

REPORT
ON
THE INQUIRY INTO THE VERACITY OF THE VOICE
CLIPPING SAID TO BE THAT OF A MINISTER OF THE
STATE TELECAST BY MANGALAM TELEVISION
CHANNEL ON
26-3-2017 AND OTHER CONNECTED MATTERS

BY

THE COMMISSION OF INQUIRY
JUDGE P. S. ANTONY
DISTRICT JUDGE (RETD.) &
FORMER JUDGE, FAMILY COURT

SECRETARY
A. G. VISWAMBHARAN

VOLUME - I & II

R E P O R T
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VOL - I

(Chapters 1 to 12)



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Executive Summary

Government of Kerala appointed Judge P.S. Antony Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance, namely, the veracity of the voice clipping said to be that of a Minister of the State telecast by Mangalam Television Channel on 26.03.2017 and connected matters with the following terms of reference:-

- (i) To inquire into the veracity of the voice clipping said to be that of a Minister of the State telecasted by Mangalam television channel on 26.03.2017;
- (ii) To inquire into the circumstances that led to the above conversation;
- (iii) To inquire into as to whether the recorded voice clipping was edited or tampered with mala fide intentions, and as to who have acted behind that;
- (iv) To inquire into as to whether the act of airing the voice clipping is illegal and it involves illegal activities or conspiracies and if so, the legal action to be taken in this regard;
- (v) To inquire into the other matters connected with this case and the Commission observes.

After the inquiry the Commission reached the following conclusions on the above terms of reference:-

(i)



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Conclusion on terms of reference No. (i)

The veracity of the voice clipping said to be that of a Minister of the State telecast by Mangalam Television Channel on 26.03.2017 is not proved. The voice clipping is a product of criminal conspiracy to create a shocking news on the launching day of the new Channel to boost its rating.

Conclusion on Terms of Reference No. (ii)

The circumstances that led to the conversation, that is the voice clipping, is the criminal conspiracy of the Mangalam Television channel management to make a shocking news to Kerala leading to the resignation of a Minister of the State so as to achieve top rating for the channel on the date of its inauguration itself.

Conclusion on terms of reference No. (iii)

The recorded voice clipping was edited or tampered with mala fide intentions and the product of criminal conspiracy and forgery to create a shocking news regarding a Minister of the State leading to his resignation so as to gain high rating and popularity for the Mangalam Television channel on the date of its inauguration itself.

The following persons have direct involvement in the making of the voice clipping:-



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(iii)

- 1) CW1 R. Ajithkumar
- 2) CW3 R. Jayachandran
- 3) CW10 Nazila Nazimuddin

CW 8 S.V. Pradeep has active involvement in the telecast of the voice clipping on 26.03.2017 along with CW 1 R. Ajithkumar.

The role of the following persons in the telecast of the voice clipping has to be ascertained by the police during investigation.

- 1) CW4 M.P. Santhosh
- 2) CW5 Rishi K. Majon
- 3) CW6 M. Lakshmi Mohan
- 4) CW7 Firoz Sali Mohammed
- 5) CW9 Manjith Varma.

CW 2 Sajan Varghese is the Director/Chairman of the Company which owns the Mangalam Television channel and also involved in the affairs of the Channel. Therefore he has abetted the crimes committed by other accused in the making and telecast of the voice clipping on 26.03.2017.

Conclusion on terms of reference No. (iv)

The act of airing the voice clipping was the culmination of a well planned criminal conspiracy and therefore is illegal and it involved illegal activities including



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(iv)

- Violations of the provisions of the Constitution under Article 19(2), 21 and 51-A (e).
- Violation of the Programme Code prescribed under Rules 6(1)(a), 6(1)(d), 6(1)(o) and 6 (5) prescribed under the Cable Television Network Rules, 1994.
- Violation of norms of journalistic conduct of PCI and Code of Practice adopted by NBA for self-regulation.
- Offences punishable under section 67 and 67 A, 84 B and S. 85 of the I.T. Act, 2000.
- Offences committed under various Sections of IPC punishable under Sections 109, 120 B, 201, 294, 463, 464, 469, 470 and 471 of the IPC, 1860.
- Offence punishable under Section 182 of the IPC against CW 1 R. Ajithkumar.

