EPFRO. It is also reported in the impugned news item that a CBI probe has been initiated in the matter and that Shri Shyam Veer Tonk has been removed from his post following above allegations of corruption. It is also reported in the impugned news item that a crucial note related to the decision to restrict the cadre in EPFO was also tampered before it reached the labour minister. The papers have reported that the matter came into light when the EPFO Section Officer's Association wrote to the CBI Director last month asking the agency to probe massive corruption and bribery in organizational and cadre restructuring in EPFO.

Denying the allegations levelled in the impugned news item the complainant submitted that the news item is completely false, factually erroneous and devoid of any merit. The complainant stated that the respondent published the news item without inquiring into the truth of the matter in connivance with the one Shri Dev Kumar who is interested in anyhow derailing the ongoing cadre restructuring process and has also

filed a case against the same before the Central Administrative Tribunal. The complainant also submitted that there has no CBI probe in the matter and the news item maligned the collective reputation of officers of EPFO with the baseless allegations. The complainant vide letter dated 18.8.2016 drew the attention of the respondent towards the impugned publication with a request to publish retraction within a week.

It is submitted that the respondent on 18.8.2016 published clarification wherein only the statement of Shri Shyam V. Tonk, Regional Provident Fund Commissioner-II, has been published stating that “Shri Shyam Veer Tonk, claimed that he was not aware of any CBI probe and he has been serving informally as officer on special duty (OSD) to labour minister since two years and he has not been sacked from the post”. The complainant submitted that the newspaper has not published any editorial remark regarding the incorrect news item and he was not happy with the clarification published by the respondent. He has requested the Council to take appropriate action in the matter.

A Notice for Comments was issued to the respondent editor, Times of India on 13.10.2016.

Comments

In response to the Council’s Notice for Comments the respondent vide his comments dated 27.10.2016 denied the contents of the complaint and submitted that they published the news without any ill will or malice against the complainant or anyone else. The news was carried on the basis of the information received from the reliable sources and newspaper keeping in mind the journalistic ethics and norms immediately published a clarification of 18.8.2016 and another clarification was published on 9.10.2016 and removed the news from the online edition.

Report of the Inquiry Committee

The matter came up for hearing before the Inquiry Committee on 9.1.2017 at New Delhi. Shri Saurabh Swami, the complainant appeared in person. There was no appearance on behalf of the respondent.

This complaint has been filed by one Shri Saurabh Swami who happens to be an officer in the rank of Regional Provident Fund Commissioner (RPFC) presently posted at Rohtak. He is aggrieved by the publication of a news item in the Times of India, New Delhi edition dated 17.08.2016 under the caption "**Labour Minister's OSD Sacked Over Graft Charges**", it has been reported that a mid-level officer Shri Shyam Veer Tonk, serving as officer On Special Duty (OSD) to labour Minister Shri BandaruDattatreya has been removed from his post following allegation of major corruption. It has been further reported that Officers of the rank of RPFC, Grade-II, in the Employees Provident Fund Organisation (EPFO) have collectively paid bribes to the Members of the Central Board of Trustees (CBT) and officers of the Labour Ministry. According to the complainant the news item that Shri Shyam Veer Tonk has been removed from the post of OSD is false and concocted. Further, the news that officers holding the rank of Regional Provident Fund Commissioner have collectively paid huge sums of bribe to the Members of the Central Board of Trustees and the Officers of the Labour Ministry for approval of the proposal for grant of higher scale of pay are false and concocted.

The respondent has filed its written statement and in paragraph-5 thereof it has been stated as follows

"The news was carried without any ill will or malice against the complainant or anyone else. The news was carried on the basis of the information received from the reliable sources and on further investigating in the matter and on speaking with Mr. Shyam Veer Tonk, my client's newspaper keeping in mind the journalistic ethics and norms immediately published a clarification on 18/08/2016 and again another clarification was published on 09/10/2016. My Client keeping in mind the true journalistic spirit has removed the news from the online edition and e-paper of the newspaper. The copies of both the clarification are attached with this reply. It is respectfully submitted that my client has already taken remedial steps the complainant is liable to be dismissed on this ground itself as nothing survives "

The clarifications published by the respondent newspaper are as follows:-

"Clarification: *The times of India on August 17, 2016 in an article titled "OSD to labour minister sacked on graft charges" reported that Shyam V Tonk has been sacked as officer on special duty (OSD) to the labour minister on the basis of corruption charges in organisational and cadre restructuring in EPFO and alleged tampering of files.*

The report also says that CBI was looking into the case.

Based on more facts made being available the times of India regrets the reference to Shyam V Tonk in the context of corruption charges. It has been clarified that he continues to serve as OSD to the labour minister.

CBI's visit to the EPFO was not specifically aimed at Shyam V Tonk.

We regret any inadvertent harm caused to Shyam V Tonk's reputation".

And

"With reference to the report Labour Minister's OSD sacked over graft charges published in TOI on Wednesday, Shyam V Tonk regional provident fund commissioner-II, has claimed that he was not aware of any CBI probe. He clarified that he has been serving as an informal officer on special duty (OSD) to labour MinisterBandaruDattatreya since two years and he has not been sacked from the post. Denying any wrong doing Tonk said "the alleged corruption is stated to have taken place in EPFO and not in the ministry of labour and employment where he is currently posted.

Tonk further clarified that "he has not paid any bribe as alleged to avail of better pay scales as it is purely an administrative and official matter beyond his control", the officer said the allegations against him were made by certain disgruntled employees, who were opposed to organizational and cadre restructuring in EPFO.

TOI has reported on Wednesday that there were allegations of corruption and bribery in EPFO and the labour ministry over cadre restructuring. A complaint has been registered and is being looked into by the CBI".

Despite service of notice nobody has chosen to appear on behalf of the respondent. The Inquiry Committee has heard the complainant and perused the compliant, the written statement and all other connected papers. In the opinion of the Inquiry Committee sacking of an officer over graft charges is a verifiable fact and it was expected of the newspaper to make enquiry in respect thereto before its publication. The Respondent newspaper does not seem to have carried out any such verification had it been done so, such news could not have been published and hence the clarification published in no way helps the newspaper.

The Inquiry Committee is of the further opinion that projecting the officers of a particular Cadre to be bribe giver and all the Members of the CBT and officers of Labour Ministry to be bribe taker without any basis is an act of irresponsible journalism. This has not only maligned the complainant but all other Members of his service as also the Member of the CBT and Officers of the Ministry. Before publication of such a news item

containing allegation against a large number of people the newspaper ought to have enquired about it and taken the version of all concerned. The clarification published later on and deletion of the impugned news item from the web edition in no way advance the case of the respondents. In the opinion of the Inquiry committee the newspaper has violated the norms of journalistic ethics.

Accordingly the Inquiry Committee recommends that Delhi edition of the respondent newspaper Times of India be censured. The Inquiry Committee further directs the respondent newspaper to publish a gist of this order in the newspaper and to forward a copy of this order to the Director General, DAVP, Director of Information, Govt. of Delhi, Registrar of Newspaper in India for appropriate actions.

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 decided to **Censure** the respondent newspaper 'The Times of India, New Delhi'. A copy of this order be forwarded to the Director General, DAVP, Director of Information, Govt. of Delhi, Registrar of Newspaper in India for appropriate actions.