The legal action to be taken in this regard are given in the recommendations below.

Conclusions on Terms of Reference No. (v)

On the basis of the terms of reference Nos. (i) to (iv), inquiry conducted and the documents produced before the Commission and the documents obtained from the Ministry of Information and Broadcasting, Government of India and NBA, the Commission has considered that the following matters are connected with this case and that they also involve the following issues:-



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(v)

- i) invasion of Right to Privacy of citizens
- ii) the extent of freedom of media as a whole
- iii) measures to prevent the misuse of the freedom of the media
- iv) questions of journalistic ethics and professional standard

This Commission has observed that the following matters are connected with this case:-

- 1) Media law is necessary for the purpose of preserving freedom of the media, enforcement of the rights of the people and regulate the functioning of the media institutions while media ethics is necessary for self-regulation.
- 2) There is a specific law, that is, Press Council Act, 1978 and a statutory body, that is, the Press Council of India for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of news papers and news agencies in India.
- 3) There is no specific law and no statutory body to regulate the private electronic media and for maintaining and improving the standards of private electronic/broadcast media.
- 4) The Press Council has no jurisdiction over the electronic media.
- 5) The Cable Television Networks (Regulation) Act, 1995 and Cable Television Network Rules, 1994 are not effective to regulate the private electronic media. There is no effective machinery at the level of Ministry of Information & Broadcasting to discipline the



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(vi)

erring private electronic media which violates the Programme Code under Rule 6 of the CTN Rules, 1994 unlike S. 14 of the Press Council Act, 1978 and a statutory body like Press Council of India.

6) Ministry of Information and Broadcasting, Government of India closed the complaints against the Mangalam Television Channel which telecast the voice clipping in violation of the Programme Code under Rule 6 of CTN Rules, 1994 without conducting any inquiry and without notice to the complainants.

7) There is no effective machinery for self-regulation in private electronic media. Though NBA published a Code of Practice in 2008 and set up NBSA, to look into complaints only relating to the content shown by the member channels of NBA, the Mangalam Channel not being a member of the NBA, no action was taken on the complaints received against Mangalam Television Channel. Membership of NBA is not made mandatory for new channels.

8) Insufficiency of the present law has been taken note of by the Supreme Court and there are directions to enact a comprehensive law to regulate electronic media as reported in (1995) 2 Supreme Court Cases 161 and (2011) 13 Supreme Court cases 155.

9) In U.K. there is a comprehensive law to regulate the electronic media. Communications Act, 2003 is an Act to confer functions of the Office of Communications, to make provision about the regulation of the provisions of electronic communications, networks and services and of the use of the electro-magnetic spectrum; to make provision about the regulation of broadcasting and of the



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(vii)

provision of television and radio services; to make provision about mergers involving newspaper and other media enterprises etc.

By virtue of this Act all the functions in par with the above objectives transferred and assigned to office of communications – OFCOM.

10) In compliance with the directions of the Supreme Court referred to above, the Union Government shall seriously consider the enactment of a comprehensive law repealing the Indian Telegraph Act, 1885, The Indian Wireless Telegraphy Act, 1933, The CTN (Regulation) Act, 1955 and the Telecom Regulatory Act, 1997 on the model of Communications Act, 2003 of U.K. under which the office of communications (“OFCOM”) is the regulatory body for the broadcast media.

11) The Union Government can also consider converting the Press Council as a Media Council with sufficient teeth as suggested by Justice Markandey Katju when he was the Chairman of the Press Council of India. This can be easily done by amending the Press Council Act, 1978 by the Parliament renaming it as Media Council Act to cover the electronic/broadcast media.

12) There was violation of Right to Privacy which is declared as a fundamental right of the individual to be let alone in the telecast of a part of the conversation said to be that of a Minister of the State. The act was also not in keeping with journalistic ethics and professional standards.



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(viii)

13) There is misuse of the freedom of the media which is an industry violating journalistic ethics and professional standards. Broadcasting has become a crowded market place where news

channels vie with one another for viewers bringing down the standard of journalistic ethics to rock bottom.

14) The unbridled freedom exercised by the media interferes with enforcement of law and order and administration of justice through media trial.

15) There is a necessity for a change in the licensing policy of the Union Government in respect of private electronic/broadcast media. As the audio visual media market has become crowded resulting in unhealthy competition and lowering of standards of programme, the number of news channels in regional/vernacular languages should be restricted. The policy can be on the basis of the population strength of a particular State or language along with other parameters to be decided by the Government considering the interest of the State and the society under Act 19(2) of the Constitution.

16) There are serious omissions in the investigation of the criminal cases registered in connection with the telecast of the voice clipping said to be that of a Minister of the State. There is unexplained delay in questioning the prime accused who admittedly recorded the conversation. The statement of former Minister A.K. Saseendran is not yet recorded.



City:

17) The Mangalam News Channel also committed cyber crimes by posting the voice clipping in the Face Book and You Tube.

18) There is necessity for amending Section 294 of IPC, 1860 as the present Section does not include the word 'broadcast' so as to cover specifically the offence of annoyance caused by broadcast of obscene acts , words, songs etc., through electronic media .

19) Kerala tops in cyber crimes. There is necessity for cyber crimes division at least at the district level manned by police personal with special training in the prevention and investigation of cyber crimes.

20) There is also necessity for a Special Court for the expeditious disposal of cyber crime cases.

21) There is a necessity for revamp of media education in Kerala. The Government can take initiative to encourage journalism with responsibility and accountability by encouraging the media education at the school level onwards. The media houses should be persuaded to follow ethical journalism. The Kerala Media Academy can be pressed into service for raising the awareness level with regard to ethical journalism.

22) There is a necessity for a Code of Conduct for the Ministers of the State/the Union in general and especially in dealing with the



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journalists/media for the efficient and effective functioning of the democratic system of Government.

The Commission has made the following recommendations for the purpose of taking action.

Recommendations of the Commission

- 1) The Government may forward a copy of this Report to the Secretary, Ministry of Information and Broadcasting, Government of India with a recommendation to reopen the complaint file against the Mangalam Television channel for appropriate action including cancelling its broadcasting licence or permission to run the visual channel.
- 2) A copy of this Report may be forwarded to the Press Council of India for information and necessary action.
- 3) The absence of self-regulation in the management of Mangalam Television channel and non-membership in the NBA by Mangalam Television channel should also be brought to the notice of the Ministry of Information and Broadcasting.
- 4) The Mangalam Television channel and the company which owns the channel and the persons behind the making and telecast of the voice clipping shall be prosecuted for offences punishable under Sections 67, 67A, 84 B and S. 85 of I.T. Act, 2000 and under Sections 109, 120 B, 201, 294, 463, 464, 469, 470 and 471 of the IPC before the



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(xi)

competent court after expediting the investigation on the basis of the two crimes already registered.

- 5) CW 1 R. Ajithkumar is liable to be prosecuted separately for offence punishable under section 182 of the Indian Penal Code.
- 6) There are serious omissions in investigation as discussed in Chapter 17.3 of this report. SPC, Kerala may be directed to take steps to complete the investigation of the criminal cases registered in connection with the telecast of the voice clipping and the criminal conspiracy behind it including its political dimension etc. , if any.
- 7) A Special Court for the trial of cyber crime cases in the rank of an Additional Chief Judicial Magistrate shall be created and established at Ernakulam, Kochi which tops in cyber crime cases, for the expeditious trial of the accused in this case. This Court shall be allowed to continue as a Special Court for the trial of cyber crime cases in view of the increasing trend in cyber crime cases in Kerala.
- 8) A cyber crimes division in police may be formed at least at the district level manned by police personnel with special qualification and training for the prevention and investigation of cyber crime cases.
- 9) In view of the absence of an effective and comprehensive law to regulate the private electronic/broadcast media, the Government of Kerala may request the Union Government to enact such a law repealing the Indian Telegraph Act, 1885, The Indian Wireless



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Telegraphy Act, 1933, The Cable Television Networks (Regulation) Act, 1995 and The Telecom Regulatory Act, 1997 on the model of the Communications Act, 2003 of UK under which the office of Communications ("OFCOM") is the regulatory body for the broadcast media.

- 10) In the alternative to a comprehensive law, for the time being, the Central Government may be requested to consider converting the present Press Council as a Media Council to cover the private electronic media with sufficient teeth as suggested by Justice Markandey Katju when he was the Chairman of the Press Council of India, by suitably amending the Press Council Act, 1978 by the Parliament and renaming it as Media Council Act to cover the electronic/broadcasting media also.
- 11) While forwarding a copy of this report to the Ministry of Information & Broadcasting, the observations of this Commission in Chapter 19 regarding Media and Media Ethics may also be brought to the notice of Ministry of Information & Broadcasting for necessary action.
- 12) A Code of Conduct should be framed for the Ministers of the State in general and especially in dealing with the journalists/media.
- 13) Kerala State Legislature may pass a resolution asking the Central Government for enactment of necessary law for regulating the



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private electronic/broadcast media in execution of Recommendation No. (9) above as the subject 'broadcasting and other like forms of communication' is included in Entry 31 in the List 1 – Union List.

14) State Legislature may amend S. 294 of the Indian Penal Code, 1860 as follows:-

a) Insert a new clause, “(c) broadcast through audio visual media or any electronic device any obscene act, scene, song or words”,

b) for the words “ which may extend to three months”, substitute the words “which may extend to 3 years”

c) At the end of the present S. 294 IPC, add an explanation as follows,

“Explanation - mere airing or broadcasting is sufficient to constitute the offence”.

15) The Government can take initiative to encourage journalism with responsibility and accountability by introducing media education at the school level onwards so as to make the young generation aware of the benefits and perils of using the media and especially the social media. The media houses should be persuaded to follow ethical journalism. The Kerala Media Academy can be pressed into service for raising the awareness level with regard to ethical journalism. All the journalists should undergo an annual refresher course in media law and ethics as part of a Continuing Media



(xiv)

Education (CME) to be conducted by the Kerala Media Academy as a precondition for renewal of accreditation on an annual basis.

- 16) It is left open to the Government to take appropriate decision and take steps to realise liquidated damages from the Company G.N. Info Media Private Limited which owns the Mangalam Television Channel and the persons directly liable for the telecast of the false news (voice clipping) and causing breach of public order and loss to public exchequer in accordance with law.

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INTRODUCTION

1. Preliminary

On 26.03.2017 a new Television Channel, namely, Mangalam Television Channel at Trivandrum aired its inaugural programme starting from 10 A.M. During the news programme on the subject of 'safety of women', a voice clipping said to be that of a Minister of the State was telecast after the presentation of the anchor, CW6 Lakshmi Mohan that a Minister of the State engaged in a sleazy talk with a poor widow who approached him for some help. The voice clipping consisted of only the male voice uttering obscene words. After airing the voice clipping the Thiruvananthapuram correspondent of the Mangalam Television Channel came on live through telephone reporting that the voice belonged to Shri A.K. Saseendran (CW17), Minister of the State for Transport. Scrolls also appeared on the screen that the Minister concerned was Shri A.K. Saseendran. On that day Shri A.K. Saseendran was attending public function at Kozhikode. On coming to know of the breaking news in the Television Channels on him, he cancelled his programmes and announced his resignation from the Council of Ministers at about 3 p.m. at a Press Meet convened by him. He denied the allegations against him. He stated that he resigned because he did not want to be the butt of ridicule by clinging on to the ministerial post in the context of allegations. He further stated, "I knew a new Malayalam Channel was launching its operation on Sunday, but never had any idea I will be the subject of its launch exclusive. I am ready to face any probe as I have not committed the mistake as alleged by the Channel" (As



reported in Indian Express dated 27.03.2017). His resignation was accepted on the same day. On 27.03.2017, the Government declared a judicial probe into the matter. The willingness to head the Commission of Inquiry was ascertained from me on 28.03.2017. On 29.03.2017 the Cabinet meeting took the decision to appoint this Commission of Inquiry under the Commissions of Inquiry Act, 1952 for the purpose of making an inquiry into a definite matter of public importance, namely, the veracity of the voice clipping said to be that of a Minister of State telecast by Mangalam Television Channel on 26.03.2017. The Government issued Notification No. 29870/SSA2/2017/Home dated 31.03.2017 appointing the Commission of Inquiry with the following terms of reference :-

- i. To inquire into the veracity of the voice clipping said to be that of a Minister of the State telecasted by Mangalam Television Channel on 26.03.2017 ;
- ii. To inquire into the circumstances that led to the above conversation ;
- iii. To inquire into as to whether the recorded voice clipping was edited or tampered with mala fide intentions, and as to who have acted behind that ;
- iv. To inquire into as to whether the act of airing the voice clipping is illegal and it involves illegal activities or conspiracies and if so, the legal action to be taken in this regard ;
- v. To inquire into the other matters connected with this case as the Commission observes.

On 03.04.2017, this Commission assumed charge and started taking steps for the functioning of the Commission.

2. The nature and manner of Inquiry under the Commissions of Inquiry Act, 1952.

A Commission of Inquiry is appointed under section 3 of the Commissions of Inquiry Act, 1952 by the appropriate Government



for the purpose of making an inquiry into any definite matter of public importance and within such time as may be specified in the notification. This Commission was appointed to inquire into the definite matter of public importance which are specified in the terms of reference mentioned above. The Commission was initially appointed for a period of three months. Later the Government decided to extend the term of Commission for a period of three months from 01.07.2017 and consequently amended the original notification as per Notification No. 29780/SSA2/2017/Home dated 01.07.2017 and thereafter the term was further extended to complete the inquiry and submit the report.

The question whether this Commission of Inquiry was appointed into any definite matter of public importance was raised by the management of the Mangalam Television Channel twice before the Hon'ble High Court of Kerala. Firstly, in the criminal jurisdiction in B.A. Nos. 2378, 2379, 2380, 2539 and 2540/2017 before the High Court of Kerala filed by Sajan Varghese, Chairman and R. Ajithkumar, C.E.O. of Mangalam Television Channel and other staff of the Television Channel who are accused in the connected criminal cases. Their contention was that the "registration of the crime is entirely for political consideration. The Government have already announced the conduct of a judicial inquiry though no matter of public importance is involved. This steps appears to be purely politically motivated and not in public interest". This contention was not considered by the Hon'ble High Court while denying bail to some of the accused as per order dated 12.04.2017.

In WP© No. 21095/2017(J) filed under Article 226 of the Constitution of India, Sajan Varghese, Director, G.N. Infomedia Private Limited, which owns the Mangalam Television Channel



challenged the competency of the State of Kerala to appoint the Commission of Inquiry and also on the ground of public importance. The petitioner contended as follows :

“The case of the petitioner is that the appropriate Government under the Act for ordering an inquiry into a matter which was telecast is the Central Government and therefore, Ext.P6 notification is one issued without jurisdiction. It is also the case of the petitioner that an inquiry can be ordered under the Act only into a definite matter of public importance and the matters in respect of which the inquiry is ordered in terms of Ext. P6notification are not matters of public importance. Ext. P6 notification is under challenge in the writ petition on the aforesaid grounds”.

The respondents were Union of India, State of Kerala and P.S. Antony Commission of Inquiry respectively.

After considering the contentions of both parties, the Hon'ble High Court of Kerala dismissed the writ petition. It is held as follows:-

“As noted above, there is no dispute to the fact that the conversation which was telecast in the news channel is a conversation involving sexual connotations and the substance of the conversation was such that the Minister had to resign on account of the telecast of the said audio clip. The liberty which is enjoyed by the media is part of the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. There cannot be any doubt that the freedom of speech and expression guaranteed under the said Article is not an absolute right and the same does not include the right to tell the people what they do not want to hear. If the contents of the audio clip which was telecast are something which would disturb or affect the tempo of the life of the community or the tranquillity of the society, it is a matter concerning public order.



Such a view has been taken by the Apex Court in **Kanu Biswas v. State of W.B.** [(1972)3 SCC 831].

Paragraph 7 of the said judgment reads thus :

"7. The question whether a man has only committed a breach of law and order or has acted in a manner likely to cause a disturbance of the public order, according to the dictum laid down in the above case, is a question of degree and the extent of the reach of the act upon the society. Public order is what the French call "order publique" and is something more than ordinary maintenance of law and order. The test to be adopted in determining whether an act affects law and order or public order, as laid down in the above case, is: Does lead to disturbance of the current of life of the community so as to amount to a disturbance of the public order or does it affect merely an individual leaving the tranquillity of the society undisturbed?"

Identical is the view taken by the Apex Court in **Subramanian v. State of T.N.** [(2012)4 SCC 699] also. Paragraph 15 of the said judgment reads thus :

"15. The next contention of behalf of the detenu, assailing the detention order on the plea that there is a difference between "law and order" and "public order" cannot also be sustained since this Court in a series of decisions recognised that public order is the even tempo of life of the community taking the country as a whole or even a specified locality. [Vide **Pushpadevi M. Jatia v. M.L. Wadhawan** 1, SCC paras 11 & 14; **Ram Manohar Lohia v. State of Bihar** 2; **Union of India v. Arvind Shergill** 3, SCC para 4 & 6; **Sunil Fulchand Shah v. Union of India** 4, SCC para 28 (Constitution Bench); **Commr. of Police v. C Anitha** 5, SCC paras 5, 7 & 13]."

"Public order is a matter which comes under Entry 1 of List 11 of the 7th Schedule. As noted above, Entry 31 of List 1 of the 7th Schedule deals with "Posts and telegraphs: telephones, wireless, broadcasting and other like forms of communication". The said entries essentially deal with the licensing of telecasting and



other rights. None of the matters sought to be inquired into in terms of Ext. P6 notification falls, therefore under Entry 31 of List 1. The issue is therefore, answered against the petitioner. 7. The next issue is whether the matters included in Ext. P6 notification are matters of public importance. I have already held that the inquiry is into a matter relating to public order. A matter relating to public order is certainly a matter of public importance. This issue is also, in the said circumstances, answered against the petitioner”.

Thus it is already found that the Commission of Inquiry is duly constituted as per law and that a definite matter of public importance is involved.

“In an inquiry conducted under the Commissions of Inquiry Act, there is no accuser, no accused, no plaintiff and no defendant. That is to say there is no *lis* before the Commission. The Commission does not conclude an inquiry by pronouncing a Judgment in the legal sense of the term. The task before the Commission is collection of facts and material on the subject referred to it and submit its report with recommendation to the appropriate Government. The Government may or may not take any action on the report. It is for the appropriate Government to decide what action, if any, is required to be taken on the report. Thus the inquiry under the Act is inquisitorial and not accusatorial”. (Page 60, The Commission of Inquiry Act, 1952 A Critical Analysis, Edition 2011 by B.M. Prasad & Manish Mohan)

In *R. Balakrishna Pillai v. State of Kerala* a full Bench of Kerala High Court held as follows:

“... it is evident that the purpose of an enquiry under S. 3 of the Commissions of Inquiry Act is only to enable the Government ‘to



gather facts or information.' The information can be obtained or gathered in any manner. The proceedings before a Commission is not judicial or *quasi-judicial*. It is only a fact-finding authority. The enquiry is done or made to reach an ultimate administrative decision".

It was further observed :

"It cannot be denied that the appointment of a Commission under S. 3 of the Commission of Enquiry Act is generally impelled by a desire to set up and maintain high standard of moral conduct in public life and administration. This is a welcome step to maintain high standard in public life. It is definitely a matter which will result in cleanliness of public life in which the public are vitally interested".

Lord Denning was appointed to inquire into the scandal relating to John Profumo, British Secretary of State for war on 04.06.1963. In the introduction of Lord Denning's report, he has expressed his views regarding the nature of the inquiry and the powers conferred upon him under the Tribunals of Inquiries Act, 1921 as follows:-

"The appointment of a tribunal under the Tribunals of Inquiries Act, 1921, is an elaborate and costly machine, equipped with all the engines of the law – counsel, solicitors, witnesses on oath, absolute privilege, openness to the public (so far as possible) and committal for contempt – but it suffers from the invincible draw-back, in doing justice, that there is no prosecution, no charge and no defence".

The above observation is relevant as the Indian Act of 1952 is modelled on the British Act of 1921.



In short, the scope of a Commission of Inquiry is limited to its role as a fact finding authority. The utility and importance of a Commission of Inquiry was stressed by the Supreme Court in Ram Krishna Dalmia v. Justice S.R. Tendolkar (AIR 1958 SC 538) in the following words:

“In our view the recommendations of a Commission of Inquiry are of great importance to the Government in order to enable it to make up its mind as to what legislative or administrative measures should be adopted to eradicate the evil found or to implement the beneficial objects it has in view”.

As part of the inquiry, this Commission has considered the inputs from the Print and Electronic media, social media, the evidence of the witnesses examined by the Commission, affidavits and statements filed by some of the witnesses and experts, documents produced by witnesses and documents obtained from various sources by the Commission. The Commission also conducted a local inspection of the office and studio of Mangalam Television Channel at Thiruvananthapuram to have a first hand experience of the functioning of a Television channel and as to how a news programme is telecast.

3. The Structure & Contents of the Report

Following the terms of reference, the Commission has prepared this report dividing it into 3 parts.

In the first part, the circumstances leading to the appointment of the Commission of Inquiry are considered.

Second Part of the report consists of the details of the inquiry conducted and conclusions reached by the Commission on terms of reference Nos. (i) to (iv).

Third part of the report deals with the details of inquiry into the other matters connected with this case as the Commission has observed and answer to terms of reference No.5 Finally, the Commission has given recommendations for consideration and necessary action by the Government.

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PART I

THE CIRCUMSTANCES LEADING

TO

THE APPOINTMENT OF THE

COMMISSION OF INQUIRY



CHAPTER I

The Inauguration of the Mangalam Television Channel

1. Mangalam Television Channel

A perusal of the statements filed by CW1 Ajithkumar, C.E.O of Mangalam Television Channel, CW2 Sajan Varghese, Chairman, the documents produced by them and copy of case diary produced by the police in the connected criminal cases and the information gathered from Web page of Mangalam, i.e. www.mangalam.com gives the following picture of the Mangalam group of business and its publications and the launching of the Mangalam Television News Channel.

Mangalam Weekly was started by late M.C. Varghese, father of CW2 Sajan Varghese in 1969 at Kottayam. It competed with Malayala Manorama Weekly published from Kottayam and captured the large slice of readers through romantic novels and stories and often spicy items in the weekly. Mangalam Daily was started in 1989 by late M.C. Varghese. In 1993 Mangalam was registered as a company. Thereafter the Mangalam group had a spectacular growth in different fields of business including, Mangalam Hospitals (P) Limited, Mangalam Diagnostic Research Centre, Mangalam Confectionary (P) Limited, Mangalam Residential High School, Mangalam College of Engineering, Mangalam B.Ed. College etc. Mangalam Television Channel is the latest addition to this group of business.

After the demise of M.C. Varghese, CW2 Sajan Varghese became the M.D. of the Mangalam Group of Publications. Sabu Varghese, Saji Varghese, Biju Varghese, brothers of Sajan Varghese are the

